

**THE 'MAIORES BARONES' IN THE SECOND HALF OF
THE REIGN OF EDWARD I, (1290-1307)**

DEREK A. BARRIE

**A Thesis Submitted for the Degree of PhD
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**THE MAIORES BARONES IN THE SECOND HALF OF THE
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Derek A. Barrie

Submitted for the degree of Ph.D., University of St. Andrews

30 September 1991



ABSTRACT

The second half of the reign of Edward I saw the emergence of a parliamentary peerage in embryo. The *maiores barones* comprising it owed their position to regular individual summonses to parliament and to major military campaigns of the period, particularly in Scotland. This was coupled with either substantial wealth based on landholdings, though not a particular type of tenure, or a lengthy record of loyal service to the Crown either in one particular area of local or national government or over a range of activities.

Service to the Crown, outwith provision of advice and counsel in parliament and cavalry service in major campaigns, was not as widespread as many historians have argued. Such service was primarily, though not exclusively, local, performed in counties where *maiores barones* had their principal estates. It covered military activity outwith major campaigns; keeperships of castles; preparations for war; the administration of justice; dependency government; diplomatic service overseas and the royal household.

The majority of barons who provided such service to the Crown were adequately rewarded by Edward I whose system of patronage can be described as prudent, rather than niggardly, the commonly accepted view. Rewards were mainly in the form of grants of land, particularly in conquered territories; grants of wardships and marriages; financial benefits in the form of respites and cancellation of debts,

wages and fees; preferential treatment in judicial matters; royal appointments constituting rewards in themselves, and elevation in social status and prominence.

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Preface

This thesis had its origins in research originally undertaken between 1964 and 1967, funded by a grant of a "Scottish Studentship" from the Scottish Education Department. I am greatly indebted to the advice given during that period by my original supervisor at the University of St. Andrews, Professor Donald Watt, and the encouragement of the late Professor Lionel Butler, then holder of the Chair of Mediaeval History. I am also grateful to the staff of the Public Record Office at that time for their assistance together with the staff of the Institute of Historical Research, University of London. All record sources quoted in this thesis are from the P.R.O.

The work embarked upon at that time was never completed and I departed to Dundee College of Education and took up a career in teaching which ended in 1988. Because of changed personal circumstances, I sought to resurrect my research on a part-time basis.

I am greatly indebted to those in authority at the University of St. Andrews who went out of their way to make it possible for me to resume my studies for a Ph.D. The then Associate Dean of Graduate Studies, Ann Kettle, was particularly supportive in providing advice and assistance.

After discussions with Professor Watt, who had by then retired, and Dr. Chris Given-Wilson, who was willing to take over the role of supervisor, it was decided that there was scope for a thesis on the baronage of Edward I, drawing upon much of the work done between 1964 and 1967. Since some of the topic previously researched had been covered in the interim, particularly by Professor Michael Prestwich, University of Durham, a new approach was agreed, concentrating upon the "maiores barones" and their role in the period 1290-1307. A new title was agreed.

I am greatly indebted to Chris Given-Wilson who took on the role of supervising this work so enthusiastically. His encouragement and advice has been crucial in the thesis being completed and submitted within the three years laid down by the University authorities. Without the time and effort he has devoted to assisting me this would not have been possible. My thanks are also due to Professor Donald Bullough for his support and the staff of the University Library for their assistance.

Finally my thanks are due to my wife Lesley, without whose tolerance and, on some occasions, prodding and prompting the time-scale set would not have been adhered to.

D.A.B.

St. Andrews,
September 1991.

FOOTNOTES

Abbreviations

The following abbreviations have been used :-

- B.I.H.R.* Bulletin of the Institute of Historical Research.
- C.C.R.* Calendar of Close Rolls.
- C.Ch.R.V.* Calendar of Various Chancery Rolls.
- C.Ch.W.* Calendar of Chancery Warrants.
- C.Cha.R.* Calendar of Charter Rolls.
- C.D.I.* Calendar of Documents Relating to Ireland, Ed. H.S. Sweetman.
- C.D.S.* Calendar of Documents Relating to Scotland, Vols. I-IV, Ed. J. Bain; Vol. V, Ed. J.D. Galbraith and G.G. Simpson.
- C.F.R.* Calendar of Fine Rolls.
- C.I.P.M.* Calendar of Inquisitions Post Mortem.
- C.P.R.* Calendar of Patent Rolls.
- E.H.R.* English Historical Review.
- Foedera* Rymer, T.: *Foedera, Conventiones, Litterae* etc. Ed. A.G. Clarke and F. Holbrooke.
- G.E.C.* G.E. Cockayne, *Complete Peerage* - Rev. and Ed. V. Gibbs.
- P.W. I* Parliamentary Writs and Writs of Summons, Edward I and Edward II, Vol. I., Ed. Sir Francis Palgrave.
- Rot. Parl.* Rotuli Parliamentorum.
- Rot. Scot.* Rotuli Scotiae, Ed. D. Macpherson.
- S.H.R.* Scottish Historical Review.
- Stevenson* Documents Illustrative of the History of Scotland, Ed. J. Stevenson.
- T.R.H.S.* Transactions of the Royal Historical Society.

INTRODUCTION

'Baron is one of many status words which changed their meaning drastically'.¹ The Shorter Oxford English Dictionary definition concurs in providing an accurate, succinct account of the change in meaning of the word 'baron' in the Middle Ages. 'Baron - originally one who held by military or other honorary service, from the King or other superior; subsequently restricted to the King's barons, and later to the great barons who were summoned to parliament by writ; hence, a Lord of Parliament, a peer.' The problem with the word 'baron' or 'baronage', defined as the barons collectively, is in ascertaining when the developments explicit in the dictionary definition took place. At the time of Magna Carta a baron's position derived from tenure, through holding lands from the Crown *per baroniam*. By the mid fifteenth century a baron would be a 'parliamentary peer', summoned to parliament because of his importance, not because of his method of landholding.

Few historians would quarrel with any of the above. But differing views abound as to the pace of this development, particularly as to when a genuine parliamentary peerage came into being. McFarlane argued strongly that 'in the reign of Edward I a dozen earls, the dwindling survivors of a seemingly obsolescent baronage, shared their nobility with an undifferentiated mass of some 3,000 landowners, each of whose holdings were said to be worth £20 a year or over'.² In contrast Harriss takes the view that the late thirteenth and

1. A.L. Brown *The Governance of Late Mediaeval England* p.179.

2. K.B. McFarlane *The Nobility of Later Mediaeval England* p.269.

early fourteenth centuries saw the nobility 'change into a structured class of earls and barons, constituting the peerage, which excluded the knights and lesser landholders. This was reflected in the emergence of an upper house of parliament based on summons by writ.'³ Michael Prestwich states that 'it is not possible to draw an identikit picture of a thirteenth century baron'⁴ and, referring to the later years of Edward I, 'the idea of a parliamentary peerage had not been formulated'.⁵ He does acknowledge that the term 'baronage' 'disguises the extent of social gradation within the ranks of the aristocracy',⁶ and implies the existence of the *maiores barones* - 'in 1299, 11 earls and 79 barons were individually summoned to parliament, a figure which gives an impression of the size of the political elite'.⁷

Through examining the evidence, it is intended to demonstrate that a group of greater barons, below the earls, but differentiated from the knights, did exist at the beginning of the fourteenth century. Moreover, these *maiores barones* can be shown to display many of the characteristics ascribed to the English peerage of the second half of the fourteenth century, when some 60-70 lords, individually summoned to parliament, formed a distinct group at the top of English society. They owed their social and political pre-

3. G.L. Harriss 'The Formation of Parliament' *The English Parliament in the Middle Ages* Ed. R.G. Davies and J.H. Denton p.36.

4. M. Prestwich *English Politics in the Thirteenth Century* p.44.

5. M. Prestwich *Edward I* p.467.

6. M. Prestwich *English Politics in the Thirteenth Century* p.29.

7. *Ibid.* p.30.

eminence to their role as military commanders and advisers to the King and from their lordship of lands and men exercised in their localities.⁸ The generally accepted view of Powell and Wallis that the emergence of the parliamentary peerage dates from Edward II's reign will be challenged by showing that the reasoned arguments applied to make their case are equally germane to the period 1300-7.⁹

Having identified the *maiores barones* in the second half of the reign of Edward I, it is necessary to explore their role in English affairs, through detailed examination of the service they performed to the Crown. Historians have stressed the importance of royal service as a criterion for baronial status. Jonathan Powis saw public service as the most significant route towards honour and privilege.¹⁰ In the wider European context, Maurice Keen draws upon the writings of Bartolus of Sassaferrato and Oliver de la Marche to show that the social role of the nobility focused around the service of secular authority.¹¹ Of the higher nobility in England, McFarlane argued 'they were expected to serve and wanted to serve'.¹² He also emphasised the versatile nature of such service - 'soldiers were ambassadors, household officials, commissioners and counsellors by turns'.¹³ Rosenthal said of nobles 'as a group there was little they could not be

8. C.J. Given-Wilson *The English Nobility in the Later Middle Ages* p.1.

9. J.E. Powell and K. Wallis *The House of Lords in the Middle Ages* pp.303-15.

10. J. Powis *Aristocracy* p.21.

11. M. Keen *Chivalry* p.151.

12. McFarlane *op.cit.* p.161.

13. *Ibid.* p.164.

expected to perform'.¹⁴ The close correlation between royal service and baronial status has been summed-up 'participation in warfare and in government (whether local or national) were duties and it was performance of these duties which justified nobility itself'.¹⁵

In examining the nature and extent of service to the Crown by those who can be described as *maiores barones*, answers are required to a number of key questions. Was baronial involvement in royal service outwith parliament and major military campaigns as widespread and extensive as some historians have implied? Was participation in government essentially in relation to local rather than national affairs? Did the greater magnates become specialists in certain spheres of royal activity or does the evidence support the versatility attributed to them by McFarlane and Rosenthal? To what extent were duties demanded of them by Edward I because of baronial status? Did loyal, lengthy service bring about elevation to the ranks of the *maiores barones*? How important was baronial service within the royal household and is it true that only through such service could those of humble origins rise to become Lords of Parliament?¹⁶ Is there any evidence that non-military royal service could result in promotion to the higher ranks of the nobility? Was there any marked difference between the nature and extent of service undertaken by the greater magnates as opposed to knights, justices or others engaged on

14. J.T. Rosenthal *Nobles and the Noble Life 1295-1500* p.42.

15. Given-Wilson *op.cit.* p.2.

16. M. Prestwich *War, Politics and Finance Under Edward I* p.60.

royal affairs? Was there any specific service to the Crown expected of those who held *per baroniam*? Was there a family tradition of involvement in specific duties for the King? Given Edward I's need for extensive service relating to Scotland, did a group of magnates emerge in the Northern counties comparable with the Welsh Marcher Lords? What criteria did Edward I employ for selecting members of the baronage for different kinds of service? How far were those serving the King merely executing royal commands, as opposed to exercising their own judgement and acting upon their own initiative?

An important concomitant of service also requires investigation - how was it rewarded? The scale and scope of rewards are important both in relation to the light shed on the King's attitude to the baronage and in baronial motivation for serving him. Historians of Mediaeval England have generally concluded that monarchs used extensive patronage to secure baronial service. McFarlane argued that 'under a ruler who knew his job they were amply rewarded. His lordship could scarcely be good without largesse'.¹⁷ Conversely, the nobility served the King willingly, motivated by a desire to benefit from royal munificence. Rosenthal stated 'from an honoured and well-rewarded baron, the King might expect loyal service for a generation or more'.¹⁸ Even more emphatically, McFarlane took the view 'they were expected to serve and wanted to serve - service alone commanded big rewards and continuous access to

17. McFarlane *op.cit.* p.120.

18. Rosenthal *op.cit.* p.53.

royal patronage on which they and their dependants relied.'¹⁹ The impact on political events of royal patronage policy has also been stressed - 'In recent works on English mediaeval history, political conflicts have been depicted as conflicts between the "ins" and the "outs" for royal favour and for the natural benefits which flowed from royal favour; in effect as struggles over the control and direction of patronage'.²⁰

Conventional wisdom is that Edward I was niggardly in dispensing largesse to the baronage. Commenting on his failure to create new earldoms, McFarlane said 'lifelong and devoted service was too often inadequately rewarded'.²¹ Michael Prestwich has been the most forceful and consistent proponent of this viewpoint. He does admit that 'even an ungenerous King could not rule without making some appointments and gifts; patronage was an essential lubricant of political society'.²² But the main thrust of his arguments is 'Edward was not a King who believed in ruling by means of excessive patronage'.²³ 'The great men at court do not appear to have received royal gifts on any great scale.'²⁴ 'Edward's use of patronage was certainly limited in comparison with that of many rulers.'²⁵ J.O.

19. McFarlane *op.cit.* p.161.

20. J.A. Tuck 'Richard II's System of Patronage' *The Reign of Richard II* Ed. F.R.H. du Boulay and C.M. Barron p.1. Tuck does, however, question this prevailing view arguing it is possible to exaggerate the political importance of patronage and that it could be 'an ordinary, uncontentious and regularly functioning part of the administrative and financial system'. p.3.

21. McFarlane *op.cit.* p.267.

22. M. Prestwich 'Royal Patronage Under Edward I' *Thirteenth Century England*, Vol. I. Ed.P.R. Coss and S.D.Lloyd p.41.

23. M. Prestwich *War, Politics and Finance Under Edward I* p.283.

24. M. Prestwich 'Royal Patronage Under Edward I' p.45.

25. *Ibid.* p.50.

Prestwich adopts a more guarded view - 'the rewards for service were substantial but never sensational and almost always precarious'.²⁶ Scott Waugh appears to challenge the orthodox view, at least in respect of one aspect of patronage - the granting of wardships and marriages. He depicts Edward as more generous than Henry III, and argues that the royal government 'used major wardships largely as patronage to reward service and to secure the adherence of lords, knights and officials round the King'.²⁷ A study of the rewards made to the most active baronial servants of the Crown from 1290-1307 will shed light on Edward I's alleged niggardliness.

Again pertinent questions require to be addressed. What types of reward were provided by Edward I and on how great a scale? To what extent were royal appointments, per se with contingent benefits, financial or in status, rewards? Did Edward I contract indentured agreements with members of the baronage whereby both duties expected and rewards resulting were specified in advance? How far did the King make use both of inducements and threats to secure service, particularly service seen as a departure from the norm? Did the type, nature and extent of rewards provided by the Crown alter during the reign, and how far was Edward I constrained by the escalating costs of the war in Scotland in bestowing patronage? To what extent were types of reward related to the nature of service? Is there a correlation between the nature

26. J.O. Prestwich 'The Military Household of the Norman Kings' *E.H.R.* 1981 p.4.

27. S.L.Waugh 'The Fiscal Uses of Royal Wardship in the Reign of Edward I' *Thirteenth Century England*, Vol. I. Ed. P.R. Coss and S.D. Lloyd p.56.

and extent of rewards given with both the amount and type of service performed by *maiores barones*? In the distribution of largesse, can Edward I be adjudged guilty of 'favouritism'? In serving the Crown were members of the baronage motivated by the likelihood of receiving rewards and does evidence exist as to the type of rewards sought? Is there any evidence of baronial dissatisfaction with the amount of patronage bestowed by Edward I? Can one discern a deliberate royal policy being operated in relation to patronage?

In the following chapters three basic interlinking questions will be asked. Who were the *maiores barones* in the period from 1290 to 1307? What was their role in national and local government? What benefits accrued to them from performance of that role? The answers should shed new light on the relationship between Crown and barons in what Edward I's most recent biographer has described as a great reign of a formidable king.²⁸

28. M. Prestwich *Edward I* p.567. Prestwich's summation of that relationship was 'Edward's management of the lay magnates was not subtle, but for the most part it proved effective.' p.562.

Chapter 1

WHO WERE THE MAIORES BARONES 1290-1307?

At the time of Magna Carta the *maiores barones* were clearly those magnates who held land from the Crown *per baroniam*. By the fifteenth century they were those regularly summoned individually to parliament, along with the earls, as the peers of the realm. Who were they in the second half of the reign of Edward I? Can one even identify a group entitled to the description? McFarlane believed not.¹ What criteria can one use to describe an individual as a *maior baro* at the onset of the fourteenth century? In seeking to answer such questions, it appears logical to discuss tenure *per baroniam*, its development and significance, if any, during the reign of Edward I and those who held baronies then. Secondly, given that one hundred years after Magna Carta 'a parliamentary peerage was developing, which was not defined in terms of any particular form of feudal tenure',² it is necessary to consider those magnates summoned to the parliaments held between 1295 and 1307, for which writs of summons are extant.

Tenure per baroniam

What constituted tenure *per baroniam* has been the subject of considerable historical debate. In the seventeenth century, Selden argued that it was a variety of tenure by knights' service and that all tenants-in-chief by such service were barons, though distinguished as greater or lesser by the amount of land held and described as barons or knights

1. *supra* pp. 1-2

2. M. Prestwich *English Politics in the Thirteenth Century* p.2.

accordingly.³ Madox saw knight service as the basis for tenure *per baroniam*, barony being knight service embaronied.⁴ More recent historians have challenged such views - 'a study of the records proves beyond doubt that the servitium owed to the crown was in no way the criterion of tenure *per baroniam*'.⁵ Nonetheless there must have been some criterion which decided what a 'barony' was.

Do any distinguishing features of tenure by barony constitute the unique criterion for a fief being held *per baroniam*? Madox points out that a barony was regarded as an indivisible whole, retaining its identity even when it passed into the hands of the holder of another barony.⁶ Glanvill showed that whereas heirs of full age could take immediate possession of their inheritance, a barony was retained in the King's hands until security for the relief was given.⁷ When a tenant by barony was amerced, the amount was not fixed by the sheriff or the justice, but before the King in Council, always at a higher rate. Tenants by barony were exempted from taking any oath on any jury. Each barony had a *caput* which remained intact and could neither be granted in dower nor divided among co-heirs. All tenants *per baroniam* paid the same relief irrespective of the number of knights' fees, fixed by Magna Carta at £100.

3. J. Selden *Titles of Honour* 2nd. Edition p.690ff..

4. T. Madox *Baronia Anglica* p.241.

5. I.J. Sanders *Feudal Military Service in England* p.9.

6. Madox *op.cit.* pp.45-9 and 189ff..

7. Glanvill ix 4, as quoted by Dr. R.R. Reid 'Barony and Thanage' *E.H.R.* 1920 p.163.

The higher relief for a baron, higher rate of amercement and freedom from jury service indicate that there was something of importance which warranted both higher rates and freedom from judicial involvement. The latter suggests other judicial duties. Moreover the fact that a *caput* should remain intact suggests its importance per se or the significance of something attaching thereto.

Pike asserted that 'barons had no office and the descent of their lands was untrammelled by any of the difficulties incident to the descent of offices'.⁸ If this were true, then holders *per baroniam* did not hold power under the King. But Dr. R.R. Reid has specifically sought to ascertain the nature of any such power. Drawing from parallels in Normandy, and arguing that thanage was the main root of barony in England, Dr. Reid concluded that barony was an office to which were attached judicial rights.⁹ The distinguishing features of tenure *per baroniam* give credence to her arguments. Higher relief for a barony reflected its having a profitable court. The indivisibility of the *caput* can be explained as the seat of the court. Although a barony could be partitioned, it remained an entity with the court continuing to serve the whole barony.

Dr. Reid's case is drawn from Norman law-books, pre-Conquest English laws coupled with some early Norman legislation and treatises such as those of Fleta. It is

8. L.O. Pike *A Constitutional History of the House of Lords* p.28.

9. Dr. R.R. Reid *op.cit.* p.199.

logical that practice prevalent in eleventh century Normandy would be brought to England. In addition to purely feudal rights of civil justice, Norman barons had rights of justice by which the duel could be held and penalties of mutilation or death inflicted. Holding such, a Norman baron was an hereditary ducal officer whose barony was effectively an administrative unit. Relief was arbitrary until the end of the twelfth century when it was £100 as against £15 for a knight's fee. The barony was indivisible going to the eldest son, contrary to usual Norman practice of equal division among males. Every Norman barony had one *mansio capitalis* and an amerced baron had to pay £100 as against a simple knight's £10. This equates very closely with tenure *per baroniam* in England.

Arguing from English sources, Dr. Reid saw a baron as equivalent to a cynges thegn who, in his bookland had judicial and administrative rights and duties. Norman clerks who identified the cynges thegn with the baron saw what they had in common, justiciary rights, sac and soc, toll and team and infangenthef as laid down in the *Leges Henrici Primi*. These were the very rights by virtue of which the Norman barons held *per baroniam*. With regard to later sources, Dr. Reid instances Fleta in showing that the jurisdiction of the curia baronis - which included infangenthef and bloodshed, both admitted to be pleas of the crown - was identical with view of frankpledge. She argues that to have view of frankpledge, to have infangenthef, to have a liberty and to have a baron's court were one and the same and 'therefore to

say of a man that he was a baron or that he held by barony was but to say that he had over the men of his barony the justiciary rights that were the essence of barony in Normandy'.¹⁰

Dr. Reid argues convincingly, especially when she draws upon Norman practices and in her assertion that a baron was the historical descendant of a cynges thegn. Evidence exists that rights held by a holder of a barony remained the same from the beginning of the Norman period into the reign of Edward I. Examples from the *Placita de Quo Warranto* include the barony of Greystoke and Cottingham which was held by the Wakes as Gamel, son of Osbert, the cynges thegn, held them at the time of Edward the Confessor.¹¹ Where Dr. Reid is on less firm ground, is in contending that the position with regard to judicial rights as the criterion of tenure *per baroniam* remained true throughout the thirteenth century. She is correct in asserting that in the fourteenth century 'tenure by barony having lost all importance lost all meaning and at last passed quite out of mind'¹², But it has been strongly argued that 'in thirteenth century England neither the crown nor the tenants-in-chief had any clear conception either of the origin of tenure *per baroniam* or of the reason why a tenant-in-chief was considered to be a *baro*.'¹³ 'Both tenants-in-chief and the royal officials were ignorant of any principle of law upon which the liability to tenure *per baroniam* could be based.'¹⁴

10. *Ibid.* p.178.

11. *Placita de Quo Warranto* pp.119 and 199.

12. Dr. R.R. Reid *op.cit.* p.199.

13. I.J. Sanders *English Baronies* preface v.

14. I.J. Sanders *Feudal Military Service in England* p.13.

If one accepts Dr. Reid's arguments that the essence of a barony was rights of justice, then the importance of such tenure would diminish when royal justice predominated. Sanders demonstrates that no baronies were formed after 1166. He argues that the Crown had no longer need of large forces of knights in England. An equally cogent reason is that the reign of Henry II saw a definite policy of furtherance of royal jurisdiction and the consequent lessening of baronial. The Crown would not create large estates whose essence was a baronial court. The result of the crown extending its rights of jurisdiction at the expense of other such rights was that by the mid thirteenth century baronial feudal courts did little more than receive writs of right and hear the intention of pleas that would be settled in royal courts. The continued existence of baronial courts was for financial reasons. Barons obtained revenue from fines exacted for non-attendance. The baron's court was no longer a great source of justice for his tenants.

Were there other reasons why tenure *per baroniam* lost importance in the thirteenth century? The demise of lands to churches, traffic in land as an investment, new classes of men in the investors' market and financial embarrassment of some of the nobility all combined to bring about alienation of fiefs. Moreover, the custom of male primogeniture was much modified in practice by the almost inescapable duty of fathers to make provision for younger sons and daughters. Alienation of fiefs, and in particular subinfeudation, made it difficult for a tenant-in-chief to muster his full quota of knights for

military service. This development is connected with another which lessened the importance of land tenure as a source of power and status, the declining importance of feudal levies in the royal army.

Although the amount of service proffered was not the criterion for a fief being a barony, baronies were an important source for much of the feudal service owed to the crown. By the late thirteenth century the feudal levy was insufficient to meet the King's military requirements. By Edward I's reign landholders *per baroniam*, who owed large contingents of knights, proffered at the musters for the Scottish Wars much smaller numbers than should have appeared if they were fulfilling the demands of their *servitium debitum*. Fines paid instead of performing service were assessed on new quotas which had developed. Each tenant-in-chief was only providing a small retinue for the feudal host. Many examples can be found in the Roll of the Constable containing the proffers of service made at the muster at Carlisle in 1300 and returned by Bohun pursuant to a writ of 26 September. A few examples from prominent barons who held *per baroniam* are - Edmund de Mortimer, two knights' fees done by one knight and two esquires with four covered horse; William de Braose, three and a half knights' fees fulfilled through two knights and three esquires; John de Beauchamp of Somerset, one and a half knights' fees by himself and a knight; Hugh Bardolf, four knights' fees performed by two knights, four esquires and one archer.¹⁵

15. P.W. I. pp.209-231.

A major factor in the great reduction in the *servitium debitum* was the soaring cost of a knight's service. A social revolution had taken place. In the reign of Henry II the total service due had amounted to approximately 5,000 knights. By the Scottish Wars of Edward I, the number of fighting knights had dropped to below 1,500. The cost of knighthood explains this reduction and the difficulty barons experienced in obtaining service from their tenants, which resulted in small contingents being proffered and being accepted by the Crown as their full feudal obligation. As Prestwich demonstrates 'the forces provided directly as a result of a feudal summons were clearly not particularly impressive'.¹⁶ The Crown was forced to find a proportion of its armies elsewhere, partly through paid service. Some historians have overstressed the incidence of pay for cavalry service under Edward I. Paid troops were usually within the household contingents and barons remained the main source through which the king could call on the manpower of the realm. This was largely through unpaid voluntary service. In a detailed analysis of the army in Scotland in 1300 Prestwich shows that over 60 barons and their retinues were serving voluntarily at their own expense.¹⁷ A baron's position of power in the army had depended largely on the size of the contingent he led. With the reduced quotas in Edward I's reign the importance of barons derived more from their power, wealth and usefulness to the crown, with contingents often provided at their own expense, rather than from any status or obligations as *barones* derived from any

16. M. Prestwich 'Cavalry Service in Fourteenth Century England' p. 150.

17. *Ibid.* p.148.

specific form of land tenure.

Was tenure *per baroniam* of any consequence in the reign of Edward I? Pike wrote 'it would be very difficult to show that any of the laymen below the rank of earl who were called to advise the King in the reign of either Henry III or Edward I did not hold a barony or part of a barony'.¹⁸ If this were true, one would expect a high correlation between any list of holders of baronies and the writs of individual summonses to parliament in the reign of Edward I, extant from 1295 onwards. Sanders produced a comprehensive list of baronies and probable baronies based on the size of relief paid.¹⁹

For the first three parliaments of Edward I's reign for which writs of summons exist, of the 53 *barones* summoned, 20 do not appear in Sanders as holding lands *per baroniam*. Of the 116 magnates summoned to attend any one or more of the last seven parliaments of the reign between 1300 and 1307, 52 did not hold *per baroniam*. Of these, John de Clayvering succeeded his father, Robert fitz Roger, in 1310 as holder of the honours of Blythborough, Suffolk and Whalton, Northumberland. Hugh le Despenser was granted the honour of Swanscombe in Kent by Edward II in 1325.

Of the 64 who held *per baroniam*, 17 did so through marriage and 23 held part of a barony, as little as 1/9th. in the case of Walter de la Teye. Tenure *per baroniam* was not a

18. *op.cit.* p.94.

19. I.J. Sanders *English Baronies*.

prerequisite for being summoned to parliament in Edward I's reign. On the other hand, did such tenure ensure a writ of summons to parliament? Matthew de Loveyn of the honour of Little Easton, Essex, was never summoned to parliament, and William le Marshall, who held Hockering in Norfolk, was not summoned till the reign of Edward II. Giles de Playz, who held half of the barony of Stansted Mountfichet in Essex till his death in 1302, Thomas de Wahull who held Odell, Bedfordshire and Matthew fitz John of Erlestoke, Wiltshire, all received a summons to only one parliament, that held at Salisbury in February 1297. A further six landholders *per baroniam*, all of whom were still alive on the accession of Edward II, John de Grey, John de Moeles, Henry de Urtiaco, John Peyvre, Roger le Strange and Ralph de Neville received summonses twice, twice, thrice, thrice, four times and six times respectively, but the last, to Neville, was for the parliament of May 1299. Only Grey, Lincoln 1301, was summoned to any of the last seven parliaments of the reign, though Neville was to be summoned again throughout the reign of Edward II, and Grey till his death in 1311. Though not summoned to Lincoln in 1301, fitz John, le Strange, Marshall, Moeles and Neville all sealed the Barons' Letter to the Pope.

Tenure *per baroniam* did not ensure being summoned to parliament in Edward I's reign. Lack of such tenure did not disqualify a magnate from regular summonses to parliament. Indeed, some of those regularly summoned did not hold of the King in chief - William de Cantelupe held of the Wakes; Brian fitz Alan was Lord of Bedale, a fief of the honour of

Richmond; Henry le Tyeis was a tenant of the honour of Wallingford and Ralph Pipard held Linford of the Earl of Oxford. Nonetheless, the vast majority of those holding *per baroniam* were summoned to parliament. This is hardly surprising. Many held large estates and their families had been prominent in English history for generations past. These men were, some in their own right, and some, such as John Ap Adam, through marriage, mostly landed and wealthy. Those *barones* who were prominent in Edward I's reign derived importance from personal power and position, based on land but not a specific type of tenure. What Holmes wrote in relation to the fourteenth century appears equally applicable to the reign of Edward I as a whole: 'status was handled realistically; it corresponded to wealth and power'.²⁰

There is one interesting, though isolated, piece of evidence which could be used to argue a connection between tenure by barony and summonses to parliament. Henry de Pinkeny, aged about forty, inherited in 1296 on his brother's death the family honour of Weedon Pinkeny, Northamptonshire. He was summoned to the parliaments held in February 1297, March 1299, May 1299 and March 1300. Though not summoned to the Lincoln Parliament of 1301, he was a signatory of the letter to the Pope. With the sole exception of John Wake, who had died by April 1300²¹, Henry de Pinkeny is the only magnate summoned to the 1300 parliament never again summoned, though

20. G.A. Holmes *The Estates of the Higher Nobility in Fourteenth Century England*. p.4.

21. *C.I.P.M.* III pp.448-50 No.597.

he lived till 1315.²² In the Close Rolls, dated 4 September 1301, there is enrolled a surrender by him to the King of all his manor of Weedon Pinkeny, Northamptonshire, with advowsons and all other appurtenances. The homage of all those holding of him, a total of 26 and a half knights' fees, was granted to the King.²³ No indications are given as to the reasons for this surrender, nor is there any suggestion of a re-grant to Pinkeny for life or anything else in return. From this date on there are few references to him in the records. In the detailed lists of protections and letters of general attorney for service in Scotland, the last reference appears to be that dated 30 September 1301, protection and letters of attorney till Easter next.²⁴ In the Great Parliamentary Roll of Arms, compiled in about 1310, he is not listed as one of the 'bannerets of England', but as a knight for Northamptonshire and Rutland.²⁵ Pinkeny's status as a baron apparently ended with the surrender of his barony to the crown. But this might have been the case, irrespective of tenure, as he had surrendered the lands which gave him his wealth and power base.

Did either Edward I or the holders of baronies regard tenure *per baroniam* as important? Privileges such as paying dues direct to the Exchequer, being summoned to do suit in the King's courts by individual writs directed to them by name, leading retainers in the army under their own banners and

22. *G.E.C.* X p.526.

23. *C.C.R.* 1296-1302 pp.504-5.

24. C67/14.

25. *P.W.* I. p.410ff..

exemption from jury service might still have been valued. But some evidence suggests that the declining importance of tenure *per baroniam* was acknowledged and that some barons regarded holding *per baroniam* as a burden. In 1297 when Edward I issued the *Confirmatio Cartarum*, baronial reliefs were reduced from £100, set by *Magna Carta*, to 100 marks, the relief for an earldom remaining at the higher figure. This appears to have been the result of a clerical error.

Sanders highlights the case of William de Braose who, in 1307, argued that he did not hold *per baroniam* and should not pay relief as a baron.²⁶ It was found in the *Book of Fees* that Bramber was charged as an honour and that his ancestors had been amerced as barons. He lost his case. A major baronial figure in Edward I's reign, Braose served regularly in the Welsh, Gascon and Scottish Wars and was frequently summoned to parliament. In addition to the barony of Bramber and other lands in Sussex, he held Gower as a tenant-in-chief, thus being a major Marcher Lord. Records, other than the *Book of Fees*, clearly show Bramber to have been held *per baroniam*. In 1279 at an inquiry before justices in Sussex his father claimed the castle and barony of Bramber and the right of a free court there.²⁷ The *Hundred Roll for Sussex for the Rape of Lewes* refers to the barony of Bramber and lists the judicial rights held by the Braose family.²⁸ Why did William de Braose claim that he did not hold by barony? The reasons were

26. I.J. Sanders *Feudal Military Service in England* p.12.

27. C47/81/30.

28. L.F.Salzman 'The Hundred Roll for Sussex', Part I *Sussex Archaeological Collections* Vol.LXXXII 1942 pp.29 and 49.

financial. He inherited substantial debts from his father.²⁹ There are indications that he had financial problems³⁰, and that he was unscrupulous in pressing his alleged rights to maximise income.³¹ 'William appears to have been a spendthrift and a man of somewhat unscrupulous character'.³²

Powell and Wallis instance another relevant case, though their evidence is drawn from the next reign.³³ Thomas de Furnivall, who succeeded his father in June 1291, was a major landholder in Nottinghamshire, Derbyshire and Yorkshire, including the castle and manor of Sheffield. Summoned to parliament on twelve occasions in the reign of Edward I, he continued to be summoned till his death in 1332. He served, virtually continuously, in the Scottish Wars, was involved in raising levies for these wars from the counties of Nottingham and Derby and in 1299 was appointed Captain General and Lieutenant for the King there.³⁴ Sanders has no mention of him as holding lands *per baroniam*. In 1320 Furnivall complained of

29. *Rot. Parl.* I pp.87-8 No.33 for 1292 gives full details of an agreement before the King and Council between William de Braose and his mother in relation to his father's debts to the Crown.

30. e.g. *C.C.R. 1296-1302* pp.298-9 - Braose acknowledged that he owed the executors of the will of Roger de Mowbray for the marriage of Richard's son 500 marks. He granted that should he default, the King could levy arrears from his lands and cause him to be distrained.

31. There are a number of examples in the Close Rolls of commissions of oyer et terminer to enquire as to complaints against Braose by his tenants of Gower e.g. *C.C.R. 1296-1302* p.478, 28th. October 1299; *C.C.R. 1302-7* p.407, 12th. November 1305; *Ibid.* pp.472-3, 21st. January 1306.

32. Very Rev. The Dean of Llandaff 'The Family of de Braose' *Archaeologica Cambrensis* Vol.10 6th. Series 1910 p.348.

33. J.E. Powell and K. Wallis *The House of Lords in the Middle Ages* p.226.

34. H.H. Nicolas *The Siege of Caerlaverock* pp.228-31.

being amerced as a baron, contrary to the law and custom of the realm. 'He is not a baron, nor holds his lands as a barony or a part of a barony.'³⁵ In 1326 his claim was found to be just. Furnivall was undoubtedly a member of the higher nobility. But his importance and status were not derived from tenure *per baroniam*, this being conclusively proved in 1326.

By the end of the thirteenth century tenure had ceased to be the major determining factor in a man's social position. McFarlane went as far as to say: 'And as for tenure, well it was so confused as to have become quite meaningless in such a context before, possibly long before, the end of the thirteenth century'.³⁶ He also argued that 'one has only to set the lists compiled by Dr. Sanders beside the surviving names of those summoned to parliament and councils to realise how little even Edward I felt obliged or disposed to limit his choice to members of this 'honorial baronage'...Landed wealth, however acquired, and of whomsoever held, and a capacity to serve provided the main grounds for selection'.³⁷ He was correct in so far as many prominent magnates in the reign of Edward I did not hold lands *per baroniam*, and a significant number owed their status to loyal service to the crown. But if tenure *per baroniam* was devoid of meaning why did the barons in the constitutional crisis of 1297 not achieve the complete abolition of baronial relief? The evidence suggests that though tenure *per baroniam* did not ensure summonses to parliament, all but a handful of tenants *per baroniam* were

35. Madox *op.cit.* quoted in Powell and Wallis *op.cit.* p.226.

36. McFarlane *op.cit.* p.8.

37. *Ibid.* p.269.

summoned during the reign of Edward I, played a major part in the King's armies and merit the description *barones*. Dr. Given-Wilson's contention that the arguments of Powell and Wallis provide a 'partial corrective' to the views of McFarlane seems justified.³⁸ Evidence from *Parliamentary Writs* and Sanders supports Powell and Wallis's view that tenure *per baroniam* was one of the principal criteria by which a man's eligibility for being summoned to parliament as a *baro* was judged.³⁹ Landholders *per baroniam* did constitute a majority of those summoned as barons. They formed the hard core of the baronage but because of sub-division of baronies and the dying out of families holding *per baroniam*, they had to be supplemented by other major landholders and those who had merited promotion through service to the Crown. In compiling a list of families who could be judged to form the English nobility from 1216 to 1300, R.J. Wells was justified in using tenure by barony as one of his three criteria for 'nobility', along with military and parliamentary summonses.⁴⁰

The Parliaments of Edward I, 1290-1307

In contrast to the debate and dialogue among historians over the nature and development of tenure *per baroniam*, there is virtual unanimity regarding the evolution of a parliamentary peerage in the fourteenth and fifteenth centuries. A distinct and privileged group at the top of English lay society had emerged. 'This period saw the

38. Given-Wilson *op.cit.* p.60.

39. Powell and Wallis *op.cit.* pp.303 and 315.

40. R.J. Wells *Recruitment and Extinction among the English Nobility 1216-1300* Unpublished M.Litt. Thesis, University of St.Andrews.

emergence of the parliamentary peerage in England, the progenitors of the House of Lords'.⁴¹ McFarlane states that 'by the beginning of the sixteenth century a small and graded upper class of 'lords' numbering between 50 and 60 had emerged in possession of rank and privileges which marked them off from lesser men'.⁴² Powell and Wallis regarded the reign of Edward II as crucial in this development and saw 1307-30 as a 'period of stabilisation', when there appeared 'a limited number of estates whose possessors summoned to parliament by individual writ would be the baronage in parliament or the peers of the realm'.⁴³

How, if at all, does the period 1295-1307, for which writs of summons are extant, contribute to the process whereby the baronage developed as a parliamentary peerage? J.H. Round saw Edward I's reign (and also that of his son) as a period of transition between the earlier period, when a baron owed his position to tenure, and the mid fourteenth century, when his importance derived from his being summoned to parliament as a member of the peerage.⁴⁴ Writing of those summoned to parliament in Edward I's reign, Powell and Wallis said 'the only true thing of them all was that they were the sort of people who got called out to serve with horses and arms at their own charge when forces were levied'.⁴⁵ They add 'the only word which adequately describes the selection is 'haphazard'. As long as a chance selection of 50-100 of the sort of

41. Given-Wilson *op.cit.* p.55.

42. McFarlane *op.cit.* p.269.

43. Powell and Wallis *op.cit.* Intro.xv.

44. J.H. Round 'Barons and Peers' *E.H.R.* 1918 p.453.

45. Powell and Wallis *op.cit.* Intro.xv.

substantial people who were regularly called on for service had been summoned that was enough for parliamentary purposes.⁴⁶ Brown takes the same line and quotes Powell and Wallis in justification.⁴⁷ However in a departure from previously expressed views, which accorded with Powell and Wallis, Michael Prestwich recently commented 'the list was, however, becoming increasingly standardised, and a parliamentary peerage was beginning to evolve'.⁴⁸

Before looking in detail at those summoned by Edward I to parliament as *magnates* or *barones*, it is necessary to discuss what constituted a parliament at this time and the nature, reliability and comprehensiveness of the evidence available for summons to and attendance at the parliaments held between 1295 and 1307.

Different phrases are used in writs to describe the assembly being summoned. These are *parliamentum*, *colloquium*, *colloquium et tractatum* and *consilium et tractatum*. They appear interchangeable. However, writs for certain colloquia, included in Parliamentary Writs, together with the names of recipients, show these to have been special assemblies and not what was generally understood at the time as regular

46. *Ibid.* p.231.

47. A.L. Brown *op. cit.* p.179.

48. M. Prestwich *English Politics in the Thirteenth Century* p.144. This represents a significant change in Professor Prestwich's views in earlier works, e.g. 'Magnate Summonses in England in the Later Years of Edward I' p.101 *Parliament, Estates and Representation*, 1985, when he wrote 'it can only be concluded that the composition of the magnate element in parliament was illogical and unsystematic'. Also *supra* p.2 note 5.

parliaments. They fall into the category of select or restricted assemblies mentioned by Powell and Wallis in discussing the Bristol Parliament of 1284 - '*non universali seu generali sed tanquam particulari et speciali parlamento*'.⁴⁹ Such an assembly was the special colloquium summoned for York on 25 May 1298. Writs were sent to six earls, but no named barons. The Earl of Surrey was commanded to take with him to York 'such of the barons abiding with him in the King's service whom he in his discretion should think fit to take". Surrey was further commanded to come to York "in the most secret manner'.⁵⁰ The purpose of this special colloquium would probably have been Scottish affairs and there is evidence from the chronicles that Scottish magnates were summoned to make their peace or be treated as enemies.⁵¹ In 1299, the Archbishop of Canterbury, the Bishops of Durham, London, Salisbury and Coventry and Lichfield, together with the Earls of Lincoln, Norfolk and Surrey, and John de St. John, Otto de Grandison, Hugh de Vere and Robert fitz Walter were summoned to appear at the New Temple, London for a *deliberacionem et consilium* to advise and deliberate on certain important affairs.⁵² A specific assembly, originally called for 15 July 1305, and twice prorogued, was held at Westminster on 15 September.⁵³ A large number of different writs for the original date and the two prorogations were sent

49. *Ibid.* p.212 Note 61.

50. *P.W.* I.p.65.

51. *The Chronicle of Walter of Guisborough* Ed. H. Rothwell Camden Society 3rd. Series lxxix 1957 p.324; *Wilhelmi Rishanger, Chronica et Annales* Ed.H.T. Riley Rolls Series 1865,p.105.

52. *P.W.* I p.81.

53. *Ibid.* pp.136-163.

to a variety of people, earls, barons, clerks of the Council and Scottish magnates, but always a small number. Although some of the writs describe this as a parliament, it was a technical assembly to produce an agreed scheme for the governance of Scotland.

Powell and Wallis draw attention to a number of assemblies during the Welsh Wars - for Worcester in 1282, Rhuddlan in 1284 and Gloucester in 1287, where those, primarily summoned with horses and arms, are also to give counsel.⁵⁴ To deal with the Welsh rebellion in the spring of 1287, the Regent, the Earl of Cornwall, summoned 117 barons with horses and arms for 15 July to muster at Gloucester 'to speak with him concerning certain important matters touching the King and thereafter to do what he should command in the King's name'.⁵⁵ This pattern was followed for a council and military assembly in London, called for 22 September 1297 and eventually held in early October.⁵⁶ This was called by the King's son, Edward I being in Flanders. Writs to the Earl of Arundel and 49 others urged them 'to appear with horses and arms before Edward, the King's son, wherever he should be in England on 22 September to hold a colloquium upon the affairs of the kingdom and to do and perform what should be then and there enjoined'.⁵⁷ The purpose of this Council seems to have been to send further forces to Flanders and to deal with the constitutional crisis involving Bohun, Bigod and their

54. Powell and Wallis *op.cit.* p.211.

55. *P.W.* I. pp.250-1.

56. Guisborough *op.cit.* pp.308-9.

57. *P.W.* I. p.298.

supporters. On 10 October letters patent under the Great Seal of the King's son were issued by which, with the advice of the Council, he undertook to intercede with the King on behalf of Bohun, Bigod and John de Ferrers 'who apprehended that they had incurred the King's rancour and indignation'.⁵⁸

No writs are extant for the parliament held in London in July 1297, so no list of barons summoned is available, although an indication of some of the magnates attending can be gleaned from chroniclers and from records published by Vincent in *Lancashire Lay Subsidies*.⁵⁹ *Rotuli Parliamentorum* refers to the parliament at London at Easter. The only writs extant are for the Bishops of Ely and Lincoln, twenty clerks of the Council, Justices and one baron, John Giffard of Brimmsfield, all summoned for 30 March. The main business transacted was for the removal of the Exchequer and Treasury to York.

We are left with full evidence from writs of summons for thirteen parliaments held between 1295 and 1307 on which any conclusions as to the composition of the baronage in Edward's parliaments can be based. These were held as follows - August 1295, London; November 1295, London; November 1296, Bury St. Edmund's; February 1297, Salisbury; March 1299, London; May 1299, London; March 1300, London; January 1301, Lincoln; July 1302, London; October 1302, London; February 1305, London; May 1306, London; January 1307, Carlisle.

58. *Ibid.* pp.61-2.

59. J.A.C. Vincent 'Lancashire Lay Subsidies' Vol. I. 1214 -1307, *Lancashire and Cheshire Record Society*, 1893.

It is necessary to consider the justification for the inclusion of the assembly of May 1306. Doubts as to whether this should be classified as a parliament were expressed by Richardson and Sayles.⁶⁰ Michael Prestwich argues that 'their doubts were amply justified and should have been expressed more strongly'.⁶¹ It is conceded that the only evidence for this assembly being described as a parliament comes in a note to the enrolment of the writs de expensis. The writs of summons to magnates were docketed '*de veniendo ad tractandum super auxilio ad militiam Edwardi primogeniti fil' Regis concedendo*'.⁶² Individual writs refer to a *consilium et tractatum*.⁶³ Prestwich argues that the writs were more akin to feudal summonses for military service appealing to the obligation that resulted from the performance of homage. He points to the accounts of the wardrobe for payments to messengers taking writs of summons to recipients which say the documents were *de auxilio* in contrast to the *de veniendo ad parliamentum* for those extant for Lincoln in 1301. He concludes that the 1306 assembly was a council for the limited purpose of granting a tax.⁶⁴ It is also known that a significant number of magnates sent procurators in their place.⁶⁵

The chroniclers do not mention a parliament as such

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60. H.G. Richardson and G.O. Sayles *Parliaments and Great Councils in Mediaeval England* pp.24-30.
 61. M. Prestwich 'Magnate Summonses in England in the Later Years of Edward I' p.100.
 62. *P.W. I.* pp.164-178.
 63. SC1/12/191.
 64. M. Prestwich 'Magnate Summonses in England in the Later Years of Edward I' pp.99-100.
 65. SC1/12/191 and *P.W. I.* pp.165-6.

although the knighting of the King's son and the granting of taxes are reported.⁶⁶ Reference is also made to the King stating his intention of going to Scotland to get revenge for the death of Comyn and that all the magnates agreed to assist him in fulfilling his vow.⁶⁷ One can infer that a reason for magnates being summoned was to seek their support for yet another Scottish campaign. If this was the case then it fits in with Brown's contention that 'the primary role of the lords in parliament was to discuss and offer the King advice on the great matters of the kingdom'.⁶⁸ As to other business, at least one statute was promulgated from Westminster in May 1306, the Statute of Joint-Tenants.

Although individual writs are not extant, no one has questioned the validity of describing the 1290 parliament as such, where a feudal aid, granted for the marriage of the King's eldest daughter, was the main item of business. It would by 1306 have been unusual for such a large number of barons, prelates, knights and burgesses to have been summoned to any gathering other than a parliament. This was a meeting at which a feudal aid was being turned into a form of general taxation. Whether or not the description 'parliament' should be applied is largely a matter of semantics. In the individual writs to magnates for the other twelve parliaments between 1295 and 1307, five are designated *parliamentum*, two *colloquium*, four *colloquium et tractatum* and that of May 1299

66. Rishanger *op.cit.* p.229; *Flores Historiarum* ed. H.R. Luard Rolls Series p.132.

67. *Flores Historiarum* p.132.

68. A.L. Brown *op.cit.* p.234.

a *consilium et tractatum*, as with 1306. For what was a purely technical assembly of councillors in York in mid 1303 the Archbishop of Dublin was summoned 'de veniendo ad Regem, vel ad parliamentum Regis'.⁶⁹ For both parliaments of 1299 and that of October 1302, described in the writs as a *parliamentum*, the magnates were summoned *in fide et homagio*.⁷⁰ The only unusual feature of the 1306 writs is the specific business, the feudal aid, being mentioned. Usual phraseology involved generalised terms such as 'for the safety of the Crown and the welfare of the people' and 'certain arduous affairs'. But writs for Lincoln in 1301 mention the perambulation of the forests and those for the 1305 parliament affairs specially concerning the settlement of Scotland.⁷¹ In 1306 the elements of a recognised full parliament were present. If the King was seeking the approval of tenants-in-chief to a feudal aid, why were those summoned people regularly summoned to parliament from 1300-7? If the King did not regard this as a parliament, why was its composition, unlike the technical assemblies or Councils of the period, that of a full parliament?

Palgrave's *Parliamentary Writs* Vol.I. is the main source for the names of those summoned to parliament. Some individual writs are extant for the parliaments of 1306 and 1307. Michael Prestwich has provided additional evidence for the parliaments of 1297, 1301 and 1306 from the wardrobe accounts giving details of the payment of messengers taking

69. *P.W.* I. p.134.

70. *Ibid.* pp.79-80 and p.144.

71. *Ibid.* pp.90 and 136-7.

parliamentary writs of summons to magnates.⁷² Sir Henry Cole published a document containing lists of writs sent out by messengers re coming to parliament by the great seal 13th. October a.r. 28 Edward I.⁷³

Before use can be made of Cole's document, it is necessary to discuss its provenance. Although it is clearly dated 1300, no parliament was summoned for 13 October in that year. Michael Prestwich concludes that since a royal letter referring to a postponement of parliament until 13 October 1302 exists 'it must be to this that the document refers'.⁷⁴ He notes the close resemblance of the list to the summonses issued for the parliament on 14 October 1302. However, these arguments are not wholly convincing. The document is clearly dated 1300. Moreover, although the list derived from Cole is close to that printed in Palgrave for October 1302, it is closer to that for the Lincoln parliament of 1301. There may not be a great deal to choose between the bald statistics that four barons appear in Cole's document not on the chancery list for 1301 as opposed to five for October 1302; nor that twelve on the 1301 chancery list are not in Cole as opposed to sixteen on that for October 1302. Except for allowances for deaths, the chancery list for Lincoln, 1301, is very similar to that for October 1302. However, two pieces of evidence appear crucial. According to Cole's document writs were sent

72. M. Prestwich 'Magnate Summonses in England in the Later Years of Edward I' pp.97-101.

73. *Documents Illustrative of English History in the Thirteenth Century* Edited by Henry Cole pp.333-340.

74. M. Prestwich 'Magnate Summonses in England in the Later Years of Edward I' p.99.

to Peter de Chaumpvent and Andrew de Eastleigh, both of whom are on the chancery list for Lincoln and neither of whom are on that for London in October 1302.⁷⁵ Chaumpvent was probably ill in 1302 as he died early in 1303.⁷⁶ The writ for Eastleigh's post mortem was dated 15 October 1300.⁷⁷ Moreover his son Nicholas is on the list of those summoned for 14 October 1302 printed in Palgrave. This suggests that the writs sent out by messengers were for the Lincoln Parliament of 20 January 1301. It is unlikely that it was originally summoned for 13 October 1300 as the first edition of the History of English Chronology suggested. But is it not possible that 13 October was not the date of a parliament but rather that on which the writs were despatched, given that the writs from the Close Roll were dated 26 September 1300?

Lists of those summoned to parliament require to be treated with caution. Clerical errors in their compilation were common. A writ dated 26 December 1299 was sent to Oliver Dynaunt for the parliament in March 1300, but he had died earlier that year.⁷⁸ Andrew de Eastleigh was summoned to parliament in 1305 and 1307 although he died in 1300.⁷⁹ In all probability these summonses were intended for his son, Nicholas, who was sent writs for the two parliaments of 1302 and that of 1306. The name of Simon de Montacute (de Monte Acuto) does not appear on the lists for the parliaments of 1301 and July 1302. Instead writs were addressed to Simon de

75. *P.W.* I. pp.90 and 114.

76. *C.I.P.M.* IV No.152 p.95, writ dated 29 March 1303.

77. *C.I.P.M.* III No.638 p.507.

78. *C.I.P.M.* III p.404 No.532.

79. *Ibid.* p.507 No.368.

Monte Alto, a clear mistake as the baron of that surname, Robert de Monthalt, was personally summoned to both. This error was corrected for the remaining parliaments of the reign.

Differences also appear between those originally summoned and those re-summoned when a parliament was prorogued. Nine of those summoned on 24 July 1302 for a parliament to be held on 29 September were not summoned on 13 September when the parliament was prorogued till 14 October. Six of these were, however, sent writs dated 11 September enjoining them to remain in Scotland, or the Marches thereof, notwithstanding the summonses they had previously received to attend parliament on 29 September. These were John de Segrave, Alexander de Balliol, Edmund de Hastings, William le Latimer Sen., Walter de Huntercombe and Robert de Clifford.⁸⁰ Of the other three, had the writs not added 'de Lageham' after John de St. John, an explanation would have been easier to find. John de St. John Sen. of Halnaker and Basing is known to have been in Scotland on 27 August and is thought to have died in September.⁸¹ If the man intended to receive the original writ was indeed St. John of Lageham, his omission for the prorogued parliament is not open to a simple explanation. As regards John de Hastings and John de Lancaster, their names appear on the original list immediately below that of Walter

80. SC/1/61/5 and *P.W.* I. p.117.

81. C47/22/2/41 (*C.D.S.* II No.10005) Both Bain, and *Stevenson*, who also prints this document, wrongly ascribed it to 1298. The content specifically refers to a meeting known to have been planned for 1302. This entry is corrected to 1302 in *C.D.S.* V p.61 Ed. G.G. Simpson and J.D. Galbraith. Also see *C.I.P.M.* IV pp.61-3 No.96.

de Huntercombe, whereas the others omitted have had their names removed singly and, apparently, deliberately. It could be that those of Hastings and Lancaster represent clerical error. However, John de Lancaster did serve regularly in Scotland outwith major campaigns and his being enjoined to remain there would not have been surprising. The absence of John de Hastings might be explained by his impending departure to take up the post of King's Lieutenant and Seneschal in Gascony.⁸² If this were the reason, one would also have expected the omission of Thomas le Latimer, John Paynel and Simon de Montacute who accompanied him there.⁸³

There is evidence that some lists of those summoned were incomplete. For the 1306 parliament three original writs of 5 April are extant for barons not included in the list of those summoned. All three writs, which are identical to those to others whose names appear on the list, are addressed to Geoffrey de Caumville, Ralph de Grendon and Theobald de Verdun Sen. They are endorsed with the names of procurators to take their place.⁸⁴ A comparison of the parliamentary writs dated 26 September 1300 for the Lincoln parliament with those dated 13 October 1300, giving details of who delivered them and printed by Cole, shows discrepancies. Thomas de Furnivall, summoned to eleven other parliaments in the reign, appears in Cole but his

82. *C.P.R. 1301-7* pp.64-5, 9 and 12 October 1302, letters of protection and letters nominating attorneys for John de Hastings going to Gascony.

83. *Ibid* p.65, 9 October 1302, letters of protection for John Paynel and Thomas le Latimer going with Hastings; p.67, 26 October 1302, letters of attorney for Simon de Montacute going to Gascony with Hastings.

84. SC1/12/191, printed in *P.W. I.* pp.165-6.

name is not included in the parliamentary writs published by Palgrave. The same is true of Theobald de Verdun Sen., a recipient of 7 summonses, who is also omitted from the 1306 list. On the other hand, fourteen of those included on the list are not in Cole. Given that the document published by Cole comprises names of those to whom writs were sent in groups by named messengers, it could be that one group is missing.

Evidence adduced from wardrobe accounts by Michael Prestwich provides names of barons, other than those on the chancery lists, summoned, especially for the parliaments of 1301 and 1306. He himself stresses that the 1297 wardrobe account adds little, only two names John de Wigton and Ralph de Gorges, neither of whom were recipients of subsequent summonses.⁸⁵ They fall into the category of knights called solely to Salisbury, and described as *milites*. Of greater value is the additional information for the parliaments of 1301 and 1306.

That for 1306 is the easier to assimilate and explain. Prestwich lists sixteen names additional to those contained on the chancery list.⁸⁶ Two, John de L'Isle and Philip de Kyme are in fact included in Palgrave. The others are men regularly summoned to parliament between 1300 and 1307 and who one might well have expected to be summoned in 1306. Walter de Huntercombe, William de Grandison, John de Segrave, Edmund de

85. M. Prestwich 'Magnate Summonses in England in the Later Years of Edward' p.98.

86. *Ibid.* pp.98-9.

Hastings and Robert de Monthalt are on the chancery lists for all other parliaments from 1300 to 1307;⁸⁷ John de la Mare for all others bar that of October 1302; Henry Huse, Geoffrey de Caumville, William Sampson, Ralph de Grendon, Theobald de Verdun Sen. and Jun. for the parliaments of 1300, 1305 and 1307;⁸⁸ John de Greystoke for 1300 and 1305.⁸⁹ The inclusion of Andrew de Eastleigh is a clerical error in that he had been dead for six years and his son, Nicholas was summoned in 1306. What this evidence shows is that barons whose omission from the chancery list is difficult to explain, were summoned and that composite lists, which can be compiled for the last seven parliaments of Edward I's reign were even more standardised than those printed in Palgrave already suggest.

The additional names provided by the wardrobe accounts for the Lincoln Parliament of 1301 are more intriguing. The inclusion of Peter de Mauley, summoned to all other parliaments from 1300 to 1307; Walter de la Teye and Henry Huse, both summoned for 1300, 1305 and 1307; and Henry de Tregoz, a recipient of writs in 1305 and 1307 is not surprising.⁹⁰ Simon de Montacute was in fact on the chancery

87. Prestwich does not list Robert de Monthalt but Roger de Mold. However, no one of this name was prominent in the period and it appears that this was a clerical error, given Monthalt's summonses to all other parliaments between 1300 and 1307.

88. Caumville, Grendon and Verdun Sen. are the three not included on the chancery lists for whom original writs of summons are extant.

89. Greystoke is believed to have died in 1306 - Rev. C. Moor *Knights of Edward I*, Harleian Society lxxxii-iv 1930-2 Vol.II p.157; Lord Howard de Walden *Some Feudal Lords and Their Seals, 1301* p.181.

90. Tregoz is known also to have been enrolled for this parliament as a knight of the shire for Sussex - de Walden *op.cit.* p.155. He may also have been summoned in person as

list, described erroneously as Simon de Monte Alto. All the above were signatories of the letter from the Lincoln Parliament to the Pope. Another signatory, John of Brittany, created Earl of Richmond in 1306, was to be summoned to the parliaments of 1305 and 1307. As Prestwich states, Walter de Beauchamp, Steward of the Household but never included on any chancery list of writs of summons, although his successor Robert de la Warde regularly appears, was an obvious candidate for receipt of a summons.⁹¹ The revelation that John de Botetourte, regularly summoned to parliament by Edward II, John de Kingstone and Robert Hastang, all signatories of the letter to the Pope, were summoned is important. All active in Scotland, holding key royal appointments, they were not summoned to any other parliaments in the reign and were called upon because of their experience in Scottish affairs.⁹² The summons to John fitz Marmaduke, again the only one he received, might similarly be explained because of his prominence as a northern land holder in Durham.⁹³ The inclusions of John de Grey and Roger de Mortaigne are more difficult to explain. Grey, whose only other summons to parliament was in 1297, sealed the letter to the Pope and was one of the Ordainers in 1310. He was not particularly

a direct replacement for his elder brother, John, who died without issue in September 1300.

91. M. Prestwich 'Magnate Summonses in England in the Later Years of Edward I' p.98.

92. What is perhaps surprising is that a fourth sealer of the letter with a similar record in Scotland, the Yorkshire landholder, John de Hodelestone, does not appear to have been summoned.

93. But if this is so, it is surprising that another signatory, Ralph de Neville, even more prominent in Durham, summoned to parliament between 1295 and 1299 and again in the reign of Edward II, was not a recipient of a writ of summons.

prominent in Scotland, but his name does appear on the muster lists of 26 September 1298, 7 May and 16 July 1299. Mortaigne, not a signatory of the letter to the Pope, appears to have been a minor landholder in the Midlands.⁹⁴ Excluding Mortaigne we have a number of magnates one might well have expected to receive a summons, together with a group specifically called upon because of their specialist knowledge of the main business to be transacted.

As for the designation of those summoned individually to parliament, too much should not be read into the terminology used. The Earls are always described as *comites*, and from the 1296 parliament onwards Gilbert de Umfraville as Earl of Angus. Also Aymer de Valence, though not styled Earl of Pembroke until the reign of Edward II, and Henry de Lancaster, sometimes designated as *nepos R.* are included along with the earls. Of the others there is neither consistency, continuity nor clarity in the nomenclature used. They are summoned as *barones*, as on 24 June 1295, as *barones et milites* on 10 April 1299, as *magnates et proceres* and without any description.

A writ of summons to parliament is no guarantee in itself of attendance. Conversely, some evidence can be found of barons attending parliament despite non-inclusion on the lists of those summoned. Evidence for attendance comes from charters and other documents witnessed during a parliamentary session, from the rolls of parliament where specific business involving

94. *C.I.P.M.* Vol.II pp.304-5 No.508; Moor *op.cit.* Vol.III pp.204-5.

individual barons was transacted and from chroniclers' accounts. One attendance record is extant, that for the 1307 parliament at Carlisle.⁹⁵ One earl and ten others in the original writs are not included. The Earl of Norfolk had died as had Robert de la Warde.⁹⁶ Philip d'Arcy was imprisoned in the Tower for various trespasses.⁹⁷ Andrew de Eastleigh had died in 1300⁹⁸, but his son Nicholas was summoned to subsequent parliaments. Bogo de Knovill, who died later in the year⁹⁹, may have been ill, and the same is possible of Theobald de Verdun Sen., who had appointed a procurator for the 1306 parliament. Powell and Wallis argue that the omission of Nansladron, Morley and Eastleigh represent the correction of long-standing errors.¹⁰⁰ Certainly the latter two had died in 1302 and 1300 respectively. Nansladron is a shadowy figure, summoned to the parliaments of 1300, 1305 and 1307. It is difficult to find any explanation in relation to Thomas le Latimer and particularly Walter de Huntercombe, as he had a petition regarding scutage and his service in the Scottish Wars which was dealt with at Carlisle.¹⁰¹ Powell and Wallis carefully consider the various attendance marks of dots, crosses and *hics* before some of the names. They reach no specific conclusions other than that the presence or indeed even absence of such marks does not constitute a complete record of attendance.¹⁰² Of more importance are some of the remarks

95. *P.W.* I. p.183.

96. *C.I.P.M.* IV pp.289-310 Nos.433-4.

97. Moor *op.cit.* Vol.I p.206.

98. *C.I.P.M.* III p.507 No.638.

99. *Ibid.* IV pp.335-6 No.646.

100. Powell and Wallis *op.cit.* p.256.

101. *Ibid* p.257; A.P. File 1 No.45; *Rot. Parl.* I p.194 No.19; *C.C.R.* 1302-7 p.458.

102. Powell and Wallis *op.cit.* pp.257-60.

indicating some barons not being present or being excused for part of the sitting. Philip de Kyme was *excusatur per regem*. Peter de Mauley, Edmund de Eyncourt and William Martin were *excusatur per judiciem*, all being justices of trailbaston. Simon de Montacute was on the King's service in Scotland. Geoffrey de Caumville was excused by the King and Reginald de Grey appointed an attorney. Robert fitz Walter was to come with the Cardinal.¹⁰³ This relates to one of the main items of business and the reason that this parliament was protracted, continuing into March. On 22 February writs were sent to the Earls of Warwick, Lancaster and Angus to attend in person at Carlisle on 12 March when the papal legate, the Cardinal Bishop of Sabina, was expected to arrive. Similar writs were sent to twenty-three barons all originally summoned, plus Marmaduke de Twenge, the English hero of Stirling Bridge, a prominent Northern baron, never before summoned to parliament but to be regularly summoned in the succeeding reign.¹⁰⁴

Other sources for attendance at parliament provide evidence of involvement of individuals and of their importance in the affairs of the realm. It can also cast further doubts on the accuracy of lists of summons. Just as a writ of summons does not provide definitive proof of attendance, evidence exists of individuals being present who did not apparently receive a summons. The list of witnesses to the *inspeximus* and

103. *P.W.* I. p.183.

104. *Ibid.* p.192. After Stirling Bridge 'the most famous of those who did survive was Sir Marmaduke de Tweng, the Yorkshireman who...rode his horse through the Scots and over the bridge to safety'. A. Fisher *William Wallace* p.55.

confirmation of the Charters at the London Parliament of 1300 includes Henry de Grey and Walter de Beauchamp.¹⁰⁵ Grey, who was born circa 1254, received summonses to both 1299 parliaments and sealed the letter to the Pope in 1301. He was resummoned to parliament in the next reign until his death in 1308. Beauchamp was never summoned to parliament according to the chancery lists but was summoned to Lincoln according to the wardrobe accounts for payment of messengers. He sealed the Lincoln letter to the Pope and was, for ten years until his death in 1303, Steward of the King's Household and is described as such as a witness to the 1300 document. Given that he is now known to have been summoned to Lincoln, he may well have received a summons for this parliament. His successor as Steward, Robert de la Warde was summoned to every parliament from 1300 to 1307.

One can also get an indication of some of those present at parliaments for which no writs of summons are extant. This is helpful in relation to parliamentary involvement of individual barons though of no assistance in relation to the overall composition of such parliaments. We do know that John de Hastings, Richard fitz John, William de Braose, William le Latimer Sen., Roger de Monthalt and Walter de Huntercombe, with the Earls of Lancaster, Pembroke, Cornwall, Surrey, Lincoln and Hereford/Essex and 'the other earls, barons and proceres of the realm of England' appended their seals to a

105. *Statutes of the Realm (Charters)* pp.38-44, quoted by H. Rothwell 'Edward I and the Struggle for the Charters 1297-1305', *Studies presented to F.M. Powicke* pp.320-1.

letter to the Pope from the 1290 parliament.¹⁰⁶ The letter complained of the attempts made to appropriate prebends in the cathedral of York and London to the Hospital of the Holy Ghost and the Basilica of St. Peter in Rome. The same earls, except Gloucester for Cornwall, and the same seven barons, plus Robert de Tibetot, Reginald de Grey, Theobald de Verdun Sen. and Nicholas de Segrave, 'and other magnates and others present in parliament' granted the King an aid for the marriage of his eldest daughter.¹⁰⁷ All the barons mentioned, except fitz John, who was summoned to the first parliament in 1295 but who died childless on the King's service overseas in Gascony in 1297, or their sons, were regularly summoned to parliament during the rest of the reign.

As regards the parliament of July 1297, it is known that on the 14th. the Earl of Warwick, John de Hastings, William de Braose, Thomas de Berkeley, Geoffrey de Geneville, Aymer de Valence, Hugh le Despenser and other magnates swore fealty to the King's son, the King being about to depart for Flanders. Two days later the recalcitrant Earls, Bohun and Bigod, and other magnates of the kingdom did likewise.¹⁰⁸ To the historian seeking evidence of baronial summons to and attendance at parliament it is galling that the clerks, probably through lethargy, only listed a sample of those involved.

Taking into account the caveats above as to the accuracy of lists of summons and receipt of summons not necessarily

106. *P.W. I.* p.20; *C.C.R. 1288-96* p.135.

107. *P.W. I.* p.20.

108. Vincent *op.cit.* p.97.

giving proof of attendance, it is valid to use the chancery lists, enhanced by the other evidence to examine in detail those 'barons' summoned to parliament between 1295 and 1307. They were selected by Edward I to provide advice and counsel. Does the evidence support the contention of Powell and Wallis that the selection was 'haphazard'? Or can an embryonic parliamentary peerage be discerned?

The Composition of the Baronage in Parliament, 1295-1307

One can find little fault with the detailed analysis of Powell and Wallis and their conclusions in their in-depth study of those barons summoned for the two parliaments of 1295 and that held at Bury St. Edmunds in 1296.¹⁰⁹ There is a clear connection between the lists in that the 41 summoned for November 1295 were included in the 53 summoned for August, as were the 37 for Bury St. Edmunds with one exception, which they do not note. Nicholas de Segrave had died and his son, John, was summoned, presumably in his place. His younger brother, Nicholas, was summoned in his own right to all three parliaments. Stenton wrote 'they were far from representative of the English baronage either in number, wealth or position' in relation to the 53 summoned for August 1295.¹¹⁰ Powell and Wallis show that they were also not geographically representative. Because of the predominance of barons with estates near the Welsh or Scottish borders, they surmise that the 1295 list derives from an earlier list when Welsh or Scottish affairs were uppermost. Are they correct?

109. Powell and Wallis *op.cit.* pp.219-31.

110. F.M. Stenton 'The Changing Feudalism of the Middle Ages' *History XIX* 1934-5 pp.296-7.

The list does not derive from that for 1290. Of the eleven barons known to have been present then, five were not summoned in either 1295 or 1296. There exists in the Gascon Rolls and printed in Parliamentary Writs, writs addressed to John Wake and 61 others to proceed to meet the King wherever he shall be in England for a *colloquium et tractatum* on certain arduous affairs.¹¹¹ There are no writs for earls or prelates. *Rotuli Parliamentorum* refers to '*placita coram domino rege apud Westmonasterium a die Sancti Johannis Baptiste in unum mensem anno XXII*'.¹¹² The chroniclers refer to a London parliament attended by the King of Scots at which the question of Gascony was discussed. Cotton says that Balliol was summoned to parliament to meet with English magnates, and that after the Feast of Ascension a parliament was held at London for several days in which it was decided that war would be made on France.¹¹³ There is no evidence that the list of those summoned bore any relationship to that of 1295. Only 19 from the writs of 8 June 1294 appear among the 53 summoned in 1295. Moreover the 1294 list contains a large proportion of knights, many of whom were either never again summoned or only to the Salisbury parliament of 1297.

Not only for 1295-6, but also for later parliaments Powell and Wallis see a strong relationship between military and parliamentary summonses. In discussing the baronial element of the parliament of 1295 they write 'at the bottom

111. *P.W.* I. p.25.

112. *Rot. Parl.* I p.134ff..

113. Bartholomaei de Cotton *Historia Anglicana* Ed. H.R. Luard Rolls Series 1859.

indeed may lie lists of summons for service'.¹¹⁴ They add 'in the later years of the reign the military summons were sent to much the same list as the parliamentary writs'.¹¹⁵ A discussion of the summonses to parliament from 1300 onwards will show that the latter of these statements is more supportable than the former. Writs of military summons for the early 1290s do not provide substantiating evidence.

Individual writs of summons to appear at Norham on 3 June 1291 contain, out of a total of 64, only 21 of the 53 barons summoned to parliament in 1295.¹¹⁶ These writs were to tenants-in-chief, mainly from the Northern counties and the writs of general summons to sheriffs were only for Cumberland, Lancaster, Northumberland, Westmorland and Yorkshire. Writs to muster with horses and arms at Chester on 28 November 1294 against the Welsh rebels have a similar regional basis. Of the thirteen baronial recipients ten were summoned to the 1295 parliaments. There are also separate individual summons to John Giffard to send men to Brecon and Oliver Dynaunt to Cardiff.¹¹⁷ Turning to a writ of a military summons on a wider basis, that of 26 June 1294 for service in Gascony, out of 56 summoned only 18 were summoned to parliament in 1295. Unless fresh evidence comes to light the basis of selection for the parliamentary writs of summons for 1295 must remain largely speculative. It may be that the preponderance of Welsh Marcher Lords and Northern barons was a reflection of current

114. Powell and Wallis *op.cit.* p.228.

115. *Ibid.* p.229.

116. *P.W.* I. p.256.

117. *Ibid.* pp.265-6.

political events, the Welsh rebellion and the deteriorating relationship between Edward I and John Balliol

If one moves on to 1297 there is evidence of close correlation between parliamentary and military writs of summons. But this evidence stands the view of Powell and Wallis on its head. On 21 October writs of military summons were sent for a muster at Newcastle on 6 December against the rebellious Scots. There first appears a list, 113 in total, a small number of whom are to be found in parliamentary writs. This is followed by a further list of earls, barons and knights. All six earls and sixty-one barons and knights were summoned on 26 January 1297 to the Salisbury parliament held in February. The order of appearance on the two lists is identical.¹¹⁸ It seems that the October military summons was copied from the parliamentary list of January, but with fourteen names omitted. They are scattered throughout the parliamentary list so it is not a question of a block of names having been omitted. Of the fourteen, John de Beauchamp, Robert fitz Payne, Hugh le Despenser and Aymer de Valence led cavalry contingents in Flanders between August and November, with Thomas de Berkeley serving under Valence.¹¹⁹ In addition Nicholas d'Audleigh, John Ap Adam, Roger de Mowbray and William de Braose had protections for one year from July for service overseas with the King.¹²⁰ Thomas de Chaworth, Philip d'Arcy, John de Grey, Roger le Strange and John Wake are known

118. *Ibid.* pp.302-4.

119. N.B. Lewis 'The English Forces in Flanders, August to November 1297', *Studies to Powicke* p.317.

120. C67/9.

in Brabant in the company of the Duchess Margaret, the King's daughter.¹²⁶

Edward I was obviously widening the basis of representation of the nobility, certainly in numbers and probably in geographical spread. Although a number of barons of some prominence received their first writ of summons to Salisbury, such as John Ap Adam, John de Beauchamp, William de Braose, John d'Engayne, William de Ferrers, Robert fitz Payne, John fitz Reginald, John de Lancaster, John de l'Isle, John Lovel, Thomas de Multon and Ralph Pipard, the Salisbury parliament represents a transitional period in the composition of those receiving summons in Edward's reign. A sizeable number were obviously knights and, indeed, those summoned were described as *barones et milites*. Many were never re-summoned nor received individual military summonses as barons. Many were summoned in February 1301 to muster at Berwick from specific counties on 24 June as knights of the shire to serve at the King's wages. A few examples are John de Cantelupe, Nicholas de Carru and Osbert Giffard from Devon; Giles de Playz from Essex and Hertfordshire; Ralph de Freschevill from Nottinghamshire and Derbyshire; and William de Cressy from Lincolnshire.¹²⁷ Seventeen summoned to Salisbury received no further writs of summons.

Powell and Wallis argue that the lists of those summoned for the period 1295-7 were 'typical of the rest of the

126. *C.P.R. 1292-1301* p.227.

127. *P.W. I.* pp.349-56.

to have been summoned for such service.¹²¹ However, many of those who appear on the military summons for Scotland also had protections for Gascony and at least two, Gilbert de Ghent and Robert de Tateshale, are known to have led cavalry contingents there.¹²² Service in Flanders does not appear to be the reason for their not being summoned and no other satisfactory explanation seems readily available. What is of significance is a list of military summons being clearly based on a parliamentary list of earlier the same year.

As for the Salisbury parliament, the number of *barones et milites* summoned, 75, was twice that for Bury St. Edmunds. There was continuity in that thirty from 1296 reappear and a total of thirty-six out of the fifty-three summoned for the first parliament of 1295. Some of the fifty-three, Roger de Monthalt, John de Montfort and Nicholas de Segrave had died.¹²³ Robert de Ros's lands had been forfeited to the Crown for espousing Balliol's cause in 1296.¹²⁴ William de Vescy may have been ill, as he died later that year.¹²⁵ Lascelles, Lutterel and Bek, brother of the Bishop of Durham, appear to have fallen from favour or in significance as they were never summoned again. Philip de Kyme, William Martin, Peter de Mauley, Walter de Huntercombe and Henry Huse were not resummoned till later in the reign. This is the only parliament to which John de Hastings was not summoned. He was

121. *P.W.* I. p.259.

122. Lewis *op.cit.* p.317.

123. *C.I.P.M.* III pp.270-2 Nos. 408-9; pp.224-5 No.364; pp.191-2 No.297.

124. *C.C.R.* 1288-96 p.516 and *C.P.R.* 1292-1301 p.231.

125. *C.C.R.* 1206-1302 pp.54-6.

reign'.¹²⁸ This is highly questionable, especially in relation to 1297 which contained a high percentage of one-off summonses. With the exception of the attendance record for the Carlisle parliament of 1307, Powell and Wallis do not examine the writs of summons for the later parliaments with the same meticulous detail as they do for the earliest. Had they done so, their conclusion must surely have been different. If the writs of summons for the 1297 Salisbury parliament had been the only evidence available, their description of Edward's selection as haphazard would be justified. However, the evidence for the later parliaments points strongly to a more rational approach being adopted based on the personal importance of those individually summoned in several key respects. Writing mainly of the fourteenth and fifteenth centuries, McFarlane saw a capacity to serve as one of the main grounds for selection by the King to the peerage.¹²⁹ A detailed study of the writs for the parliaments held between 1299 and 1307, together with consideration of writs of military service for the Scottish Wars, in conjunction with the baronial role in the administration and furtherance of royal policy, suggest service was of considerable importance to Edward I. One can argue that far from Edward's parliamentary baronage being selected haphazardly, there can be found the embryonic beginnings of the later parliamentary peerage. McFarlane is seriously mistaken in his contention that in the reign of Edward I the nobility below the rank of earl comprised an undifferentiated mass of some 3,000

128. Powell and Wallis *op.cit.* p.330.

129. McFarlane *op.cit.*p.269.

landowners.¹³⁰ Conversely, in arguing that within the families he identified as 'noble' there was a division between the upper nobility or magnates and those of lesser standing, Wells was making a valid point. He is correct in that 'a precise division is not easy to define' and he made no attempt to do so.¹³¹ He was also noting a development not unique to England but relevant within a wider European context. Philippe Contamine points to a growing distinction in France between the seigneurs and grands seigneurs on the one hand and the gentilshommes or simples gentilshommes on the other.¹³² In late mediaeval England the peerage comprised one hundred families or less.¹³³ The position in the last years of Edward I in relation to the *maiores barones* appears similar.

Two parliaments were held in 1299. For that summoned to meet in March, the total number of *barones* who received writs was similar to Salisbury, but the composition was significantly different. There was continuity in that thirty-eight were re-summoned and of the fifty-three bidden to the first 1295 parliament, twenty-seven received writs. Indeed, William de Ros, Philip de Kyme, William Martin and Peter de Mauley had only received that one previous summons. Of prime interest are the men summoned for the first time. As with 1297 there were a number of one-offs, Hugh St. Philibert, William de Ebroicis and John de Clinton were all knights. Clinton

130. *Ibid.*

131. Wells *op.cit.*p.96.

132. Philippe Contamine 'The French Nobility and the War', *The Hundred Years War* Ed. K. Fowler p.137.

133. Given-Wilson *op.cit.* preface ix.

appears in 1300 as a knight of the shire for Warwickshire. Henry de Grey and John Peyvre were only summoned for the two 1299 parliaments, although the former was resummoned by Edward II. The same is true of John de Havering, although it appears that he was in receipt of a writ of summons for the Lincoln Parliament held in 1301, possibly, as a justice.¹³⁴ All the rest provide evidence for continuity and some degree of stability in those summoned to parliament.

Of the twenty-six barons now under consideration, twenty-two continued to be summoned regularly until their deaths. Only one, Geoffrey de Geneville, whose prominence was due largely to personal service to Edward I, was never summoned in Edward II's reign. What criteria did Edward I adopt for choosing these particular twenty-six? Tenure continued to play a part. Eighteen held *per baroniam* in 1299, ranging from two and a quarter baronies in the case of Robert de Tateshale to one ninth, through marriage, for Walter de la Teye. From evidence of dates of birth and records of homage done and seisin granted, at least half of those newly summoned can be regarded as of a younger generation of barons, all in their twenties or early thirties. Hugh de Courtenay was born in 1276, Henry de Percy in 1273, Robert de Tony in 1276; John de Ferrers came of age in 1293, Edmund de Stafford in 1294; Robert de Tateshale succeeded his father in 1298 and Hugh Bardolf had seisin in 1295. The others within this age group were William le Latimer Jun., John de Mohun, John de Rivers, Henry de Tyeis, Hugh de Vere and Alan la Zouche.

134. Cole *op.cit.* pp.333-340.

Coincidentally all those held lands *per baroniam* except le Latimer, who was heir to half the barony of Chipping Warden. All played an active part in the King's armies, eleven of the thirteen being known to have served both at Falkirk in 1298¹³⁵, and the siege of Caerlaverock in 1300.¹³⁶ Vere was absent from Falkirk serving as an envoy to France and the Holy See to negotiate peace.¹³⁷ Edmund, Baron of Stafford served in Wales, Scotland and Flanders where he led a non-household cavalry contingent of himself, two knights and seven esquires.¹³⁸ We have, therefore, a group of relatively young, prominent landowners who provided valuable service of men, horses and arms in time of war being summoned to parliament for the first time.

Of the remaining newcomers, only Edmund d'Eyncourt inherited a barony, though Geoffrey de Geneville, John de la Mare and Walter de la Teye held *per baroniam* through marriage. All were older men. What they had in common was lengthy, loyal service to the Crown. Records of regular military service in Wales, Gascony and Scotland with horses and arms can be found. Seven are known to have been both at Falkirk and Caerlaverock. Walter de la Teye was at Falkirk and William de Leybourne and Roger la Warre, who, in 1298, was Governor of the castle of Burgh in Gascony¹³⁹, were at Caerlaverock. Edmund d'Eyncourt served at Falkirk and sent his sons to the later campaign.

135. H. Gough *Scotland in 1298* pp.129-159.

136. Nicolas *op.cit.* pp.5-87.

137. Miss M.C.L. Salt 'List of English Embassies to France 1272-1307', *E.H.R.* 1929 No.37.

138. Lewis *op.cit.* p.317.

139. de Walden *op.cit.* p.186.

Least is known of John de la Mare, though evidence of extensive military service exists, particularly as a member of the household.¹⁴⁰ Many of this group are often described as bannerets of the household. Robert de Scales, Adam de Welles, Eustace de Hacche, William de Leybourne, William de Grandison and John de la Mare had horses valued as such for the Scottish Wars.¹⁴¹ The same group, excluding Grandison but including Roger de Mortimer had horses appreciated for Scotland for 1300.¹⁴² Leybourne, Teye, Welles and Geneville led cavalry regiments in Flanders in 1297.¹⁴³ Leybourne was Admiral of the Sea of the King of England.¹⁴⁴ But their service was not exclusively military. They are to be found as commissioners arraying foot soldiers for Scotland and purveying supplies. Appointments were made as Constables of royal castles - Eustace de Hacche, Marlborough in 1299; William de Leybourne, Pevensey in 1294; Adam de Welles, Rockingham in 1299.¹⁴⁵ In the judicial sphere William de Grandison was locum tenens for the Justiciar of West Wales in 1288-9.¹⁴⁶ Geoffrey de Geneville was Justiciar of Ireland from 1273-8.¹⁴⁷ Edmund d'Eyncourt was frequently a justice of oyer et terminer, and, with William le Vavassour, in 1305, a justice of trailbaston.¹⁴⁸ Geneville was a royal envoy to the Holy See on a number of occasions,¹⁴⁹ as

140. E101/8/23; E101/7/11; E101/12/18; E101/6/40; C67/10, 11, 12, 13 and 14.

141. E101/6/40 for a.r.26 Edward I.

142. E101/8/23.

143. Lewis *op.cit.* p.317.

144. *C.P.R. 1292-1301* p.291; *C.C.R. 1296-1302* p.98.

145. *C.C.R. 1296-1302* pp.237 and 286; *C.P.R. 1292-1301* p.71; *C.C.R. 1296-1302* p.285.

146. Moor *op.cit.* Vol.III pp.138-9.

147. *Ibid.* Vol.II pp.105-7.

148. *C.P.R. 1301-7* p.354.

149. Moor *op.cit.* Vol.II pp.105-7.

was Roger la Warre in 1304 and 1305.¹⁵⁰ Full biographical details show they were just the type of prominent royal servants that Edward I relied upon for the smooth running of the affairs of the realm.

A second parliament was summoned on 10 April 1299 to meet at Westminster on 3 May. It moved to Stepney where an ordinance against false money was promulgated. The writs of summons asked those summoned to come 'to treat and advise on certain special affairs concerning the King and the state of the realm'.¹⁵¹ Rishanger suggests that the attempts of the Pope to make peace between England and France were discussed.¹⁵² The number summoned, described as *barones et milites*, was considerably less than for the earlier parliament that year. An apparent clerical error included a summons to Andrew fitz Roger. The two names of Andrew de Eastleigh and Robert fitz Roger were inadvertantly run together. Six of those omitted were never summoned again. But the other twenty-one were all regularly summoned to subsequent parliaments. No new names were included. The list of summons of 10 April clearly derives from that of 6 February. A consideration of those omitted but subsequently re-summoned to parliament gives no sound reason as to why they were not selected to attend. There are no protections or letters of attorney for service in Scotland at this juncture. There is no evidence of any being overseas. On the contrary there is from the Patent Roll a protection for William de Leybourne going overseas on the King's service

150. *Ibid.* Vol.V pp.158-9; *C.P.R.* 1301-7 p.369.

151. *P.W.* I. p.80.

152. Rishanger *op.cit.* p.389.

dated 22 April and for Alan la Zouche going to the court of Rome dated 22 February.¹⁵³ Both Leybourne and Zouche are included on the list of those summoned. It appears that the King required a smaller attendance for this parliament, possibly because of the nature of the business under discussion. Selection was to some extent haphazard but exclusively from among those summoned earlier in the year.

The last major change in personnel of those summoned to parliament in Edward's reign came in the writs of 29 December 1299 for a parliament to be held in London on 6 March 1300. The list contained the greatest number of names of any of those extant for the reign. Compared with the list for February 1299, thirteen were not summoned nor ever again. John Giffard had died leaving an heir aged twelve, who was summoned to parliament from 5-14 Edward II.¹⁵⁴ Nicholas de Meynill was also deceased but his son, of full age, was never summoned to parliament.¹⁵⁵ John de Tregoz may have been ill, as he died in September that year.¹⁵⁶ Henry de Grey, Ralph de Neville and Ingelram de Gynes did not receive any further summonses till the reign of Edward II. Alan la Zouche, summoned to all the remaining parliaments of the reign, except this, may have been at the Holy See, as he had letters dated 22 February 1299 nominating attorneys for one year. Eight barons last summoned to the Salisbury parliament of 1297, along with Walter de Huntercombe, whose only previous summons was for the first

153. *C.P.R. 1292-1301* pp.409 and 397.

154. *C.I.P.M. III* pp.418-22 No.544.

155. *Ibid.* pp.427-30 No.555.

156. *Ibid.* pp.463-6 No.603.

parliament of 1295, reappear.

There were twenty-six new recipients of summonses. Three present particular problems as little is known about them. Serlo de Nansladron, William de Morley and William Sampson were also summoned to the parliaments of 1305 and 1307, though not on the attendance record for the latter.¹⁵⁷ Sampson's name is on the roll of bannerets for Falkirk in 1298¹⁵⁸, but no examples of protections, letters of attorney or respites of debts for military service are to be found. There is one entry for Serlo de Nansladron, crossing the sea with William Martin on the King's service, dated 16 October 1297 for respite of debts, addressed to the sheriff of Cornwall.¹⁵⁹ He was pardoned on 8 September 1302, at the instance of the Prince of Wales, by reason of his service in Scotland, for two murders and consequent outlawry.¹⁶⁰ William de Morley is also recorded as being at Falkirk and was granted protection along with two esquires serving in Scotland with the Earl of Gloucester till Christmas next, dated 16 May 1298.¹⁶¹ Sanders has no mention of them. Moor has few biographical details and the entries in the Complete English Peerage are sketchy in the extreme. The latter suggests Morley died in 1302 though he was summoned for the parliaments of 1305 and 1307. This further suggests inaccuracy in the lists given the inclusion for these

157. From the evidence provided by Prestwich, it appears that Sampson was also summoned to the 1306 parliament. M. Prestwich 'Magnate Summonses in England in the Later Years of Edward I' p.98 footnote 7.

158. Gough *op.cit.*

159. C67/9.

160. *C.P.R. 1301-7* p.62.

161. C67/13.

two parliaments of Andrew de Eastleigh who died in 1300.

The interconnection of the lists for 1300, 1305 and 1307 is clear and Eastleigh's son, Nicholas, who succeeded him of full age, is not included but was summoned for the two parliaments of 1302 and that of 1306. Nonetheless, the lists for 1305 and 1307 are not simply copies of that for 1300. For 1305 there are no summonses for Hugh Bardolf, Peter de Chaumpvent, Edmund de Mortimer, Robert de Tateshale and John Wake, all of whom had died.¹⁶² Similarly, Elys d'Aubeny, William le Latimer Sen. and Brian fitz Alan are excluded from the 1307 list.¹⁶³

The summons for these three parliaments to Ralph de Grendon also seems difficult to explain. But the individual writs extant for 1306 show that a writ was sent to him. It is endorsed to the effect that Robert de Grendon was appointed as his procurator. The wardrobe accounts examined by Prestwich also show him to have been the recipient of a writ of summons. Though not apparently summoned to the Lincoln Parliament, he was a signatory of the letter to the Pope. He fought at Falkirk but seems of lesser import than the great majority of those first summoned in 1300.

Otto de Grandison received summonses only for this parliament and that of 1305. He had a lengthy, loyal record of

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162. *C.I.P.M.* IV pp.166-7 No.236 (Bardolf); p.94 No.152 (Chaumpvent); pp.19-20 No.41 (Mortimer); pp.103-8 No.163 (Tateshale); III pp.448-50 No.597 (Wake).
 163. *C.I.P.M.* IV pp.221-2 No.324 (d'Aubeny); p.225 No. 330 (Latimer); pp.268-9 No.323 (fitz Alan).

personal service to Edward I and was one of a small group of prelates, earls and barons summoned to a *deliberacionem et consilium* on 18 October 1299 in London to advise on certain important affairs.¹⁶⁴ He was regularly employed by the King as an envoy both to France and Rome.¹⁶⁵ It may well be his frequent absences from England that explains why he was only twice summoned to parliament. Grandison was never summoned to parliament in the next reign. Being opposed to Gaveston, he left England for good and never returned, though he lived till 1328.¹⁶⁶

The twenty-one remaining newcomers represent a more disparate group than those first summoned for March 1299. It is possible to advance reasons for their being summoned, but this has to be done with the realisation that a number of factors may have combined to bring about selection. Gilbert Pecche and John de Sudeley both inherited baronies, served regularly as bannerets in the royal armies and had connections with the royal household, the latter becoming Chamberlain in 1306. Though holding lands elsewhere, Robert de Clifford and William de Cantelupe were primarily Northern barons, the former in Yorkshire, Westmorland and Cumberland and the latter holding the manor of Ravensthorpe, Yorkshire. They featured prominently in Scotland. Clifford held various Wardenships and was Keeper of the Marches.¹⁶⁷ Outwith Scottish affairs, he

164. *G.E.C.* VI pp.69-73.

165. *Salt op.cit.* - embassies Nos. 4, 6, 9, 24, 33, 34-5, 36, 37, 41, 42, 43, 45, 46, 51, 53.

166. *G.E.C.* VI p.73.

167. e.g. *P.W.* I. p.301, 2 April 1296 - appointed as Captain of the Custody of the March of Scotland in Cumberland and Westmorland; *C.P.R.* 1292-1301 p.315, 12 July 1297 -

was from 1297-1305 Justice of the Forest, North of the Trent,¹⁶⁸ and it is surprising that his first summons was not till 1300. For lands held in Scotland, Cantelupe was called upon to provide men for the garrisoning of Scottish castles¹⁶⁹, and he was a commissioner both for the levying of foot soldiers and the purveyance of victuals in Yorkshire.¹⁷⁰

Regular involvement in Scotland, partly because of lands held there, may also account for the inclusion in the list of Alexander de Balliol, Edmund de Hastings, Peter de Chaumpvent and William de Rither. Though Balliol, through his wife, held the honour of Chilham in Kent and, by inheritance, one third of a barony in Hertfordshire, he also held lands in Scotland and was Chamberlain there in 1292.¹⁷¹ Hastings, Chaumpvent and Rither were all called upon to provide men for Scottish castle garrisons because of lands held there.¹⁷² Chaumpvent and Rither regularly had horses valued as members of the Household¹⁷³, and the former, who served as chamberlain, led a household cavalry contingent in Flanders in 1297.¹⁷⁴ John Paynel, summoned to all parliaments from 1300-7, but not re-summoned in the following

Captain for Cumberland; *Ibid.* p.387, 25 November 1298 -
 Captain for Westmorland, Lancaster, Annandale and the
 Marches as far as Roxburgh; *Ibid.* p.409, 23 April 1299 -
 Captain of defence in the parts of Carlisle and King's
 Lieutenant there; *C.P.R. 1301-7* p.426, 5 April 1306 -
 Captain in the company of Henry de Percy of the men of
 the Liberty of the Bishopric of Durham.

168. *C.P.R. 1292-1301* p.306.

169. E101/13/34/25 and E101/10/10.

170. e.g. *C.P.R. 1292-1301*, 1 March 1301 p.578; *C.P.R. 1301-7*,
 9 April 1303 p.133.

171. *C.P.R. 1286-92* p.494.

172. E101/13/34/25; E101/10/10; E101/9/16.

173. E101/5/23; E101/6/37; E101/6/40; E101/8/23; E101/9/24;
 E101/612/11; E101/612/21; E101/6/39.

174. Lewis *op.cit.* p.317.

reign till after the death of his elder brother, William, served regularly in the Welsh and Scottish Wars and always with either John or Edmund de Hastings. At Caerlaverock they are described as having in John Paynel 'a handsome and accomplished bachelor, well-versed in lore and arms'.¹⁷⁵ When John de Hastings went to Gascony as King's Lieutenant and Seneschal in 1302, Paynel accompanied him.

At this juncture in the evolution of parliament, it was not unusual for elder sons of barons to be summoned to parliament as well as their fathers. Summoned in 1300 were John de Clayvering, son of Robert fitz Roger, Theobald de Verdun Jun. and John de St. John Jun. of Halnaker and Basing. William le Latimer Sen. was apparently first summoned to this 1300 parliament, whereas his son, also summoned, first appeared on the list for 1299. This appears surprising as William le Latimer Sen. attended parliament as far back as 1290, when he was one of the barons who sealed the letter to the Pope from that parliament.

William Touchet, Robert de la Warde, Thomas le Latimer, John le Strange, Simon de Montacute, Thomas de la Roche and Amaury de St. Amand all appear to have come to prominence through being substantial landowners who served regularly in the King's armies, mainly as bannerets of the royal household. Le Latimer and St.Amand each held half a barony. Apart from military service, which included leading a household cavalry

175. Nicolas *op.cit.* p.57.

contingent in Flanders¹⁷⁶, Touchet in 1300 was responsible for summoning £40 landholders in Cambridgeshire and Huntingdonshire to muster at Carlisle.¹⁷⁷ De la Warde, an envoy of the King in 1301,¹⁷⁸ a frequent witness to royal documents rose within the royal household, being Steward from 1304 till his death in 1306. Evidence for le Latimer is sketchy and inconclusive but lists of protections, letters of attorney and respites of debts all suggest continuous service in every campaign from the Welsh Wars of 1295 onwards. The main evidence available for John le Strange relates also to military service dating back to the earliest Welsh Wars. In addition to similar service, particularly in Gascony where he distinguished himself by raising the siege of Bordeaux in 1296, Simon de Montacute was Governor of Corfe Castle in 1298.¹⁷⁹ Sanders has no reference to Thomas de la Roche, but a letter from the King to the Prince of Wales, dated at Ghent 8 November 1297, refers to de la Roche serving in the company of Hugh le Despenser and showing the King 'that he has been disseised of all franchises pertaining to his barony of la Roche since his departure from England to his serious loss and disinheritance'. The King orders that these franchises should be restored.¹⁸⁰ From 1285-90 and again from 1292-6, de la Roche was sheriff of the county of Cork and a commissioner in West Wales in 1297, where he had been previously sent in 1293 to preserve peace.¹⁸¹ Governor of Marlborough Castle in

176. Lewis *op.cit.* p.317.

177. *C.C.R. 1296-1302* pp.388-9.

178. *Ibid.* p.416.

179. De Walden *op.cit.* p.124.

180. SC1/45/93.

181. Moor *op.cit.* IV p.130.

1294, Amaury de St. Amand saw service in Gascony, where he was apparently taken prisoner, and in Scotland, was appointed Constable of Oxford Castle in 1301¹⁸², and served as Governor of Bordeaux in 1305, from which post he returned in disgrace.¹⁸³ It is difficult to find definitive evidence in relation to St. John of Lageham, because of the difficulties of distinguishing between him and the two St. Johns of Halnaker and Basing. In May 1300 he was appointed for Oxfordshire to hear and determine complaints and trespasses against Magna Carta and the Forest Charter.¹⁸⁴ Overall, one can conclude tentatively, that in 1300 Edward was introducing into parliament men who had served him well, particularly as bannerets leading household contingents, but also in important aspects of civil administration.

Can one reach any conclusions as to why this group of over ninety was summoned in 1300? Powell and Wallis state that 'in the later years of the reign the military summons were sent to much the same list as the parliamentary writs'. They describe the parliamentary list for 1300 as having been 'itself a muster list'.¹⁸⁵ What is the evidence? On 26th. September 1298 writs were sent to all the English Earls, the Earl of Angus and the Earl Patrick (of Dunbar) and to 102 *barones* to be at Carlisle on 6 June to muster with all honour

182. *Ibid.* pp.167-8.

183. Nicolas *op.cit.* pp.197-8. Details of the case against St. Amand, primarily in relation to his keepership of Oxford Castle, are to be found in *Rot. Parl.* I p.176 and *Memoranda de Parlamento 1305* Ed. F.W. Maitland pp.279-80 No.452.

184. *C.P.R. 1292-1301* pp.515-7.

185. Powell and Wallis *op.cit.* pp.229 and 309.

against the Scots and to put in seisin those to whom the King had granted lands in Scotland. The list bears no meaningful comparison with the writs for parliament issued in February 1299. Further writs were sent proroguing the muster till 2 August, dated Stepney 7 May. On 16 July the muster was further prorogued without a new date being fixed. On 17 September another set of writs was issued now calling the muster for York on 12 November 1299. On 30 December, the day after writs were issued for the 1300 parliament, yet another series of writs was sent, dated at Berwick, to muster at Carlisle on 24 June 1300. Each of these lists was clearly and closely based on the one immediately preceding. The format and order of names is virtually identical but with omissions and inclusions at each stage. Compared with the writs of September 1298, those of December 1299 show, among the barons, fourteen deletions and six additions with a total of 94 being called to muster on 24 June 1300. The similarity between this final list and the parliamentary list is striking. Two who appear on the muster list were not summoned to parliament. Alan la Zouche's probable absence overseas has been discussed. John de Hodelestone was never summoned to parliament, though he was a signatory of the letter to the Pope in 1301. Because of his involvement in the Scottish Wars, through appointments as Captain of the Marches for Cumberland and Westmorland and involvement in raising men-at-arms and foot, it is probable that his landholdings were in the northern counties.¹⁸⁶ He

186. *C.P.R. 1292-1301*, 18 October 1297 p.312; E101/11/11; E101/8/4; *C.C.R. 1296-1302* pp.388-9; *C.P.R. 1292-1301*, 23 October 1297 p.313; *C.P.R. 1301-7*, 7 April 1303 pp.132-3.

served in all the Scottish campaigns from 1296 to 1303 and is included in the Great Parliamentary Roll of Arms. It is difficult to find a rational explanation as to why someone like Hodelestone was not summoned to parliament whereas shadowy figures like Nansladron and Morley were.

The two summoned to parliament but not on the muster roll were John de St. John of Lageham and Geoffrey de Geneville. The former probably derives from the confusion that existed in relation to the various St. Johns. Geneville did provide military service in Wales in 1295 and in Flanders in 1297, where he led a cavalry contingent¹⁸⁷, but he does not appear on any list of protections or respites for the Scottish Wars. It was likely that he was abroad on the King's service when the original muster writs were compiled. He would certainly have been overseas at the time of the Carlisle muster in June as he was appointed on 15 April to go to Rome for the final negotiations of peace with the King of France.¹⁸⁸

There can be no doubt that the parliamentary list and the muster list were closely interconnected. If this merely reflected existing practice, as implied by Powell and Wallis, why was the parliamentary list of February 1299 so radically different from the military list of September 1298? A consideration of the political situation which faced Edward I in 1299 suggests that the correlation between major military summons and summons to parliament was an act of deliberate

187. Lewis *op.cit.* p.317.

188. Salt *op.cit.* No.42

policy on the King's part.

After the dispute with Bohun and Bigod in 1297 Edward's relations with elements within the baronage remained strained. Continued baronial demands for renewed confirmation of the Charters, particularly in relation to the forests, and the King's prevarications at the first 1299 parliament¹⁸⁹, made relations uneasy, despite Edward's reluctant concession of a perambulation of the forest at the May parliament. Edward's major objective of completing the conquest of Scotland continued to elude him. As Prestwich points out 'the political quarrels were influencing the conduct of the war in the most unwelcome way for the King'.¹⁹⁰ The barons were not opposed to the King's war aims. A number sought seisin of lands granted them in Scotland. But cooperation was less than wholehearted because of their belief that the King was not adhering to the terms of the confirmation to which he had agreed in 1297. Given his failure to subjugate the Scots, despite the victory in 1298 at Falkirk, Edward must have reached the conclusion that conquest could only be achieved with the total involvement and cooperation of the magnates. This would only be obtained if he adopted a conciliatory approach. Through the military summons, first issued on 26 September 1298, the King had identified the barons whose service with horses and arms

189. *The Chronicle of Bury St. Edmunds* Ed. A. Grandsen p.12. The chronicler recounts that at this parliament the earls and barons, exasperated by the morose, superfluous and verbose entanglements of the King, went away and vowed that they would not begin to be peaceful until the King instructed by their counsel warned them quickly that their petitions would be fulfilled.

190. M. Prestwich *War, Politics and Finance under Edward I* p.264.

he required to mount a successful major offensive north of the border. It is logical that these should be the same people whose support he should seek to obtain by summoning them to parliament and accepting the main baronial demands in 1300.

The predominance of the Scottish dimension among Edward's criteria in selecting members of the nobility for writs of summons from 1300 onwards is borne out by considering those known to have been granted lands in Scotland in 1298.¹⁹¹ Every one of them summoned to parliament during Edward I's reign was, with the exception of Alan la Zouche, discussed above, a recipient of a writ of summons to the parliament held in 1300. Apart from Edmund d'Eyncourt who first appears on the muster list for 24 June 1300 at Carlisle, they were all summoned on 26 September 1298 to muster against the Scots to put in seisin those to whom the King had granted lands in Scotland. Moreover five of them, Robert de Clifford, William de Cantelupe, William le Latimer Sen. Alexander de Balliol and Peter de Chaumpvent were in 1300 summoned to parliament for the first time.

Rothwell argued that the 1300 parliament represented a victory for the King¹⁹², but his arguments are tenuous and, the *Articuli Super Cartas* did not represent a baronial retreat from the position gained in the confirmatio of 1297.¹⁹³ The *Articuli* represented a significant advance for the baronial

191. *Infra* Ch.III. p.288.

192. Rothwell *op.cit.* pp.327-9.

193. M. Prestwich *War, Politics and Finance under Edward I* p.226.

cause, underpinned at the Lincoln parliament when Edward agreed to put the findings of the perambulation of the forest into effect in return for a grant of a fifteenth. This secured baronial support for the campaigns of the early 1300s which seemed to produce complete victory over the Scots. The grant alleviated some of the financial difficulties experienced in funding the continuing war. For these campaigns the military summons were all based on that of September 1298 as were the parliamentary summons derived from that of December 1299. For the remainder of his reign, those summoned to parliament were essentially those to whom Edward made concessions in 1300 and 1301 and on whom he relied for a successful outcome to the Scottish campaigns. Edward I selected for parliament for advice and counsel those men on whom he relied for the implementation of his major policy objective, the conquest of Scotland.

The writs of summons on 26 September 1300 for the famous Lincoln parliament to meet on 20 January 1301 specifically mention that the perambulation of the forest recently undertaken is to be discussed. Every one of the *barones et milites* on the chancery list printed by Palgrave had been summoned for the 1300 parliament, with the exception of Alan la Zouche, now returned from overseas, and Peter Corbet, a straight substitution for his father who had died.¹⁹⁴ Nineteen names are omitted. John Wake and Oliver Dynaunt had died.¹⁹⁵ Thomas de Furnivall and Theobald de Verdun Sen. are included

194. *C.I.P.M.* III pp.651-2 No.600.

195. *Ibid.* pp.448-50 No.597 and p.404 No.532.

in the document published by Cole. From the wardrobe accounts cited by Prestwich it can be seen that Henry Huse, Henry de Tregoz, Walter de la Teye and Peter de Mauley were also summoned. Geoffrey de Geneville and Otto de Grandison were envoys at the Court of Rome.¹⁹⁶ Geoffrey de Caumville may have been in Ireland, having been given letters of protection for two years in October 1299.¹⁹⁷ Though not apparently summoned to Lincoln, the following sealed the letter to the Pope - William le Latimer Sen., John de St. John Jun., Ralph de Grendon and Henry de Pinkeny. The involvement of the Verdun family appears to have been solely through the father. The remainder, neither summoned nor signatories of the letter, were the shadowy figures of Nansladron, Sampson and Morley.

From Lincoln on 14 February 1301 a writ of military summons was issued to *comitibus, baronibus et militibus* to muster with horses and arms at Berwick on 24 June against the Scots. A further summons to three earls and twenty barons was dated 1st. March. Taken together, the names are virtually identical to the military summons of 30 December 1299. One addition is John de St. John Sen., and John Wake, who had died, is omitted. Two further omissions are Ralph Basset of Drayton and Roger la Warre. Their names appear concurrently on all the previous summons, together with the further summons of 1302, and their omission would appear to result from clerical error.¹⁹⁸ Also added is a Scottish nobleman, Richard Siward,

196. Salt *op.cit.* No.42.

197. *C.P.R. 1292-1301* pp.441-2.

198. It appears inconceivable that Basset, reputed to have overruled squadron commander Antony Bek at Falkirk in 1298 by leading a successful charge against the Scots

who appeared on three earlier summons. Whereas the parliamentary list for Lincoln shows signs of deliberate alteration compared with that for 1300, the military list is much more a straight copy of that immediately preceding.

At this time Edward I attempted to raise part of his army for Scotland by summoning many knights to the Carlisle muster *ad vadia nostra*.¹⁹⁹ Those summoned included a number previously summoned to parliament as barons, but also some whose names appear on the muster list for service, including Pinkeny, Knovill, Chaumpvent and Nansladron. Also summoned from Surrey and Sussex was John de St. John of Lageham, summoned to six of the seven parliaments from 1300 onwards, but never included on the military summons. The inclusion under knights of the shire of names of those also on the muster list originally directed to *baronibus* show that any distinction between a *baro* and a *miles* was far from absolute. On the other hand, the comparatively small number, about a dozen in total (though some of the knights might well have been sons of barons of the same name e.g. Walter de Faucomberge and John fitz Reginald) shows that a clear distinction and differentiation did exist between at least the *barones maiores* and the remainder of the *nobiles*.

The parliamentary summons for both parliaments of 1302 were derived from that for Lincoln. Changes were minimal.

whilst the Bishop of Durham wished to delay, would not have been summoned - L.F. Salzman *Edward I* p.144.

199. P.W. I. pp.349-56.

Peter de Chaumpvent is excluded, having died.²⁰⁰ The late Andrew de Eastleigh is replaced by his son Nicholas. The inclusion of Thomas de Furnivall and William le Latimer Sen., given that Cole implies a summons to the former for Lincoln, and the confusion about the Latimers, Senior and Junior, suggests they were in fact summoned in 1301. The one addition is that of William de Ros of Helmsley. He held major estates *per baroniam* in Yorkshire, Leicestershire and Northumberland. Though he sealed the letter to the Pope, he was last summoned for March 1299. His name does not appear on any of the writs of military summons under consideration. This is surprising because there is conclusive evidence that he served in every military campaign in Scotland during the reign.²⁰¹

The list for the second parliament of 1302 is identical to the first except for the omission of John de la Mare. The most obvious explanation is clerical error. He was again summoned in 1305 and 1307 and regularly up to his death in 1315. This parliament was prorogued from 29 September to 14 October. As previously discussed, a number of barons were not re-summoned, some being specifically ordered to remain in Scotland.

The writs of military summons issued on 7 November 1302 for a muster at Carlisle on 26 May 1303 are clearly derived from those of 24 June 1301. The names of Basset of Drayton and la Warre reappear. Excluded are Oliver Dynaunt and William de

200. *C.I.P.M.* IV p.94 No.152.

201. C67/11, 13, 14, 15 and 16.

Morley, both deceased. The omission of John de Hastings, Simon de Montacute and John Paynel is explained by their absence in Gascony on the King's service. John fitz Reginald was one of those omitted from the main list for the muster summoned in 1301 but included in the supplementary list of 1 March. It is likely that when these names were restored to the main muster list in 1302 his was omitted in error. The only other alteration is the omission of the Scottish baron, Siward. Andrew de Eastleigh's name remains though he is known to have died, but as his son replaced him on a parliamentary list, he may well have undertaken his father's military obligations.

Of the remaining three parliaments of the reign, the writs of summons for those of 1305 and 1307 were clearly derived from that of 1300, given that eleven of those summoned were not summoned for either parliament in 1302. The writs for these parliaments more clearly correspond to those for the Lincoln parliament of 1301, as do those for 1306.

Eighty of those summoned in 1300 were re-summoned in both 1305 and 1307, or in the case of Peter Corbet, John de l'Isle and Walter de Faucomberge were replaced by their heirs.²⁰² A further twelve had died without a successor being summoned. Henry de Pinkeny had surrendered his barony to the Crown in 1301 and was never again summoned to parliament. Only Otto de Grandison, of those summoned in 1300 and 1305, did not receive a writ in 1307. Although there is no specific evidence, it is

202. *C.I.P.M.* III pp.451-2 No.600; IV pp.152-4 No.232; *Ibid.* p.137 No.215.

probable that he was on royal service abroad. It is known that he was sent to the Pope in October 1305 and in March 1307 was ordered to accompany the Lord Edward to France.²⁰³ Alan la Zouche, omitted from the 1300 list, reappears for both 1305 and 1307.

In the writs of 12 November 1304 two new names appear, Robert Burghersh and William Paynel, neither of whom is included in any of the military writs from 1298-1302, though Paynel was summoned from Southampton at the King's wages in March 1301. Burghersh, a member of Prince Edward's Council in 1297, Custodian of the Cinque Ports and Constable of Dover Castle, died in October 1306 and only received this solitary summons.²⁰⁴ Paynel, elder brother of John, and who was summoned to parliament in the reign of Edward II, may have been included in error. When the parliament was prorogued and fresh writs issued on 22 January 1305 he was the only original recipient omitted.

In 1307 Marmaduke de Twenge, a landholder in Yorkshire and Westmorland, and frequently encountered serving in Scotland, was not summoned originally to the Carlisle parliament. But he was, on 22 February, among those summoned to attend at Carlisle on 12 March for the meeting with the papal legate. He continued to be summoned to parliament up till his death in 1323.

203. C.L. Kingsford 'Sir Otho de Grandison (1238-1328)', *T.R.H.S.* 1909 pp.127-73; Salt *op.cit.* Nos. 51 and 53.

204. Moor *op.cit.* Vol.I. p.163.

The final parliament to consider is that summoned on 5 April 1306 for Westminster on 30 May. Sixty-three of those summoned to parliament on 24 July 1302 were re-summoned. Only one new name appears, that of John de Ingham. His name did appear on the first three lists of military summons we have considered, but he was not summoned to parliament on any other occasion and does not merit an entry in the Complete English Peerage. He was summoned in March 1301 for military service at the King's wages as a knight from Norfolk and Suffolk.

Since 1302 Elys d'Aubeny, Hugh Bardolf, William le Latimer Sen., Edmund de Mortimer, Robert de Tateshale and Robert de Scales had died²⁰⁵, though the latter's son was summoned to Carlisle in 1307. Twelve further names are omitted - Alexander de Balliol, Robert de Clifford, Edmund de Hastings, Walter de Huntercombe, John de St. John de Lageham, John de Segrave, Aymer de Valence, Robert fitz Roger, William de Grandison, William le Latimer Jun., Robert de Monthalt and Henry de Percy. The first seven were in the eight not summoned to the prorogued parliament in October 1302 and, at first sight, it might be concluded that the list for 1306 was drawn from that for the prorogued parliament. However, John de Hastings, excluded in the writs of prorogation in 1302 is included. Circumstances, however, in 1306 were similar to those applying when Balliol, Clifford, Hastings, Huntercombe, Segrave and le Latimer Sen. were ordered to stay in Scotland

205. *C.I.P.M.* IV pp.221-2 No.324 (d'Aubeny); pp.166-70 No.236 (Bardolf); p.225 No.230 (Latimer); pp.19-20 No.41 (Mortimer); pp.103-8 No.163 (Tateshale); pp.220-1 No.323 (Scales).

instead of coming to parliament in October 1302. The 1306 parliament coincided with efforts being made under Aymer de Valence to crush Brus's rebellion. There is ample evidence that most of the twelve omitted from the writs of 1306 were active against Brus in Scotland when parliament met. On 6 April Clifford and 8 April Balliol, Latimer and Hastings had letters of attorney setting out for Scotland at the King's command.²⁰⁶ On 10 May Huntercombe had letters of protection staying in the garrison of Berwick and Segrave had letters dated 24 May.²⁰⁷ On 5 April Aymer de Valence was appointed Captain and Lieutenant of the Marches and Robert fitz Roger was requested to assist him.²⁰⁸ Likewise Percy was appointed for Cumberland and Galloway and Lancaster commanded to assist.²⁰⁹ A St. John, not designated as of Halnaker, Basing or Lageham, had protections on 9 May staying in Scotland.²¹⁰ Evidence is more difficult to find for Grandison or Monthalt but both served regularly in Scotland for pay, and an undated document gives details of payments made to Monthalt serving under Valence, Captain of the Marches.²¹¹ It can be argued that a group of barons who would normally have been summoned to parliament were omitted because of the over-riding demands of

206. C67/7.

207. C67/16.

208. *C.P.R. 1301-7* p.426 and *P.W. I.* p.374.

209. *P.W. I.* p.374.

210. C67/16.

211. E101/14/5. As Aymer de Valence is styled Earl of Pembroke, this document dates from the reign of Edward II. But the payment of £233.6.8 out of a total owed to Monthalt of £500 could well be for service provided earlier. As Prestwich has demonstrated 'Exchequer and Wardrobe in the Later Years of Edward I' *B.I.H.R.* 1973), payments were often long delayed. He instances Valence not being paid in part till 1322 for £2240 owed to him for the campaigns against Brus in 1307.

the situation in Scotland. However, this line of reasoning is weakened by the fact that Huntercombe, Grandison, Segrave and Edmund de Hastings appear from the evidence of the wardrobe accounts to have been summoned after all. Finally individual writs are extant sent to three barons not included on the list of summons, Geoffrey de Caumville, Ralph de Grendon and Theobald de Verdun Sen., all of whom appointed procurators in their place.

Despite the efforts of Aymer de Valence to quash Brus's rebellion, Edward I found it necessary to plan a further against the intransigent Scots. On 10 May 1306, writs of military summons to muster at Carlisle on 8 July with all service or to make fine at the Exchequer prior to the date of the muster were sent to eighty-one individuals.²¹² This list was not derived from the earlier lists of 1298-1302 discussed above. Of the ninety summoned in November 1302, only forty-two now appear. Thirty six now summoned do not appear on any of the earlier lists, although a sizeable proportion were included amongst those from the shires summoned in 1301 to serve at the King's wages. Some of those most prominently involved against the Scots, and known to be serving in Scotland, are not listed including Percy, William le Latimer and Clifford. A large number of those who had letters of attorney and protections in April and May 1306 do not appear. This list does not in any way represent a comprehensive catalogue of those serving in Scotland in mid and late 1306. It may be that Edward was seeking a restricted force to

bolster the efforts of Valence and those already serving under him in Scotland, and to help pay for the continuing Scottish campaigns by specifically inviting fines as an alternative to service.

What can be learned from this detailed examination of the writs of parliamentary summons for the years 1300-7 and from the writs of military summons issued between 1298 and 1302? Allowing for clerical errors in compilation, omissions (particularly because of deaths), inclusion of a relatively few new names and explanations as to other royal service and its effect on summonses, the continuity within both series is marked. Further, the correlation between both is significant. If one compares those summoned for the Carlisle parliament of 1307 with the military writs issued to muster in 1303, and discounts the nine who died in the intervening years, the similarity is pronounced. Treating writs to heirs of other barons who had died as straight substitutions, seventy-six names appear on both lists. Two of those on the military list were apparently not summoned to Carlisle in 1307. As previously discussed, Henry de Pinkeny had surrendered his barony to the Crown in 1301 and Otto de Grandison was probably on royal service overseas. Of those summoned to parliament, but excluded from the muster list, John de Hastings, Simon de Montacute, John Paynel and Geoffrey de Geneville were all on royal service abroad. There is evidence that William de Morley died in 1302 and continued to be summoned in error. Henry de Tregoz, though summoned according to wardrobe accounts evidence in 1301, does not appear on the chancery lists till

1305 and identification problems in relation to John de St. John of Lageham have been elucidated. No explanation other than clerical error can be given for the omission of John fitz Reginald. It is known that on 16 July 1303 he proffered service for three knights' fees.²¹³

Two chancery lists were used for parliamentary summons, those of 1300 and 1301, for the subsequent parliaments, but there is a degree of similarity which is marked as all those bar Peter Corbet, who succeeded his father, and Alan la Zouche, explained above, summoned to Lincoln had been summoned to parliament the previous year.

The muster lists all derive from the list of 26 September 1298. Alterations in the various prorogations of that summons to subsequent lists resulted in the writs of 30 December 1299 being almost identical to the parliamentary lists of 29 December. This could not have been accidental. Edward I was summoning to parliament to deal with the continuing vexed issue of the charters the same barons that he would rely upon to provide the core of the army for the subjugation of Scotland. Having constituted a body of *barones maiores* for summons to parliament, Edward saw no pressing need to make radical changes for the rest of the reign. The selection of barons for the parliaments of 1300 onwards was far from haphazard, was done for sound reasons of political judgement and clearly contradicts the view of Powell and Wallis that the lists of those summoned for the period 1295-7 were 'typical of

the rest of the reign.²¹⁴ It also casts serious doubts on Michael Prestwich's view that it is still not possible to show that there were any clear criteria for determining who should receive parliamentary summonses.²¹⁵

Some account must be taken of the famous baronial letter to the Pope from the Lincoln parliament of 1301. The evidence from the wardrobe accounts cited by Prestwich demonstrates a closer correlation between those summoned to Lincoln and those actually sealing the letter than has generally been thought the case. A further eleven of those who sealed the letter are now known to have received writs of summons. But one still has to ask why, if those summoned to that parliament did at least represent the King's view as to who his *barones maiores* were, and also comprised those who spearheaded his military exploits in Scotland, for a letter giving a spirited defence of his involvement in Scotland, did Edward I deem it necessary to expand the signatories to people not summoned to Lincoln? Of those summoned to parliament on all the outstanding evidence, ten did not seal the letter to the Pope. This should not be taken to mean that they did not attend. As Round has demonstrated, details are extant of expenses paid to messengers who took the document around the country for barons to append their seals. How this operation was carried out is not known.²¹⁶ Of those who sealed the letter but were not summoned to Lincoln there is nothing to suggest they were a

214. Powell and Wallis *op.cit.* p.230.

215. M. Prestwich 'Magnate Summonses in England in the Later Years of Edward I' pp.100-1.

216. J.H. Round 'The Barons' Letter to the Pope', *The Ancestor* Vol. VI. p.189.

specific group. Eleven had previously been summoned to parliament and William Paynel was to be summoned later in the reign. Of the six never summoned to parliament in Edward I's reign, three, Fulk le Strange, Nicholas de Meynill and William le Marshall became parliamentary barons in the next reign. John de Havering, summoned to both parliaments in 1299, may well have been at Lincoln as Cole provides evidence of a writ of summons in his role as a justiciar. It should also be borne in mind that at least seventeen people previously summoned to parliament, of whom six were again to be summoned before Edward's death, were neither summoned nor sealed the letter.

It may well be that the final composition of those sealing the letter was somewhat arbitrary. Edward wished to demonstrate to Boniface, as he had done with the letter to the Pope from the 1290 parliament, that he had the full backing of his magnates. The core of those sealing the letter was composed of those summoned to Lincoln, augmented by others, perhaps out of a wider potential list, who proved contactable by royal messenger prior to the document being dispatched to Rome. That wider list was possibly composed of landholders previously summoned to parliament, bannerets of the royal household, and others with particular, personal involvement in Scottish affairs, such as John de Hodelestone.

A Parliamentary Peerage in Embryo

Most historians researching the development of a parliamentary peerage within the House of Lords, have seen this as a fourteenth-century phenomenon. This view is most

strongly advanced by Powell and Wallis who date the emergence of the parliamentary peerage to the reign of Edward II. They argue that in his reign there was no longer 'a fluctuating haphazard list of barons'. They contend 'the summons of magnates to parliament by individual writ had moved far towards becoming standard'.²¹⁷ But is this not exactly what had been happening between 1300 and 1307? Are there any marked differences between the selection of barons for parliament in the period 1300-7 and the reign of Edward II? Powell and Wallis point out that those summoned for the first five parliaments of Edward II were basically the same as for the Carlisle Parliament of 1307, any additions being persons or heirs of persons previously summoned.²¹⁸ They do not draw the obvious conclusion that Edward II must have had a reason for not making major changes. He was summoning those now expected to provide advice and counsel from an established list. Continuity between the two reigns is remarkable. A total of 116 barons were summoned to parliament between 1300 and 1307. Of those twenty-one had died before Edward II's accession. Of the remaining ninety-five, sixty-four continued to be summoned up to their deaths either in the reign of Edward II or Edward III, and a further fifteen were summoned for part of Edward II's reign. This represented a far greater level of continuity than between 1296 and 1297, 1297 and 1299 or 1299 and 1300. It reflects the growing stability of writs of summons seen in the last seven years of Edward I's reign. Only fourteen of those summoned between 1300 and 1307 were never summoned in the

217. Powell and Wallis *op.cit.* p.303.

218. *Ibid.* p.309.

next reign.

Powell and Wallis point out that a new list was produced for the parliament of 1309, with enlargements again in 1313 and 1314, the list of 1314 remaining standard altered only for deaths and successions until 1321. A fresh list produced for that year remained the basis for the summons for the rest of the reign.²¹⁹ A revision in 1309 would be essential because of declining numbers. With few new men being introduced between 1300 and 1307 and a total of thirty-four deaths, new blood was required. This pattern of revision at intervals continued throughout the fourteenth century, though from about 1350 fewer additions were made. This was inevitable because of the large number of barons who died without male issue. Out of the 116 summoned from 1300-7 at least 24 had no sons to succeed them. Out of the sixty 'new' men summoned at some point during Edward II's reign, eleven shared the same fate.

Powell and Wallis see the period from 1314 to the end of the reign, with only one major revision in the list of 1321, as demonstrating marked stabilisation. But, following the major changes in 1299 and 1300, is this not exactly what happened between 1300 and 1307? They state that 'after 1321 a fresh list remained the basis of summons for the rest of the reign'.²²⁰ In fact eight new people were summoned in that period of whom two had one solitary summons each. After 1300 nine received a first summons, seven for one parliament only.

219. *Ibid.* pp.309-10.

220. *Ibid.* p.310.

One of those, Robert Burghersh, died thus precluding any further summons. William Paynel was not resummoned when the one parliament for which he had a writ was prorogued. John de Botetourte, Robert Hastang, John de Kingstone and, possibly, John fitz Marmaduke were summoned to Lincoln in 1301 because of their specialist knowledge of the main business.

Are there other features of the selection of barons for the parliaments of Edward II that show marked differences from the last years of Edward I? Of the eighty-one recipients of summons between 1300 and 1307, who continued to be summoned in the reign of Edward II, fifteen did not continue to be summoned regularly up to their death. Similarly, of the sixty new men summoned by Edward II, nineteen were only summoned for a limited period. There was no greater guarantee in the reign of Edward II that receipt of a summons meant the practice being continued for the remainder of one's lifetime, let alone being the beginning of an hereditary situation.

Of the eighty-one mentioned above, thirteen survived into the reign of Edward III. Of the remaining sixty-eight, seventeen died without direct male heirs to succeed them; in thirty-one cases their eldest sons received parliamentary summons; in five cases such summons went to younger sons or bypassed a generation and went to grandsons; fifteen male heirs did not follow their fathers into parliament. How does this compare with the sixty new men summoned by Edward II? If the latter's reign saw a period of greater stability, one would expect significant differences and signs of greater

continuity. If anything, the reverse is true. Forty-nine produced male heirs. Of these only twenty were summoned to parliament; in three cases later descendants were summoned; but in a majority of cases, twenty-six, no further parliamentary summons were received by the family. These statistics confirm that no progress was made in the reign of Edward II in comparison with the reign of his father towards the establishment of an hereditary peerage.

A careful comparison of the baronial element in parliament between the reigns of Edward I and his son show no striking differences. Either Powell and Wallis are overstating the importance of the reign of Edward II in the development of the parliamentary peerage, or they are failing to take adequate account of the period 1300-7 as being part of the development. The evidence does not support the contention that the period 1307-30 saw the emergence of a definable order whereas the previous reign was typified by 'haphazard summons according to the chance or exigencies of the moment'.²²¹ They further argue that in Edward II's reign 'precedent' and 'the record' were combining with the shadowy notion of 'barony' to produce a limited number of estates, whose possessors summoned to parliament by individual writ would be 'the baronage in parliament' or 'the peers of the realm'.²²² There is no doubt that in Edward II's reign, as from 1314-21 and from then to his death, there were periods of stability where a specific group was summoned to parliament. But this was no different

221. *Ibid.* p.315.

222. *Ibid.*

from the period 1300-7. There was no greater presumption in Edward II's reign that son would follow father to parliament. Out of those first summoned to parliament in 1299 and dying before the accession of Edward III who had a male heir, twenty were followed into parliament by sons or grandsons and sixteen were not. Comparable figures for the reign of Edward II were twenty-three and twenty-six respectively. There is some truth in the suggestion that 'precedent' and 'the record' played a part in that for the barons summoned from 1299 onwards who had previously been summoned, thirty-four had successors summoned to parliament and only eleven not. It does seem that the longer an individual baron or a family received summons to parliament the more likely it was that the 'right' of summons would pass to the next generation.

There is some evidence to support the Powell and Wallis view that 'barony' still played a part. Of those summoned to parliament between 1300 and 1307 who held land *per baroniam* and died before the end of Edward II's reign, thirty-three were succeeded by their sons and ten were not. But, in their summary of the situation by the end of the reign of Edward II, and in the conclusions at which they arrive, Powell and Wallis lay too much stress on families. Being summoned to parliament was not as yet, as it was in the case of the English earls, a right which passed from father to eldest son. In selecting new men in 1299 and 1300, the King was choosing individuals not families. Many of these called upon were selected because of service to the individual monarch. Powell and Wallis do not give sufficient weight to the views of McFarlane and others

that service was an important criterion for promotion to the 'peerage'. Service most rewarded in the reign of Edward I was military, but others, involved in the royal household, in judicial administration and in the King's service overseas also rose to prominence. In the troubled reign of Edward II the King, much more than his father, rewarded personal favourites. It is hardly surprising that a prominent position, including summons to parliament, was often special to an individual.

In discussing the Ordainers in the reign of Edward II, Powell and Wallis make the valid point that when the Ordainers describe the prelates, earls and barons by whom they were elected as 'the baronage' and 'that in parliament', they emphasise not just the common quality of being barons but also their efficacy in a particular setting 'in parliament'. From this they contend that the notion of the prelates, earls and barons as an element within parliament and an order within the realm is not far off. They argue that the ideas of 'the baronage and that in parliament' are only consistent with a stable baronial list and inconsistent with a haphazard summons.²²³ It is true that the earls and barons themselves, as most clearly seen in the pronouncements of the Earl of Lancaster, began to see the baronage and that in parliament as having a specific role and indeed order. This awareness may have had wider credence and at least been acknowledged by the King.

223. *Ibid.* Ch.15 'The Ordainers and the Baronage' pp.277-87.

Such concepts rarely develop overnight. They have a gestation period. Given that the Ordainers were appointed in 1310, it is logical that ideas of the baronage in parliament germinated in the previous reign. All the Ordainers of 1310, with the exception of William le Marshall, had been summoned to parliament under Edward I, though John de Grey only to Salisbury, 1297 and Lincoln, 1301. The disputes between Edward I and some of his magnates were settled within parliament, particularly at London in 1300 and Lincoln a year later. Given the major revision of the parliamentary list for 1300, the standardisation and stabilisation of that list for the remainder of the reign, and the correlation between the parliamentary lists and the muster lists of those the King sought to utilise to attain his major policy objective of the conquest of Scotland, a case can be argued that the astute and wily Edward I recognised the existence of a specific group of barons, a parliamentary baronage whose cooperation was essential to him.

A study of the evidence available suggests that at least the embryonic beginnings of the parliamentary peerage can be found in Edward I's reign. That of Edward II was not a major watershed in the history of the mediaeval House of Lords but reflected developments already taking place in the previous reign. Although the term *maiores barones* of Clause 14 of the original of Magna Carta is not used in documentation other than in a grant made to the King in 1275,²²⁴ a group of 'greater barons' did exist by 1307. This equates with Dr.

224. *Ibid.* p.203.

Given-Wilson's description of the 'greater barons' as what modern historians more commonly term the baronage and 'lesser barons' as the knightly class.²²⁵ In 1307 the *maiores barones* were essentially those summoned to parliament since 1300 and summoned individually for service in Scotland with horses and arms. Of course it is impossible to make clear-cut categorisations 'as there is no neat cut-off point'.²²⁶ A number of those summoned to parliament, such as Serlo de Nansladron, William de Morley and Roger de Mortaigne were knights of relative obscurity. Some major landholders *per baroniam* like Ralph de Neville, holder of the honour of Ashby, summoned to parliament from 1295 to 1299 and again throughout the reign of Edward II till his death in 1331, do not feature in the parliamentary or military lists for 1300-7.²²⁷ But a group of roughly 100 individuals deserve this description. The word individual must be stressed. Although position was derived largely from inherited family estates, there are a number of cases where more than one member of any given family had baronial status. It was not uncommon for fathers and sons to be summoned to parliament or to provide military service in their own right. The same is true of brothers, and not only younger brothers of earls as with Hugh de Vere and Henry de

225. Given-Wilson *op.cit.* p.12.

226. *Ibid.*

227. It should be noted that Miss Fraser argues that Neville with John fitz Marmaduke, opposed to Antony Bek's execution of Edward I's order to raise 5-6,000 men from Durham to appear at Berwick, 'took their complaints to the Lincoln Parliament of 1301'. Her evidence is from P.R.O. Ancient Petition E.770. Evidence from the wardrobe accounts corroborates a writ of summons for fitz Marmaduke but there is no similar evidence for Neville being summoned. C.M. Fraser 'Edward I of England and the Regalian Franchise of Durham' *Speculum* 1956 p.336.

Lancaster.

The English peerage of the second half of the fourteenth century has been identified as comprising some 60-70 lords individually summoned to parliament. They formed a distinct and privileged group at the top of English lay society. They owed their social and political pre-eminence to their role as military commanders and advisers to the King and from their lordship of lands and men exercised in their localities.²²⁸ Admitting the greater fluidity of the baronage at the onset of the fourteenth century, is it possible to summarise the factors for a group deserving this description at this time? Do these equate to those identified by Given-Wilson for the later period?

Conclusion

As an appendix to this thesis, there is a list of eighty-five 'barons', a snapshot of the year 1307. The list contains the names of those summoned to the parliament of 1300, or their sons in the case of those who had died - Peter Corbet, Andrew de Eastleigh, Walter de Faucomberge and John de l'Isle. Added to the list is Alan la Zouche, summoned to the Lincoln Parliament of 1301 and every parliament thereafter till Edward's death. Excluded is Henry de Pinkeny who surrendered his barony to the Crown in 1301 and was never again summoned to parliament. One cannot argue that this list definitively comprises the baronage of 1307. But it undoubtedly includes

228. Given-Wilson *op.cit.* p.1.

the vast majority of those who can be regarded as *maiores barones*. A consideration of these eighty-five should demonstrate whether or not the criteria for *maiores barones* identified for the later fourteenth century 'baronage' are equally applicable during the first decade of the century.

To study these eighty-five 'barons' in adequate detail would necessitate a thesis in itself. However, a number of general points can be made and examples given to see how far this composed a homogeneous group and what characteristics they shared that would make them valued by the King.

That tenure, albeit because of precedent rather than any rights pertaining thereto by the beginning of the fourteenth century, was still of some importance to the concept of baronage is borne out by fifty of the eighty-five holding *per baroniam*. A number held less than half a barony and about a quarter held by marriage but the majority held through inheritance.

Military service of value to the Crown is also proved beyond doubt. Those of age in the 1280s appear regularly on the writs of military summons for campaigns in Wales; well over half had protections for service overseas, Gascony in 1294 or Flanders in 1297. Where they are most regularly seen on military service for the Crown is in the Scottish Wars. Including the various prorogations in 1299 a total of seven writs of military summons to muster with horses and arms for the Scots War were issued, all apparently deriving from that

of September 1298. The eighty-five appear on all seven lists with a few exceptions. Ralph Basset, Roger la Warre and John fitz Reginald each were omitted once, through clerical error. John de Hastings, Simon de Montacute and John Paynel, on the King's service in Gascony, were missing from the last in the series. Otto de Grandison appeared on only the last three, probably because of his diplomatic service overseas. Henry de Huse and Serlo de Nansladron do not appear until the fourth series and Amaury de St. Amand till the fifth. The appearance of these names coincided with the disappearance of a total of eleven names from the original military lists. The parliamentary and muster lists were deliberately being brought together as a single standardised list. Either a summons to parliament carried with it the obligation of military service in Scotland, or such service merited a summons to parliament. Either interpretation demonstrates recognition by the King of a group within the nobility with both specific rights and responsibilities. Only two of those summoned to parliament received no military writs. They are Geoffrey de Geneville, regularly on the King's service overseas, and John de St. John of Lageham.

The military service provided in major campaigns was as bannerets leading principal cavalry contingents, each with knights and esquires serving under them. N.B. Lewis provides considerable evidence for the English forces in Flanders between August and November 1297. He shows that the troops were classified into household and non-household contingents

and most contingents were led by bannerets.²²⁹ The non-household bannerets were all men of landed property regularly summoned to parliament. Those still alive in 1307 appear in the list of eighty-five - John de Beauchamp, Geoffrey de Geneville, Edmund de Stafford and Thomas de Berkeley, who served with Aymer de Valence in an early indenture of military service in the largest contingent.²³⁰ As regards those of the household, bannerets included John d'Engayne, Robert fitz Payne, William de Leybourne, Walter de la Teye, Robert de Tony, William Touchet, Adam de Welles and the Steward, Walter de Beauchamp. They also include John de Botetourte, who served extensively in Scotland.²³¹ Whereas the others were all regularly summoned to parliament and for the Scottish musters between 1298 and 1303, Botetourte appears to have received one solitary summons to parliament, to Lincoln where his specialist knowledge of Scotland was sought.²³² Likewise he was summoned to the special assembly in 1305 to devise a scheme for the governance of Scotland. But he was summoned regularly to parliament in the reign of Edward II. The only reference to Botetourte on the muster lists is among the second smaller group summoned on 1 March 1301 to muster on 24 June at Berwick. Botetourte is of obscure origin and most of his lands were held jointly with his wife.²³³ He rose through loyal

229. Lewis *op.cit.* pp.310-7.

230. *Ibid.* p.317. The details of the indenture are extant E101/68/1/1,2 and 3 and are printed in *C.D.S.* II Nos. 905, 981 and 1004.

231. Lewis *op.cit.* p.317.

232. Beauchamp appears to have been present at the 1300 parliament and to have received a writ of summons for Lincoln. He also appears on the first three muster lists for Scotland.

233. *C.I.P.M.* VI pp.367-8 No.587.

service, particularly in Scotland where he held various appointments such as Keeper of the March of Lochmaben and Dumfries and Justice of Galloway.²³⁴ But his elevation to the 'baronage' was gradual and not complete till the reign of Edward II then being regularly summoned to parliament.

Two lessons can be learned from the above. Firstly, men like Botetourte, through service to the Crown, could rise in social status in due course. Secondly, whereas all barons were bannerets, the reverse is not equally true. Not all bannerets merit the description of barons. This is borne out by a great deal of evidence from the Scottish Wars. A number of documents for the period 1296-1307 give details of cavalry contingents. For example, there is a roll of horses of bannerets, knights and esquires of the King's household, valued by the Steward of the Household a.r. 29 Edward I.²³⁵ Among those described as bannerets are Adam de Welles, William de Rither, Robert de Scales, William de Cantelupe, William le Latimer Sen. and Jun., Fulk fitz Warine, Walter de la Teye, Aymer de Valence and Amaury de St.Amand. But the roll also includes others who were not English barons, Amaneus de la Bret, Henry de Beaumont, John la Ware and Roger de Moeles.

Provision of military service alone, not even as bannerets leading cavalry contingents, is an inadequate criterion for determining membership of the baronage. Although he gives the impression that all those receiving writs of

234. E101/10/20; C.D.S. II No.1399.

235. E101/9/24.

military summons and providing knights were nobles, Wells rightly states 'military summons became excessively long for a complete list of tenants-in-chief to have any relevance to a documentation of the higher English nobility'.²³⁶ A combination of factors, including military service, but also the requirement to give advice and counsel, through being summoned to parliament, and the possession of wealth based on landholdings (not exclusively a particular tenure) provide the criteria for those deserving the description *maiores barones* at the beginning of the fourteenth century.

This coincides with the greater part of Dr. Given-Wilson's arguments as to what lay behind social and political pre-eminence. But one has to consider in addition the exercise of power locally - 'It was largely for their local authority that the King valued his peers'.²³⁷ 'Participation in warfare and in government (whether national or local) were duties and it was the performance of these duties which justified nobility itself'.²³⁸

The position of the barons who held lands in the Welsh March or Wales, included among the eighty-five, as members of the baronage was well-established. Of those enjoined in November 1288 to remain on their lands in the Marches for the greater security of those parts and for the preservation of peace - Geoffrey de Caumville, William Martin, Fulk fitz Warine, John de Hastings, William de Braose, Peter Corbet,

236. Wells *op.cit.* p.21.

237. Given-Wilson *op.cit.* p.1.

238. *Ibid.* p.2.

Bogo de Knovill and John fitz Reginald were all summoned to parliament between 1295 and 1297.²³⁹ Only Roger de Mortimer (1299) and John le Strange (1300) were not summoned till a later date. Reginald de Grey, Justice of Chester for a lengthy period, was summoned to every parliament from 1295 onwards. Bogo de Knovill provides a good, early example of promotion for undertaking widespread duties on behalf of the King. Appointed sheriff of Shropshire and Staffordshire in 1274, his landholdings in Wiltshire, the Marches and Gloucestershire were not extensive.²⁴⁰ But he was diligent in his service to the Crown, not only in the Marches and Wales where he was constable of Montgomery Castle. Throughout the early 1290s he served regularly on commissions of oyer et terminer and was a commissioner to array foot soldiers for service in Wales and Scotland.²⁴¹ He was summoned to every parliament from 1295 onwards with the exception of the two held in 1299.

In the later years of Edward I's reign one can see the emergence of a group of northern barons whose involvement in Scotland was crucial to the King. Of those who served in Scotland outwith major campaigns, receiving appointments as captains of various parts of the Marches, raising both cavalry and foot soldiers in the northern counties, purveying victuals in these counties and being granted the custody of castles and towns in Scotland, Henry de Percy, Robert de Clifford, Robert fitz Roger, Ralph fitz William, Walter de Huntercombe, Thomas

239. *C.Ch.R.V.* pp.321-2.

240. *C.I.P.M.* IV pp.335-6 No.446.

241. From the Patent Rolls from 1290 onwards, Knovill was appointed to twelve commissions of oyer et terminer between 1290 and 1299.

de Furnivall, William le Latimer Sen. and Jun., John de Lancaster, Walter de la Teye, William de Cantelupe, Thomas de Multon and William le Vavassour are all northern landowners. John de St. John of Halnaker and Basing held land in Scotland itself as did Alexander de Balliol and Edmund de Hastings. John de Segrave, whose major landholdings were in Nottinghamshire and Derbyshire, also held land in Scotland but he became a virtual full-time commander and Lieutenant there. After receipt of their first summons to parliament - Percy, le Latimer Jun. and Vavassour in 1299; Balliol, Cantelupe, Clifford, Clayvering, Edmund de Hastings, le Latimer Sen and St. John Jun. in 1300 - these northern barons received regular summons. The same was true of the remainder of this group, all of whom had also been summoned earlier than 1299.

Considerable evidence therefore exists from throughout the reign of significant involvement of magnates, both in warfare and in military administration, locally in these areas where they had major estates and whose peace was threatened by Welsh or Scottish incursions. Considerable evidence also exists for judicial and other administrative duties being undertaken by many barons for the King in counties where they had their principal landholdings. These will be examined in detail in the succeeding chapter, but a good example is provided by Bogo de Knovill, Adam de Welles, Thomas de Berkeley, John de Segrave, John Lovel, Thomas de Furnivall, John d'Engayne, Robert fitz Roger, William de Leybourne, Henry de Tyeis, Geoffrey de Caumville, John de Lancaster, Reginald de Grey and William de Braose all in 1297 appointed as

bannerets to receive recognizances of the clergy in counties where they were landholders.²⁴² Barons were regularly employed in the King's service in the localities which formed their power base.

In addition many barons performed duties for the King in relation to national government and held appointments that went wider than the local area. These will be scrutinised further, but a few examples are appropriate here. Hugh le Despenser and Robert de Clifford were Justices of the Forest. Otto de Grandison was appointed to the custody of the Channel Islands²⁴³, and Walter de Huntercombe to the Isle of Man.²⁴⁴ In 1305 William Martin was one of those appointed to a series of commissions covering a number of counties, in his case ten, in relation to vagabonds. Peter de Mauley, Edmund d'Eyncourt, William le Vavassour and John de L'Isle served on parallel commissions in other counties.²⁴⁵ In 1298 William le Latimer Sen. was appointed to a commission to enquire touching offences and oppression of the people by the King's justices, foresters and warders.²⁴⁶

The baronage also played a prominent role on royal service overseas. Many served in the Gascon Wars but, in addition, John de St. John, John de Hastings and John de Havering held the post of Seneschal there. Miss Salt's list of embassies to France details the regular involvement as envoys

242. *Ibid.*

243. Kingsford *op.cit.* p.129.

244. *C.P.R. 1281-92* pp.259, 361, 363 and 365.

245. *C.P.R. 1301-7* p.354.

246. *C.P.R. 1292-1301* pp.373-4.

both to that country and to the Holy See of Geoffrey de Geneville, Otto de Grandison, Aymer de Valence, Hugh le Despenser and Hugh de Vere. In addition John de Ferrers, William le Latimer Sen., Alan la Zouche, Adam de Welles, John de Rivers, Roger la Warre and Robert de la Warde were sent abroad by Edward I on royal affairs.

A consideration of the names of those most prominent on royal service, locally and nationally, permits some general points to be made. Although there are exceptions in that a number of major landholders, such as Aymer de Valence and John de Hastings, were industrious royal servants, more than half of those regularly serving on judicial commissions, appointed to serve the King overseas, acting as commissioners of array and serving the King in like manner, did not hold *per baroniam*, had less extensive landholdings and, in a few cases, have somewhat obscure origins.

In comparing the new men first summoned to parliament in 1299 with the parliamentary intake for 1300, it is interesting to note that over 75% of the former were tenants *per baroniam*. In 1300 nine out of twenty-five held by barony and of these four were becoming increasingly prominent in service in Scotland - Clifford, Balliol, Latimer Sen. and St. John Jun.. Although the remainder included those whose inclusion is difficult to understand and seem somewhat obscure, Grendon, Morley, Nansladron and Sampson, others had a lengthy record of service to the Crown - William de Cantelupe, Otto de Grandison, Edmund de Hastings, John le Strange, Simon de

Montacute, Thomas de la Roche and Robert de la Warde in particular. There is clear evidence of men being introduced to parliament by Edward I who are being promoted for service undertaken. Their landholdings were often considerably less extensive and sometimes acquired through marriage or grant rather than inheritance. Those like Bogo de Knovill and Reginald de Grey, for whom evidence of lengthy service to the Crown goes back into the 1270s and 1280s, can already be found being summoned to parliament in 1295. But by 1300 a sizeable number of loyal Crown servants had joined the ranks of the greater baronage. They were regularly summoned to parliament and called upon to provide forces for the Scottish Wars.

The eighty-five barons listed in appendix 'A' as comprising the core of the English baronage by the death of Edward I do not constitute a homogeneous group. Indeed a few such as Sampson, Grendon and Nansladron are doubtful inclusions. But what the group as a whole share in common is regular summons to parliament from 1300-7 and being called upon to provide service with horses and arms in the important Scottish campaigns of 1299-1303.²⁴⁷ Well over half owe their prominence to landed wealth based on holdings *per baroniam*, mostly inherited but some acquired through marriage. But in addition a number were active in royal service in divers ways.

247. There is only one putative *maior baro* for whom no evidence for military service in major campaigns can be found. This is Robert de Burghersh, Warden of the Cinque Ports and Constable of Dover Castle. His death shortly after his sole parliamentary summons of 1306 makes it difficult to sustain the case that he provides an example of someone ennobled solely by non-military service to the Crown.

The remainder comprised men whose landholdings were less extensive but with a lengthy record of involvement in the King's governance at local or national level or both.

Although in the early fourteenth century the English baronage was more fluid than it was to become within the next hundred years, a degree of stability was emerging. A group of barons can be identified who meet Dr. Given-Wilson's criteria. It is now apposite to consider in detail this group of barons in relation to their service to the Crown and role in Government.

But by 1307 there did exist in England a distinguishable group of *maiores barones*, at least identified as such by the King for parliamentary and military purposes. Whether they themselves or others in the realm also recognised their political pre-eminence is more open to question. A parliamentary peerage did emerge and develop in the fourteenth century. Evidence clearly exists to demonstrate that the origins of this development are to be found in the reign of Edward I. The reign of Edward II, rather than being innovatory and marking a watershed, simply represented a logical continuation of the practice of the closing years of the previous reign.

Chapter 2

SERVICE TO THE CROWN BY THE MAIORES BARONES

A consideration of the nature and extent of service to the Crown by those who can be classed as *maiores barones* between 1290 and 1307 requires scrutiny of a diverse range of magnate activity. In addition to military service in the major campaigns, predominantly in Scotland, the main aspects of baronial service to the Crown to be examined here are - military involvement outwith these campaigns as in forays in the Scottish Wars and in the military occupation of parts of Scotland, together with service as Wardens of the Marches or castellans; aspects of preparation for war, including arraying of troops, both cavalry and infantry, and purveyance of grain and other supplies; magnate involvement in the administration of justice; royal administrative appointments undertaken both within the realm and outwith, as in Gascony; involvement in diplomatic service; provision of counsel and advice outwith the formal setting of parliament; service within the royal household; miscellaneous service to the Crown which does not fit into any of the above categories. In examining each of the types of service, the key questions, posed in the introduction, require answers.

A second appendix, taken in conjunction with the first, contains the names of the individual barons whose service has been scrutinised. The composite list is inevitably arbitrary, but includes all those living between 1290 and 1307 who meet the criteria, particularly in relation to parliamentary summonses and military service, advanced on the nature and

composition of the baronage. In addition to the eighty-five barons listed in the first appendix, as *maiores barones* alive in 1307, there are added those who predeceased Edward I, thirty-nine in total; those summoned to parliament at some point between 1300 and 1307 but not in 1300; those whose regular parliamentary summonses and military service in the 1290s merit their inclusion in a comprehensive list covering the period under review.

Fourteen, alive in 1307, are included who were summoned to parliament and for regular military service, but were not included on the almost stable list of parliamentary summons for the final seven years of the reign. A number of these are open to rational explanation. Roger le Strange was permanently exempted from service by the King on grounds of ill-health, infirmity and age.¹ Henry de Pinkeny voluntarily retired from public life by surrendering his barony to the Crown.² A number, who were summoned to parliament prior to 1300, reappear on lists of summons for the next reign - Henry de Grey, John de Moeles, Ralph de Neville and Ingelram de Gynes. Though not summoned individually for the major musters, Grey, Gynes and Moeles regularly had protections for Scottish service after 1299. Another who continued to serve in Scotland, though not summoned to parliament from 1300, despite five previous summonses, was William le Botiller of Warrington.³ Of the fourteen, the most intriguing is Neville, ancestor of the Earls of Westmorland. Holder of the barony of

1. A.P.321, E.455; C.P.R. 1301-7 p.13.

2. C.C.R. 1296-1302 pp.504-5.

3. C67/13 and 15.

Ashby, Lincolnshire, and lands in Northumberland, Yorkshire and Durham, he was regularly summoned to parliament from 1295 to 1299.⁴ He typifies a major northern landholder one would have expected to be active in Scotland, but the last recorded military summons for him is that of October 1297;⁵ nor does his name appear on the protection lists. Apart from involvement in the dispute with Bek, Bishop of Durham in 1302, the records are virtually silent.⁶ Also included is Robert de Ros whose lands were declared forfeit when he supported Balliol in 1296.⁷

Magnate Involvement in Scotland- (i) 1290-2

From 1290 Scotland loomed ever larger in Edward I's policy objectives. From 1296-1307 involvement in Scotland and attempts to subjugate his northern neighbour affected virtually every aspect of the English King's governance of his realm. Two distinct periods require consideration. From 1290-2 English barons were involved with Scotland whilst Edward was seeking a marriage treaty and, subsequently, deliberating and resolving 'The Great Cause', the adjudication of the claim to the Scottish throne following the death of the Maid of Norway. From 1296 to 1307 baronial involvement was crucial whilst the Hammer of the Scots sought to secure complete control from Balliol's rebellion through to Brus's uprising. Service provided by *maiores barones* over these eleven years covered not only the provision of cavalry contingents for major

4. *C.I.P.M.* Vol.II No.435 p.248 and Vol.VII No.362 p.262.

5. *P.W.* I. pp.302-4.

6. *Fraser op.cit.* p.336.

7. *C.D.S.* II No.1335.

campaigns, but also participation in more limited expeditions and forays, wardenships of the Marches, appointment as castellans and participation in the general administration of the country. This second period comprised distinct phases in which the nature and extent of baronial involvement differed. These were the subjugation of Balliol; the attempt to restore English control after the disaster of Stirling Bridge; the struggle to follow up effectively the victory at Falkirk in 1298; the period of relative stability allowing a detailed scheme for the governance of Scotland to be drawn up for implementation in 1305 ; and the campaign to defeat Brus after his assumption of the Scottish Crown.

A small number of English barons were involved in Scottish affairs from 1290-2. Three appointments made by Edward I shed light on his utilisation of *maiores barones* in royal service. English commissioners were appointed on 20 June 1290 to treat with Scottish counterparts on a proposed marriage alliance between Edward's son and the young Queen Margaret. It comprised the Bishops of Durham and Carlisle, the Earls of Surrey and Lincoln, the dean of York and William de Vescy.⁸ A comparison with Miss Salt's list of embassies appointed by Edward I for negotiations with France, shows that the English King included both church and lay representatives.⁹ The latter usually comprised both a comital and baronial element. In this instance William de Vescy was involved. His career demonstrates the versatility ascribed by

8. *C.P.R. 1281-1292* p.372.

9. Salt *op.cit.*

McFarlane to barons serving the King. Holder of the barony of Alnwick, Northumberland, and lands in Yorkshire, he had been Justice of the Forest north of the Trent since 1285. A frequent justice in eyre, he was Constable of Scarborough Castle and was to be appointed on September 12 1290 Justiciar of Ireland.¹⁰ A peripheral claimant to the Scottish throne after the death of the Maid of Norway had aborted the negotiations for a marriage alliance, he was summoned to both parliaments of 1295 and died in mid 1297.

Another 'Northern' baron involved in Scottish affairs was Walter de Huntercombe. Well-nigh continuously on service in Scotland from 1296 to 1307, he was from June 4 1290 to January 5 1293 Keeper of the Isle of Man, held by the King of Scots till the death of Alexander III.¹¹ Edward I took advantage of the troubled conditions in Scotland to assume custody and the island had been entrusted to the Earl of Ulster prior to Huntercombe's appointment. In January 1293 it was restored to Balliol.¹² A major landholder in Northumberland, frequently summoned to parliament, Huntercombe differs from Vescy in that, outwith provision of contingents for service in Wales and overseas, his service to the Crown relates exclusively to Scotland. His many appointments as Warden of the Marches, Constable of Edinburgh Castle, to array troops and to collect

10. For landholdings - *C.I.P.M.* Vol.II No.723, pp.445-7; appointment as Justice of the Forest North of Trent *C.F.R.* Vol.I p.217; appointment to custody of Scarborough Castle *C.F.R.* Vol I p.264; for examples of commissions on which he served *C.P.R.* 1281-1292 pp.365, 397, 401 and 402; appointment as Justiciar of Ireland *C.P.R.* 1281-1292 p.387.

11. *C.P.R.* 1281-1292 p.359.

12. *Rot.Scot.* p.16.

provisions all relate to the continuing struggle against the Scots. They derive from his being a major landholder in a county threatened by Scottish incursions.

On June 13 1291 Edward I appointed Brian fitz Alan as associate to the other Guardians of Scotland.¹³ From then till Edward ordered seisin of Scotland to be delivered to Balliol, fitz Alan authorised documents along with the Scottish Guardians. Specific instructions were given him by the King.¹⁴ He was the channel of communication whereby reports on Scottish administrative affairs or problems in relation to Scotland were conveyed to Edward. He was one of those deputed to hear complaints.¹⁵ He was appointed to the custody of four castles, Roxburgh and Jedburgh on August 4 1291, and Dundee and Forfar nine days later.¹⁶ Fitz Alan was representing the feudal superior's interests and ensuring they were safeguarded during the Interregnum. He was a Northern landholder, but neither held *per baroniam* nor was a tenant-in-chief of the Crown. A tenant of the Honour of Richmond for his lands of Bedale, he was not wealthy nor were his landholdings extensive. His lack of financial resources was highlighted in 1297 when he initially refused appointment to succeed the Earl of Surrey as Keeper of Scotland on the grounds of lack of means.¹⁷ He could not afford to serve the King beyond the

13. *C.D.S.* Vol.II No.499 and *Foedera* Vol.I p.768.

14. e.g. SC1/12/189 dated 20 September 1291 - relating to fealty of people of Aberdeenshire and the castles of Roxburgh and Jedburgh.

15. *Rot.Scot.* p.5.

16. *Ibid.* pp.2-3.

17. SC1/17/62, printed in *C.D.S.* Vol.II. No.935 and *Stevenson* Vol.II. pp.222-4.

normal forty days required by feudal service in time of war without total financial recompense. Had baronial status depended on methods of landholding and individual wealth, fitz Alan would not have ranked as a great magnate. But he was regularly summoned to parliament from 1295 till his death in 1306.¹⁸ His prominence was the result of service to the Crown.

Between June 1291 and November 1292, twenty-three Scottish castles were in the hands of English constables, sometimes in multiple custody as with fitz Alan.¹⁹ English knights held most appointments but some of the more important were in baronial hands. Throughout the period Ralph Basset of Drayton was constable of Edinburgh; Norman d'Arcy of Stirling; Nicholas de Segrave of both Dumbarton and the new castle of Ayr.²⁰ William de Grandison held Roxburgh for two months prior to fitz Alan's appointment and Walter de Beauchamp had custody of Berwick.²¹ Full details of payments made to the castellans are extant.²² None of these barons had obvious Scottish connections, nor were they Northern landholders. They had all served extensively in the Welsh Wars and had undertaken administrative and judicial duties for the King. They were

18. His date of death is given as 1 July 1306 in the Complete English Peerage - *G.E.C.* Vol.V. p.398. Given that he continued to receive summonses to parliament up to that of May 1306, this seems more accurate than de Walden, Moor and Nicolas who all ascribe his death to 1302. (*op.cit.* p.96; *op.cit.* Vol.II. p.29; *op.cit.* pp.221-3) They appear to have relied for evidence on an undated fragment in *C.I.P.M.* Vol.IV. No.77 pp.65-6 which refers to an inquisition of 31 August 1302 at Lincoln. Contrary, more detailed and more reliable evidence comes from *C.I.P.M.* Vol.IV. No.393 pp.268-9.

19. For a full list of constables - *Stevenson* Vol.I pp.204-8.

20. *Ibid.* and *Rot.Scot.* p.1.

21. *Ibid.*

22. *Stevenson* Vol.I pp.240-356.

typical of barons appointed by Edward I to the custody of royal castles in Wales. They would have responsibility for garrisoning, provisioning and administration of these castles and account with the Exchequer for their financial stewardship, but duties would be routine, unlike in time of war. Much of the day-to-day running would be left to deputies. They would not, indeed could not, be in permanent residence. Fitz Alan had custody of four castles in addition to being a Guardian. Although d'Arcy and Segrave, at least, are known to have been in Scotland from letters of protection, it is clear that the latter was not always at Ayr or Dumbarton.²³ On July 15 1292 he was appointed one of the justices to determine all complaints on the Isle of Man.²⁴

Writs of individual summons and writs of general summons to the sheriffs of Northumberland, Westmorland, Cumberland, Lancaster and Yorkshire were issued on April 16 1291. Five Earls and sixty-three tenants-in-chief were commanded to appear with horses and arms at Norham on June 3 to perform such service as should then be more fully made known to them.²⁵ Twenty-nine can be considered *maiores barones*, the remainder being knights and four female landholders. All but three of the twenty-nine held lands in the five counties whose sheriffs received writs of general summons.

June 3 1291 was the day fixed by Edward I for the

23. Protections for D'Arcy C.P.R. 1281-1292 p.440 and for Segrave p.438.

24. *Ibid.* p.519.

25. *P.W.* I p.256.

competitors for the Scottish Crown to seal, in his presence, the instrument by which they would be bound to submit to his award. The English King summoned to Norham a military assembly drawn from the Northern counties ready to march against the Scots if they would not accept his conditions for making the award, or to intimidate the Scots into acquiescence in his proposals. He called upon a section of the feudal host, selected on a geographical basis, for a specific purpose. The tenants-in-chief were expected to serve because of their local power base and the relevance to that locality of the particular policy objective being pursued.

Magnate Involvement in Scotland - (ii) Major Campaigns 1296-1307

Baronial involvement in Scotland in the last eleven years of Edward I's reign was extensive. The *maiores barones* formed the backbone of the Edwardian cavalry in all his major campaigns. Muster lists for Scottish campaigns from September 1298 to 1303, show a close correlation with the lists of summons to the parliaments held from 1300-7. As an act of policy, Edward I summoned to parliament to deal with contentious issues the same barons he relied upon to provide the core of his armies to complete the subjugation of Scotland, his most important policy objective.

However, writs of summons for military service as evidence of performance of such service must be treated with caution. Corroboration from other sources is required. For the major campaign of summer 1300 it is possible to study the

muster list along with lists of protections, letters of attorney, respites of debts and pleas from the supplementary patent rolls.²⁶ There is also the roll of the Constable containing the proffers of service and some certificates of service witnessed by John de Segrave as Lieutenant of the Constable or his brother, Nicholas, Lieutenant of the Marshall.²⁷ Confirmatory evidence for service within the royal household is provided by a valuation of horses from July 1300.²⁸ Finally there is the evidence from the *Song of Caerlaverock* of the bannerets serving at the siege.²⁹

Writs, dated 30 December 1299, to muster at Carlisle at Midsummer 1300 went to ninety-five *maiores barones*.³⁰ From the *Song of Caerlaverock* fifty-six of those summoned were apparently at the siege, although four do not appear on the protection lists. A further thirteen of those summoned were granted protections but are not mentioned in the *Song*. They might have been serving elsewhere in Scotland. Walter de Teye was specifically granted protection as being in the castle garrison at Berwick.³¹ But twenty-six of the ninety-five summoned are mentioned neither in the poem nor the supplementary patent roll. Fulk fitz Warine, however, had horses valued in July for service in the household.³² The roll

26. C/67/14.

27. The roll is printed in *Documents and Records Illustrating the History of Scotland and the Transactions between the Crowns of Scotland and England*, Ed. Sir F. Palgrave pp.209-231; certificates of service are found in C47/2/13/7-14.

28. E101/8/23.

29. Nicolas *op.cit.*

30. *Foedera* I pp.916-7.

31. C67/14.

34. E101/8/23.

of the Constable, returned on September 24 shows that, although they did not apparently serve personally, Edmund de Mortimer, Pipard, Caumville, Stafford, Ap Adam and Jocelyn Dynaunt (son of Oliver who had been summoned but had died in the interim) provided knights and esquires.³³ The absence of Corbet, Faucomberge, Morley and Knovill, who died within the next few years and never saw further service in Scotland can be explained by age and infirmity. Otto de Grandison would be serving the King overseas and Theobald de Verdun Sen. had been permitted to appoint attorneys the previous year because he was staying in Ireland.³⁴ Henry Huse on 5 May 1300 was appointed one of three commissioners for Sussex to enquire into transgressions against the Charters.³⁵ This still leaves a number of those summoned unaccounted for, namely John de l'Isle, Nansladron, Martin, Sudeley, Pecche, de la Roche, Reginald de Grey, Grendon, d'Arcy, fitz Reginald, Sampson and Theobald de Verdun Jun.. It should also be borne in mind that both the poem and the protection lists mention *maiores barones* not individually summoned, Henry de Grey, William de Ros and St.Amand.³⁶

Other writs of individual summons for military service in Scotland, taken in conjunction with information on protections, nomination of attorneys, respite of debts and

33. Palgrave *op.cit.* pp.209-231 - Mortimer No.189, Pipard No.111, Caumville No.84, Stafford No.28, Ab Adam No.126, Dynaunt No.23.

34. Grandison nominated attorneys going abroad on the King's service for one year on 15 May 1299 *C.P.R. 1292-1301* p.411; for Verdun *ibid.* p.394.

35. *Ibid.* p.515.

36. C67/14 and Nicolas *op.cit.* pp.7, 21 and 31.

pleas are also instructive as to the nature and extent of baronial service in the major campaigns in Scotland. These relate to Balliol's rebellion in 1296; the Falkirk Campaign of 1298; the uprising of Brus in 1306.

Balliol's taking up of arms against Edward came at a time of frenetic military activity during which the English King's resources were stretched. The need for troops in Gascony against the King of France in 1294 was followed by the Welsh rebellion of 1295 prior to Edward's requiring forces for Scotland. On December 16 1295 individual writs went to the Earls of Norfolk and Warwick and 198 others, of whom a mere twenty-five can be regarded as *maiores barones*.³⁷ Some are listed by counties, Gloucestershire, Somerset, Devon, Cornwall and Leicestershire. They were informed of the King's intention of marching against John, King of Scots, who 'has again violated the fealty which he owes to the King of England'. They were commanded to muster with horses and arms at Newcastle on 1 March. On 8 January 1296 a special writ went to Robert fitz Roger requiring him to appear at the Newcastle muster notwithstanding a previous summons to be at Plymouth at Easter to go to Gascony.³⁸ The supplementary patent rolls of protections and general attorneys for those who were with the King in Scotland in 1296 refer to forty-two *maiores barones*, but only eleven of the twenty-five summoned to Newcastle plus fitz Roger.³⁹ Of the forty-two, thirty are known to have served in Wales in 1295. A valuation of horses of the King's

37. *P.W.* I pp.275-7.

38. *Ibid.* p.277.

39. The relevant supplementary patent roll is C67/11.

household of March 1296 includes Berkeley, summoned on December 16 but not recorded as a recipient of letters of protection, and five further household knights, the Steward, Walter de Beauchamp, Tony, Touchet, Courtenay and John la Ware.⁴⁰ Berkeley, Beauchamp and Touchet served in Wales in 1295.⁴¹ Unlike 1291, Edward I was not relying on a Northern based force, although sixteen Northern landholders did receive protections, including some regularly involved with Scottish affairs for the rest of the reign - fitz Roger, Wake, fitz Alan, John de Lancaster, Percy, Clifford, Huntercombe, fitz William and Multon.⁴² Armed force was required to put down a serious rebellion and Edward called upon those tenants-in-chief perceived to be available, with a hard core having seen recent successful service in Wales. The force gathered for this campaign was more than equal to the task given Edward's triumphal process through Scotland and the humiliating submission of the Scots King.

Campaigning in Flanders in 1297, Edward had to contemplate another Scottish expedition in the aftermath of the debacle at Stirling Bridge. On 24 September an advance force of sixteen Northern barons and knights, including Clifford, fitz Alan, fitz William, Furnivall, Faucomberge and John de Lancaster, were sent writs to proceed forthwith into Scotland to place themselves under the command of the Earl of Surrey.⁴³ Within a week orders went to commissioners of array

40. E101/5/23.

41. C67/10.

42. C67/11.

43. P.W. I p.300.

for York to direct levies to march into Scotland under Surrey, and for Notts and Derby to put their levies under fitz Alan.⁴⁴ On October 18 Wake, Clifford and Hodelestone were appointed captains of the custody of the March for Cumberland and Westmorland and fitz Roger, fitz Alan and fitz William for Northumberland.⁴⁵ Preparations for mustering a strong cavalry force came with the issue of writs of military summons to 113, primarily knights, to muster at Newcastle on December 6th. under the King's son 'to repress the malice and rebellion of the Scots'. Further writs were directed to six earls and sixty-one barons and knights, all of whom were summoned to the 1297 Salisbury Parliament.⁴⁶ Preparations for the campaign continued with commissioners of array appointed in the northern counties and Wales to raise infantry.⁴⁷ But there was dubiety, or conflict, as to where service was required. Writs of October 26 to ten barons and fifteen knights demanded appearance with horses and arms at Sandwich on November 24 ready to cross the sea to Flanders, notwithstanding any previous summons to muster at Newcastle.⁴⁸ Surprising inclusions were Percy and John de Segrave, both prominent in all Scottish campaigns and Pipard, Caumville and Moeles, whose names appear on both lists of October 21 for service in Scotland. Of the ten barons, five were at Falkirk and a further two had protections for service in Scotland early in 1298.

44. *Ibid.*

45. *Ibid.* p.301.

46. *Ibid.* pp.302-4 and for those summoned to the Salisbury Parliament p.51.

47. *Ibid.* p.304.

48. *Ibid.*

Detailed lists of protections for Scottish service in 1298 survive, as does a Roll of Arms of the commanders of the English forces at Falkirk.⁴⁹ This evidence casts doubt on the reliability of writs of individual summons as proof of service. From the writs of 24 September and 21 October, only forty-seven *maiores barones* can be identified, of whom twenty do not feature on the Falkirk Roll, though three do appear to have had protections for Scotland in 1298. Age or infirmity could explain non-response to a summons. For example, on 14 July 1297 Theobald de Verdun was excused by the King from a muster for Flanders on account of his infirmities and the death of his eldest son. His son, Theobald Jun., was to perform the service on his behalf.⁵⁰ For a muster at Berwick on 24 June 1301, Verdun was requested to send his son if he could not attend because of ill-health.⁵¹ But the apparent absence, both from Falkirk and the 1298 campaign generally, of prominent Northern barons such as Greystoke, Faucomberge and John de Lancaster seems difficult to accept, especially in the case of Lancaster, summoned on 24 September 1297 to proceed immediately to Scotland.

Fifty-six *maiores barones*, not included in any of the lists of summons of September/October 1297, appear on the Falkirk Roll of Arms. Of these forty-three are found on the supplementary patent roll. A further six had protection for being on the King's service in Scotland, though neither

49. The protection list is C67/13; the Roll of Arms is printed in Gough *op.cit.* pp.129-159.

50. *P.W.* I p.295.

51. *Ibid.* p.358.

summoned nor on the Falkirk Roll. The totality of evidence is that the *maiores barones* did serve in Scotland in 1298 en masse. Of those missing from both the Falkirk Roll and the supplementary patent roll ill-health and age were factors. Dinaunt, Ghent, Giffard and Plucknet were all dead by mid-1299. Alan Plucknet's son is included on a roll of horses of the King's household valued in Scotland on 4 July 1298.⁵² Caumville, Faucomberge, Knovill, fitz Reginald and Edmund de Mortimer have no record of subsequent service in Scotland. Caumville apparently retired to Ireland, regularly being granted protection and letters of attorney staying there. Fitz Reginald made fine for service in both 1300 and 1303.⁵³ Knovill's service to the Crown excluded Scotland and on 30 July 1297 he had been appointed to the custody of the peace for Shropshire, Hereford, Staffordshire and Worcester.⁵⁴ Thomas de la Roche, well into his fifties, had only one subsequent protection for Scottish service, in 1306.⁵⁵ St. John was a prisoner of the King of France. Vere was granted protection on 16 March 1298 going to the Curia on the King's service and Otto de Grandison on 18 February was appointed to negotiate peace with the King of France.⁵⁶ Henry Huse's name does not appear on any of the protection lists for Scotland. Fitz Warine's name does appear on a roll of horses of those not of

52. E101/6/40.

53. *C.P.R. 1301-1307* p.346 - on 27 August 1305 the sheriff of Berkshire was ordered to supersede a demand for £80 as fitz Reginald had made fine at the Exchequer. There is also evidence from C47/5/6 that fitz Reginald provided in 1303 four valetti for the service of 3 knights' fees, as attested on 16 July by John de Segrave.

54. *C.P.R. 1292-1301* p.301.

55. C67/16 - on May 10th. 1306 till Christmas.

56. For Vere - *C.P.R. 1292-1301* p.336; for Grandison, Salt *op.cit.* Embassy No.37.

the King's household valued in Scotland in March.⁵⁷ This leaves five surprising omissions. In addition to the Northern barons, Greystoke and John de Lancaster, St.Amand and Kyme, whose names appear frequently on protection lists for subsequent Scottish campaigns are not to be found.⁵⁸ One would also have expected the former claimant to the Scottish Crown, John de Hastings to have served. On 5 June 1297 protection was granted to John de Keringwyk, going to Scotland to make purveyance for John de Hastings against his going to these parts and on 30 July 1298 Hastings was a mainpernor for one of the Scottish prisoners, the Earl of Atholl.⁵⁹

Edward I's hopes that Scotland was finally under his control were dashed when Brus rebelled in 1306. Yet again he was forced to take measures to pacify the northern realm. On 5 April 1306, Aymer de Valence was appointed Lieutenant in Scotland and Captain of parts of the March; Henry de Percy being appointed Captain over Cumberland and Galloway, as far as the bounds of Roxburgh. The Northern barons, fitz Roger, John de Lancaster, Greystoke, Multon and Twenge were urged to assist Valence with horses and arms and all their power against Brus.⁶⁰ A major campaign was initiated with writs of individual summons on 10 May 1306 to muster at Carlisle on 8 July to eighty-one barons and knights. They were commanded to appear with all their service or to make fine before the Exchequer before the day of the muster.⁶¹ An earlier writ of 5

57. E101.6/39.

58. C67/14, 15 and 16.

59. *C.P.R. 1292-1301* p.421; *C.C.R. 1296-1302* pp.125-7.

60. *P.W. I.* p.374.

61. *Ibid.* p.377.

April to sheriffs instructed that all archbishops, bishops, abbots, priors, prelates and women who owe military service should be summoned to send their service to Carlisle or make fine.⁶² Edward sought to raise sufficient troops to deal with Brus but, in inviting fines, he was also attempting to raise finance for the expedition.

Two separate supplementary patent rolls, one of letters of general attorney, the other protections and respite of debts from 1306 and 1307 provide a picture similar to the other campaigns.⁶³ Forty-four *maiores barones* were summoned amongst the eighty-one listed in Parliamentary Writs. Of these fifteen do not appear on the supplementary patent rolls. It is tempting to assume that they made fine instead, but supporting evidence is lacking. Greystoke died in September 1306, Hacche the previous month and Andrew de Eastleigh back in 1300. Other "absentees" have been discussed previously - Caumville, fitz Reginald, Huse, Stafford and Verdun Sen.. Age may also have been a factor with Hugh Poynz in his fifties and Reginald de Grey, now over sixty. On 22 October 1305 William de Grandison, going overseas, appointed attorneys for a year.⁶⁴ Roger la Warre did provide service for Scotland. On 26 March 1307 the Treasurer and Barons of the Exchequer were ordered to release to him the distraint levied for not having his service with the King in the army of Scotland in 1306. The Earl of Warwick testified that Warre had his service in that army.⁶⁵ This

62. *Ibid.* p.374.

63. C67/7 and C67/16.

64. *C.P.R. 1301-7* p.390.

65. *C.C.R. 1302-7* p.493.

leaves Grendon, Mare and Thomas le Latimer.

The evidence from lists of protections and respites, gives a clearer picture of actual baronial service in the major Scottish campaigns and casts doubt on the validity of writs of summons in relation to service performed. The correlation between the muster lists and the evidence of protections and respites is surprisingly low. But, even the latter must be treated with caution. Although some refer to people staying in Scotland, the majority are phrased 'going to Scotland on the King's service', an indication of intent rather than service performed. Possibly the best evidence for personal military service in major campaigns comes from the contemporary accounts, the Falkirk Roll of Arms and the Song of Caerlaverock. Continuity of service is fairly high. Out of seventy-six serving as bannerets at Falkirk and still alive, fifty-three were at Caerlaverock. Even more striking, out of sixty-four barons at Falkirk, alive eight years later, forty eight, according to the protection lists, campaigned against Brus along with two sons of barons who had died and all nine not at Falkirk but present at Caerlaverock.

Non-participation by barons in specific campaigns often coincides with service elsewhere or reflects age and infirmity. A relatively small number have no or infrequent mention on protection lists and were neither at Falkirk nor Caerlaverock. Age or ill-health accounts for Giffard who died in 1299; Ghent, who was in Scotland only in 1296 and died two years later; de la Roche, one entry only in 1306; Edmund de

Mortimer, who lived till 1304 but, apparently, did no military service after the Welsh War of 1295; Caumville, Fauconberge the elder, and Theobald de Verdun Sen.; and fitz Reginald, no service after the 1296 campaign. But a badly faded document headed 're the army of Scotland a.r. 31' suggests that some of those not present personally, along with others for whom no protections are listed for 1303, did provide service. Fitz Reginald supplied four esquires for three knights' fees; Fauconberge two for one knight's fee; Caumville a knight and two esquires for the barony of Barnstaple, Devon; Verdun a knight and four esquires for three and a half knights' fees.⁶⁶ Geneville and Otto de Grandison served the King abroad. Knovill appears not to have set foot in Scotland. References to him in the patent and close rolls after 1300 are very rare. Burghersh, prominent from the late 1290s, as Constable of Dover Castle and Warden of the Cinque Ports, is the only royal servant whose rise in prominence and status appears unrelated to military service.⁶⁷

There was a high degree of baronial participation in the major Scottish campaigns. The *maiores barones* supported Edward's aims in Scotland. A number sought seisin of lands there. The King attempted to use this as an incentive for service, the writs of 26 September 1298 stating that one of his objectives was 'to place people in the lands he has committed to them in Scotland'.⁶⁸ But Edward I's endeavours

66. C47/5/6

67. He was appointed to both posts on 20 July 1299 *C.P.R.* 1292-1301 p.427.

68. *P.W.* I pp.317-8 and *Foedera* I p.899.

to follow up his victory at Falkirk were hampered by the continuing dispute with the baronage over the Charters. This explains why he summoned to the parliaments of 1300 and 1301 the same barons whose names appear on the muster lists from 26 September 1298 through to 7 November 1302. Edward sought the resolution of outstanding 'constitutional' issues in parliament to obtain the support of those whose military service was essential to the conquest of Scotland.

The incidence of baronial resistance to service in Scotland appears slight. In 1296 Robert de Ros of Wark, also a Scottish landholder, supported Balliol. His lands were declared forfeit, the main beneficiary being his brother, William.⁶⁹ On 9 May 1304 the sheriff of York was ordered not to let Marmaduke de Twenge have protection or respites, because he had left the King's service in Scotland without leave.⁷⁰ Twenge was involved in the flight of Lucy, wife of William le Latimer Jun., whose marriage in 1294 he had bitterly opposed, wishing her to marry her cousin, his eldest son. He was quickly restored to favour, serving in Scotland under Valence. Personal motives were also the reason for Nicholas de Segrave's desertion which resulted in his being impleaded before parliament in 1305. Submission to the King's will resulted in his return to favour and, on 23 January 1308, Edward II, in consideration of his good services, released him of the obligation imposed in 1305 of returning to prison whenever the King so wished.⁷¹

69. *C. Cha. R. 1300-1326* p.23.

70. *C. Ch. W.* p.216.

71. Details of orders for his arrest, the case against him and

One significant desertion occurred in 1306. On 18 October various sheriffs were ordered to seize into the King's hands all lands and goods of twenty-two barons and knights and to take them into custody for withdrawing without licence before the war ended in contempt of the King. Three magnates, all with a long record of loyal, military service, were involved - Robert de Tony, Ralph Basset of Drayton and Roger de Mortimer.⁷² Their desertion was to take part in a tournament. Denholm-Young refers to this incident in discussing Edward's efforts to prohibit tourneying during the Scottish wars.⁷³ Their fall from grace did not last long. On 23 January 1307 the escheators were ordered to restore their lands, goods and chattels, as the King had pardoned their trespass.⁷⁴ All three were summoned to the Carlisle parliament and were among the twenty-seven instructed to attend on 12 March to give counsel in negotiations with the Papal Legate.⁷⁵ Edward's attempts to ban tournaments, a popular pastime with many barons, were a source of grievance. This desertion may be seen as a protest against such bans rather than a manifestation of baronial unpopularity with the war in Scotland. Other leading barons had fallen foul of the King. On 7 November 1300, the sheriff of Leicestershire and Warwickshire was ordered to attach John

his final pardon from Edward II in 1308 are all included in *C.C.R. 1302-7* pp.333-5.

72. *C.F.R.* I pp.543-4. Tony had already fallen foul of the King for the same reason. In 1302, with Robert de Monthalt, he had lands taken into royal custody for breaking a proclamation against tourneying. To be restored to favour he was ordered to serve in Scotland under John de Segrave, which he did - *C.C.R. 1302-7* p.66.

73. N.Denholm Young 'The Tournament in the Thirteenth Century', *Studies presented to Powicke* p.267.

74. *P.W.* I. p.379.

75. *Ibid.* p.192.

de Segrave and William de Ferrers for breach of a prohibition against tourneying and jousting.⁷⁶

Magnate Involvement in Scotland - (iii) Forays, Expeditions, Castle Garrisoning, Wardens of the Marches

The overwhelming majority of *maiores barones* provided regular military service for the major Edwardian campaigns in Scotland. But when one considers service outwith such campaigns different conclusions are reached. When full-scale armies were not deployed, Edward I was concerned with more limited expeditions and forays and the defence, protection and administration of those parts of Scotland under his control. The involvement of *maiores barones* was critical but much less widespread. It is in this aspect of service that a group of Northern barons can be identified, fulfilling a role not dissimilar to that of the Welsh Marcher Lords.

Considerable evidence survives regarding Scottish castle garrisoning in the period 1296-1307, particularly for 1301 and 1302. English barons and knights acted as castellans with contingents of armed men, both for garrisoning and forays. They also had charge of artisans employed for fortifying and strengthening castles.⁷⁷ Detailed accounts are extant for payment of wages along with a number of indentures for service.⁷⁸ These garrisons comprised a castellan with armed

76. C49/44/17.

77. For example, among those whose wages were covered in the indenture made with St. John on 9 November 1300 were blacksmiths and carpenters in the castles of Dumfries and Lochmaben. E101/68/1/7 (C.D.S. II No.1170).

78. e.g. E101/9/1 and E101/9/13.

soldiers paid by the King, supplemented by men-at-arms provided by barons and knights for lands held in Scotland. A document from July 1302 gives a detailed list of earls, barons and knights of England who ought to send men into Scotland with horses and arms for lands held in there of the King's gift. In the margin is indicated where they are to serve. Two earls, twenty-three *maiores barones* and twenty-six knights were to provide one hundred and fifteen men-at-arms, serving in twelve different garrisons.⁷⁹ A further undated document, giving details of garrisons of Scottish castles, contains almost identical figures for men-at-arms from lands held in Scotland.⁸⁰ Similar information is contained in a third roll of Scottish castle garrisons 'circa 29 Edward I'.⁸¹ But holding lands in Scotland did not necessitate personal service. Of the twenty-three barons, fifteen played little or no part in Scottish affairs outwith major campaigns. The remaining eight did include those with an important and regular role but their service did not derive from Scottish landholding. Clifford, fitz Roger and Percy were prominent Northern landholders. Valence, St. John Sen. and Latimer Sen. were trusted royal lieutenants with a record of service to the Crown, wherever required. They were often garrison commanders, St. John in 1302 at Dumfries and Lochmaben, or leaders of forays, Segrave from Berwick, Latimer from Roxburgh. Others were involved from whom no service for Scottish lands was specifically sought, although they held land there. Edmund de Hastings had custody of the castle and town of Berwick and

79. E101/10/10.

80. E101/13/34/25.

81. E101/9/16.

Alexander de Balliol the castle and forest of Selkirk.⁸² Lesser men were also in important positions, notably John de Kingston, constable of Edinburgh Castle, only summoned to parliament once.⁸³

Outwith major campaigns, writs of summons for service north of the border were sent to barons and knights, indicating urgency as a response to difficult situations for the English. Orders on 26 September 1297 to ten northern barons and six knights to proceed forthwith to Scotland and place themselves under the command of the Earl of Surrey preceded by a month the summons to the Newcastle muster of a full-scale army of invasion.⁸⁴ On 14 November two of those, John de Lancaster and Gynes, together with the sheriff of Lancaster, Multon of Egremont and Margaret de Ros, were ordered to be ready with their posse at the summons of Clifford, Captain of the March of Cumberland.⁸⁵ On 11 September 1302, six magnates, John de Segrave, Balliol, Edmund de Hastings, Latimer Sen., Huntercombe and Clifford, were enjoined to remain in Scotland or the Marches, notwithstanding their having been summoned to attend parliament in London on 29 September.⁸⁶ On 20 January 1303, seventeen barons and ten

82. For the appointment of Hastings on 12 February 1302 - E101/68/1/17 (*C.D.S.* II No.1286); for that of Balliol on the same date E101/68/1/24 (*C.D.S.* II No.1287).

83. For example, details of his appointment on 27 November 1300 come from E101/68/1/11-15 (*C.D.S.* II No.1286). His name does not appear on any of the chancery lists of parliamentary summons but the wardrobe accounts for messengers delivering writs suggest he was summoned to Lincoln in 1301 when Scottish issues, particularly the baronial letter to the Pope, predominated.

84. *P.W.* I p.300 and for the main summons pp.302-4.

85. *Ibid.* p.301.

86. *Ibid.* p.116.

knights were ordered to go in person to John de Segrave, the King's Lieutenant in Scotland, with horses and arms and all their power with all speed and aid to counsel him till the Scottish enemies have been repelled. Manton, clerk of the Wardrobe, was appointed to pay their wages.⁸⁷ A more generalised writ went to the Archbishop of York requesting him to send men and horses and to induce 'the magnates and others of his province' to hasten to Scotland with all their power.⁸⁸ Writs of 5 April 1306, a month before the summoning of a major expedition, referred not only to the appointment of Valence and Percy as King's lieutenants, but commanded fitz Roger, John de Lancaster, Greystoke, Multon of Egremont and Tweng, with the knight, Multon of Gillesland, to assist the lieutenants with horses and arms and all their power.⁸⁹

Of the twenty-six magnates summoned on one or more of the above occasions, only four were not landholders in the northern counties. Of these, John de Segrave, Balliol and Edmund de Hastings were often involved in Scottish affairs and held appointments there. Only Adam de Welles, ordered to go to Scotland in January 1303, did not have a role in Scotland outwith major campaigns. But he was a prominent member of the King's household and held lands in Scotland of the King's gift.⁹⁰ In times of crisis, Edward I called upon barons closest to the situation who had most to lose from cross-border Scottish incursions.

87. *Ibid.* pp.369-70.

88. *Ibid.* p.370.

89. *Ibid.* p.374.

90. E101/9/16; E101/10/10; E101/13/34/25.

In appointments as Wardens of the Marches, Keepers of lands in the Scottish Borders and the town and castle of Berwick, Edward I. relied heavily on magnates. Of the nineteen appointments made, only two were of minor figures, Richard le Brun and Hugh de Multon in 1302.⁹¹ Though not summoned to parliament, John de Hodelestone was a signatory to the Lincoln letter to the Pope, a banneret at both Falkirk and Caerlaverock and a Yorkshire landholder.⁹² Botetourte, a household knight, grew in importance during the reign, sealed the letter to the Pope from the parliament held at Lincoln, the only one to which he was summoned, served at Falkirk and Caerlaverock, was summoned to the special 'parliament' in 1305 to establish the ordinance for the governance of Scotland and was regularly summoned to parliament in the next reign.⁹³ Of the magnates, five had single appointments; Multon of Egremont for Cumberland and Westmorland in 1303; Teye as Warden of Berwick in 1300; Edmund de Hastings the same post in 1302; Wake Captain of the March for Cumberland and Westmorland in 1297; and Balliol Keeper of the castle and forest of Selkirk in 1302.⁹⁴ Ralph fitz William was prominent as Captain in Northumberland in 1297 and was appointed Captain for York in

91. *P.W. I.* p.364.

92. Hodelestone was appointed Keeper of Galloway and the County of Ayr on 22 August 1297 - *Rot.Scot.I* p.46; Captain in the Counties of Cumberland and Westmorland 18 October 1297 - *C.P.R. 1292-1301* p.372; and again to the same post 14 June 1303 - *C.P.R. 1301-7* pp.146-7.

93. Botetourte was appointed Captain and Lieutenant in Cumberland, Westmorland, Lancaster, Annandale and the Marches to the bounds of Roxburgh on 4 January 1303 - *C.P.R. 1301-7* p.103

94. Multon - *C.P.R. 1301-7* pp.146-7; Hastings - E101/68/1/17; Teye - *C.P.R. 1292-1301* p.522; Wake - *C.P.R. 1292-1301* p.312; Balliol E101/68/1/24.

1298.⁹⁵ In July 1299 he was one of a number of barons to meet at York to discuss the Marches and garrisoning of Scottish castles and to take decisions about Scottish prisoners.⁹⁶ He participated in forays against the Scots in Galloway in 1299.⁹⁷ In 1301 he was appointed to conduct Scots negotiators to Canterbury for discussions on a treaty with France.⁹⁸ In 1303 he was ordered to go to John de Segrave against the Scots.⁹⁹ He fought at Falkirk and Caerlaverock, sealed the 1301 letter to the Pope and was a major northern landholder, *per baroniam* in Cumberland and Northumberland.¹⁰⁰ One would perhaps have expected him to have had further appointments after 1298 as did Clifford, fitz Roger and Percy. It was not until the next reign that he was Governor of Berwick Castle and a Warden of the Marches.¹⁰¹ His reliability may have become suspect. Bain prints a letter from the King to Valence dated 24 May 1306 with the information that fitz William is joining him with thirteen men-at-arms. He is to be retained and not allowed to leave the King's service as he did once before giving a bad example to others 'which offence can only be amended by his now remaining constantly'.¹⁰²

Nine magnates were particularly important to Edward I in implementing his Scottish policies. Brian fitz Alan, with previous experience from 1290-2, was Captain for the defence

95. *C.P.R.* 1292-1301 p.312 and p.387.

96. *C.C.R.* 1296-1302 pp.258-60.

97. C47/22/2/49(*Stevenson* II 380) and E101/684/44/4.

98. *C.P.R.* 1292-1301 p.582.

99. *P.W.* I. pp.369-70 and *Foedera* I pp.947-8.

100. For his landholdings *C.I.P.M.* Vol.VI pp.22-6 No.50.

101. *Nicolas op.cit.* pp.162-4.

102. *C.D.S.* II No.1773.

of Northumberland in 1297 then Surrey's designated successor as King's Lieutenant.¹⁰³ Robert de Clifford had numerous appointments in defence of the March from 1296, when he was the first Warden appointed, through to 1299.¹⁰⁴ Robert fitz Roger held a more limited number of posts from his appointment as Keeper of the town of Berwick in 1296 till 1300 when he was captain and Lieutenant throughout the Marches.¹⁰⁵ William le Latimer, Captain General for Yorks, Derby, Notts and Northumberland, in 1298, was Lieutenant and Captain of the Marches a year later and granted custody of the town and castle of Berwick in 1300.¹⁰⁶ Walter de Huntercombe, Constable of Edinburgh Castle in 1296, held various custodies of the March, especially in Northumberland, through to 1303.¹⁰⁷ Henry de Percy, Keeper of Galloway and Ayrshire in 1296, served regularly and in 1306 was appointed Captain and Lieutenant for Lancashire, Westmorland, Cumberland, Wigtown, Ayr, Dumfries and Galloway.¹⁰⁸ John de Segrave, described as King's Lieutenant in Scotland in 1303, held various appointments from

103. *C.P.R. 1292-1301* p.315 and p.306.

104. Appointed Captain for Cumberland 12 July 1297 - *C.P.R. 1292-1301* p.315; for Cumberland and Westmorland 18 October 1297 - *Ibid.* p.312; Captain for Cumberland, Westmorland, Lancaster, Annandale and the Marches to the bounds of Roxburgh 25 November 1298 *Ibid.* p.387.

105. E101/355/10 - payments a.r. 26-28 Edward I for keeping the town of Berwick and the County of Northumberland; C47/3/32/27 - payments for same dated 24 December 1304; Captain of the March for Cumberland and Westmorland 18 October 1297 - *C.P.R. 1292-1301* p.312; Captain and Lieutenant throughout the Marches 1 March 1300 - *Ibid.* p.491.

106. *C.P.R. 1292-1301* p.387; *C.D.S. II* No.1081; E101/8/1/7-8 (*C.D.S. II* No.1171).

107. Appointed 5 October 1296 Governor of Edinburgh Castle - *Rot.Scot. I* p.36; Captain for Northumberland 25 November 1298 - *C.P.R. 1292-1301* p.387; Keeper of the March for Northumberland 19 July 1302 - *Ibid. 1301-7* p.44; Captain for Northumberland 14 June 1303 *Ibid.* pp.146-7.

108. *C.C.R. 1288-1296* p.493; *C.P.R. 1301-7* p.426.

1301-5.¹⁰⁹ John de St. John served continuously in Scotland from his appointment in 1300 as Captain and Warden of the castle and county of Dumfries, Lochmaben and Annandale and the whole March to Roxburgh until his death in 1302.¹¹⁰ Aymer de Valence's regular involvement began in 1302 as Warden beyond the Scottish Sea, culminating with his appointment in 1306 as Lieutenant and Captain over all men-at-arms to crush Brus's revolt.¹¹¹ Botetourte's contribution was considerable, especially from his appointment as Warden of the Marches in 1302.

Evidence for raids and forays against the Scots show the same magnates prominently involved. Where custody of castles was concerned, a specified number of troops were earmarked for forays, as in 1301 and 1302 under St. John at Lochmaben.¹¹² His role was not merely defensive but included harassment of the Scots. In 1301 men-at-arms for making forays from Berwick were assigned to John de Segrave.¹¹³ In 1298, with forces from Cumberland and Westmorland, Clifford and Percy led a raid.¹¹⁴ In the same year Huntercombe was instructed to spy out all news possible about the enemy so that John de Kingston could

109. Described as King's Lieutenant E101/13/36/17; Captain of the March for Northumberland 4 January 1303 - *C.P.R.* 1301-7 p.103; Warden of Berwick Castle 5 August 1302 - *C.D.S.* II No.1331; Described as Custos of Scotland, this side of the Forth, in writs of 1305 - *P.W.* I p.159.

110. The indenture detailing his appointment in 1300 - E101/68/1/7 (*C.D.S.* II No.1170).

111. In letters of 20 August 1303, described as Chief of the Host and King's Lieutenant this side of the Scottish Sea - SC1/31/33; appointment as Lieutenant in 1306 - *C.P.R.* 1301-7 p.426.

112. E101/9/16 and E101/10/15.

113. E101/13/34/25.

114. *C.Ch.W.* p.98.

plan a foray for which Huntercombe would muster thirty horse.¹¹⁵ In 1299 fitz William acknowledged receipt of wages for eight knights, thirty-six esquires and two hundred and eleven foot for a foray.¹¹⁶ On 19 July 1299 Latimer ordered Abingdon to pay wages to John de Lancaster, Hodelestone and Sir John Spryng with a total of eight knights, thirty-two esquires and two hundred foot, awaiting a foray on the Scots.¹¹⁷ Between 1300 and 1302 St. John led forays, in one of which Edmund de Hastings participated with a knight and four esquires.¹¹⁸ On 29 September 1302 Segrave was ordered to carry out a foray in the Stirling/Kirkintilloch area for which the cofferer, Manton, would provide wages.¹¹⁹ On 9 January 1303, Botetourte was planning a foray at the King's wages involving Clifford, Hodelestone and St. John Jun., with twenty knights, one hundred esquires, nineteen hobelars and two thousand seven hundred and thirty-six foot.¹²⁰ In the same year Segrave, Clifford and Latimer received detailed royal instructions for making a foray from Dunfermline.¹²¹ In both 1306 and 1307 a number of raids were led by Valence, involving Clifford, fitz Roger, Botetourte and another Northern baron, William de Rither.¹²² This evidence shows activity by magnates outwith periods when they had specific appointments as Wardens, Captains or Castellans.

115. *Stevenson* II 339-41.

116. E101/684/44/6.

117. *C.D.S.* II No.108.

118. E101/8/17.

119. SC1/14/48 (*C.D.S.* II No.1328 and *Stevenson* II 448).

120. *C.D.S.* II No.1437.

121. C47/22/9/112 (*C.D.S.* II No.1437). Fisher gives the main purpose of this foray into parts of Lothian and the forest of Selkirk as the capture of Wallace - *op.cit.* p.117.

122. E101/612/21.

Duties of royal appointees as Wardens, Keepers, Captains or Castellans are largely self-explanatory. Preparations for war, arraying troops and leading them from the northern counties into Scotland were important. Participation in forays and raids was expected. Castellans were responsible for all aspects of garrisoning and defending castles, including overseeing building works. Clifford was responsible in 1298 for the building of a fortified enclosure at Lochmaben.¹²³ On 27 September 1306, Botetourte was sent instructions for overseeing the King's work at Dunaverty Castle.¹²⁴ On 9 April 1305 John de Segrave was paid £30 for repairing the pele at Linlithgow.¹²⁵ Later the same month he was mandated with the Chamberlain, Sandale, to acquire sufficient land for a castle at Tullibody for the defence of those parts.¹²⁶ There was also responsibility for arranging payments of wages through the King's paymasters and for victualling castle garrisons in conjunction with royal officials such as Richard de Bremesgrave.

Duties over and above those of Wardens, Keepers, Captains and Castellans were performed by a number of these magnates. Fitz Alan, St. John, Segrave, Percy and Valence were at different times appointed King's Lieutenant or Keeper of Scotland, or the parts in English hands. In such capacities they implemented royal instructions. Never given such a title,

123. E101/7/20 (C.D.S. II No.1115). Full details of this and other works in which barons were involved can be found in H.M. Colvin, *The History of the King's Works* Vol. I. Ch.VII, 'The King's Works in Scotland' pp.409-420.

124. SC1/12/69 (C.D.S. II No.1833).

125. E101/684/45/7.

126. C.P.R. 1301-1307 p.335.

Clifford, on occasion, fulfilled the same role.

Fitz Alan's keepership was brief because of Wallace and Moray's rebellion. It was only undertaken after an initial refusal because he did not possess financial resources equal to the previous holder, the great feudatory, Warenne, Earl of Surrey.¹²⁷ Interestingly, Clifford and Percy were involved with Surrey and Hugh de Cressingham in treating with Fitz Alan in August 1297 regarding 'the sovereign ward of the land and kingdom of Scotland'.¹²⁸ Both were prominent in Scottish affairs that year. Still young men in their twenties, with extensive landholdings in the northern counties, as yet not summoned to parliament, they were embarking upon lengthy careers in royal service north of the border. Fitz Alan was probably viewed by Edward I as the logical successor to Surrey because of his previous Scottish experience as a Guardian. Limited evidence from his brief tenure of the keepership suggests he carried out similar duties to those undertaken six years previously. For example, on 28 August he was given power to appoint to benefices of a value up to twenty marks.¹²⁹

From the beginning of 1300 till his death two years later, John de St. John, King's Lieutenant in Aquitaine from 1292 to 1294, was the preeminent royal appointee in Scotland.¹³⁰ Considerable detail exists of the terms and

127. SC1/17/62 (C.D.S. II No.935 and Stevenson II 222-4).

128. C47/22/2/28 (C.D.S. II No.936 and Stevenson II 225-7).

129. *Rot.Scot.*I p.47.

130. An earlier Scottish connection was in 1292 when, sheriff of Fife, he took the role at Balliol's coronation normally played by the Earls of Fife, Duncan being under age - *Ibid.* p.12.

conditions under which he was appointed and reappointed.¹³¹ In his period of office a number of detailed instructions were sent to him by the King, relating mainly to landholding and receiving men into the King's peace.¹³² But his main preoccupations were military - castle garrisoning and the organisation of forays. He was empowered, on 1 March 1300, to distraint and punish all those who did not obey a summons to come to the defence of the March.¹³³

No evidence of a specific appointment exists, but, between 1303 and 1305, John de Segrave is described both as King's Lieutenant in Scotland and Warden of Scotland this side of the Forth. Neither the terms under which he served, nor any indenture between him and the King survive. Segrave's concerns were primarily military. The only other instruction from Edward from 10 April 1303 is an order to deliver to Walter de Beauchamp, son and heir of the same, the lands of which his father died seized in Scotland.¹³⁴ On 18 August 1305 he was appointed to deliver the gaol of the city of London of Wallace, of whom he had custody.¹³⁵ Segrave's task was prosecution of the continuing war. He was ordered to provide

131. E101/68/1/7 (*C.D.S.* II No.1170).

132. Landholding - C47/22/3/24 (*C.D.S.* II No.1297) on 16 February 1302 to ensure that the Earl of March had seisin of lands granted to him; *C.C.R.* 1296-1302 to restore lands to William de Ferrers.

King's peace - *C.P.R.* 1292-1301 p.484 on 5 January 1300 power to receive into the King's peace the men of Galloway and Annandale; *Ibid.* p.590, 3 May 1301, power to receive knights and mesne men into the King's peace.

133. *Ibid.* p.491.

134. *C.C.R.* 1302-7 p.25.

135. *C.P.R.* 1301-7 p.403. Subsequently he had the grisly task of escorting Wallace's head and quarters to their destinations for which he was paid 15s. - E101/367/16/4.

Roxburgh, Edinburgh, Linlithgow, Stirling and Kirkintilloch castles with men and victuals and to see that the castellans attack the enemy with all force and make no truce under pain of forfeiture. Similar instructions went to others, including Clifford for Caerlaverock, Dumfries, Dalswynton and Tibbers and Aymer de Valence for Bothwell and Selkirk.¹³⁶ Bain ascribed this document of 30 October to 1300. But another of that date notifies a number of people of a truce with the Scots.¹³⁷ Moreover St. John was continuously in charge of Dumfries from 1300 to September 1302. Valence did not take responsibility for Bothwell till February 1302.¹³⁸ The major responsibilities given to Segrave suggest 1303, when he was King's Lieutenant.

Percy, Keeper of Galloway and Ayrshire in 1296, had continuous involvement in Scotland but no further formal appointment till 1306. In 1306 he was appointed Captain over all men-at-arms in Lancashire, Westmorland, Cumberland, Wigtown, Ayr, Dumfries and Galloway as far as the bounds of Roxburgh, and is referred to as the King's Lieutenant.¹³⁹ His position was both complementary and subordinate to that of Valence. In 1306 three armies were in the field under Clifford, Percy and Valence. On 5 April 1306, with Valence, he was empowered to receive into the King's peace mesne men of Scotland who had risen in insurrection, but not magnates nor

136. *C.D.S.* II No.1164.

137. *Ibid.*.

138. E101/68/1/21.

139. *C.P.R.* 1301-7 p.426 and *C.C.R.* 1302-7 p.376; he is referred to as King's Lieutenant in a writ to a number summoned to join him with horses and arms in Scotland - *P.W.* I p.374.

anyone present at the murder of Comyn.¹⁴⁰ In instructions as to the custody of rebels, Marjorie Brus was to be delivered to Percy.¹⁴¹

Clifford's numerous appointments as Captain and Warden of the March cover primarily the period 1296-9. In November 1298 he was empowered to receive into the King's peace men of Nithsdale, except knights holding land exceeding 20s. per annum.¹⁴² A year later, as Captain of defence in the parts of Carlisle, he was to appoint Richard Siward, or some other suitable person, to the custody of Nithsdale.¹⁴³ There is ample evidence of his involvement from 1300 to the end of the reign when he participated in the expeditions against Brus. An undated document refers to a meeting with the sheriff of Berwick and from 29 October 1301 a further document relates his presence there to prosecute the King's business.¹⁴⁴ He was frequently involved in arraying and leading men from the liberty of the Bishopric of Durham, of which he was Keeper. On 19 July 1302, for example, in that capacity he was instructed to obey the commands of John de St. John, King's Lieutenant in Scotland.¹⁴⁵ In 1304 he was present in Scotland with the Prince of Wales.¹⁴⁶ On 20 February 1306 he was instructed to take into the King's hands the lands of the rebel, Brus, within the liberty of St. Cuthbert.¹⁴⁷

140. *C.P.R.* 1301-7 p.426.

141. Palgrave *op.cit.* pp.354-9.

142. *C.P.R.* 1292-1301 p.388.

143. *Ibid.* p.409.

144. SC1/16/43 and SC1/16/42 (*C.D.S.* II No.1252).

145. *P.W.* I p.364.

146. Palgrave *op.cit.* pp.283-5.

147. *C.F.R.* I p.534; and on 26 May he was granted Brus's former manor of Hartlepool within the franchise - *C.P.R.*

The most extensive evidence in relation to the King's Lieutenants in Scotland concerns Valence. His involvement in affairs Scottish, outwith major campaigns, dates from the King's granting him £1,000 of land in Scotland, the castle and barony of Bothwell and all other lands forfeited by William de Moray, as held by him at July 1296.¹⁴⁸ In 1303 he is described as chief of the host and Lieutenant of the King, both this side of and beyond the Scottish Sea.¹⁴⁹ The evidence for Valence's Scottish activities in 1302-3 relate mainly to his retinues at royal wages and to payments authorised by him for people serving in Scotland.¹⁵⁰ But there is also a letter from him to Greenfield, the Chancellor, in which he refers to ongoing talks with the great lords of Scotland for which he had high hopes of success.¹⁵¹ For the period 1306-7, the stream of instructions, orders and demands for information from Edward I to Valence reflect the King's frustration and anger that the subjugation of the Scots and his plans for the governance of Scotland had been put in jeopardy, especially since the 'usurper' of the Crown was the Earl of Carrick, previously loyal to him. These documents illustrate the ageing monarch's almost obsessive preoccupation with Scotland and his desire for complete personal control over the situation,

1301-7 p.436.

148. *C.D.S.* II No.1214.

149. SC1/31/33.

150. e.g. indenture for service with him of 12 February 1302, E101/68/1/21 (*C.D.S.* II No.1286); E101/11/15 payments by Manton to foot with Valence in July 1303; E101/10/3/4 an order by Valence to Weston, clerk, to make account for wages with those serving with him, dated 2 September 1303; E101/13/1304 31 July 1303, authorisation by Valence of payments for Robert fitz Walter; E101/10/3/1 20 August 1303, authorisation by Valence of payments for Fulk fitz Warine.

151. C47/22/5/56 (*C.D.S.* II No.1393), 24 September 1303.

despite problems of distance, communication and the snail's pace of his progress to take charge of the campaign in the few remaining months of his life.

Edward is especially vindictive in his instructions regarding those who supported Brus, refusing safe conduct for the Bishop of St. Andrews and demanding his capture along with the Bishops of Glasgow and Moray.¹⁵² Profuse in his thanks for the eventual capture of the Bishop of Glasgow, he also welcomes the burning of Simon Fraser's lands in Selkirk and instructs the same for all insurgents.¹⁵³ He ordered the death of all captured traitors, a directive later rescinded.¹⁵⁴ Detailed arrangements are given for military expeditions and payment of wages.¹⁵⁵ Throughout this correspondence with Valence, Edward's need for information, his exuberance with reported success, his profuse thanks to those aiding his cause, but also his exasperation at lack of progress, emerges. On 11 February 1307 he enquired of Valence as to why no news had reached him of a foray at Ayr against the rebels. Valence is ordered to provide information as to how he, Percy, the Earl of Hereford and St. John are prosecuting his affairs. He suspects they have been perverse and wish their doings to escape his notice.¹⁵⁶ Valence was empowered to receive

152. SC1/47/78 (C.D.S. II No.1777).

153. SC1/47/82 (C.D.S. II No.1786); SC1/47/80 (C.D.S. II No.1782); SC1/47/84 (C.D.S. II No.1787).

154. SC1/47/85 (C.D.S. No.1790), dated 28 June 1306.

155. e.g. instructions for the deployment at Perth of those who proffered service in 1306 C47/5/7; instructions to Sandale, Chamberlain of Scotland to pay the wages of those with Valence, dated 15 April 1306 C.C.R. 1302-7 p.376.

156. C.C.R. 1302-7 p.524.

mediocres homines to the King's peace but not magnates and on 26 September 1306 to receive attorneys from Comyn, Earl of Buchan.¹⁵⁷ Minor matters were also to receive his attention. On 4 June 1306 he was ordered to see that the business of the King's clerk William de Bliburgh regarding the church of Ceres be acted upon.¹⁵⁸ On 2 September he was to enquire into a complaint by the Abbot and convent of Reading of dispossession of the Isle of May by agents of the Bishop of St. Andrews.¹⁵⁹ But Valence's prime responsibilities were military, to hunt down Brus, defeat his forces and capture him and his leading adherents.

Some magnates, experienced in Scottish affairs, were involved in a diplomatic initiative to end the war in 1301. At the request of the French King, Edward agreed that envoys should meet at Canterbury to discuss Scotland, 'touching the rectification of the disobedience, rebellions, contempts, trespasses, injuries, excesses and losses, inflicted by the Scots'. A previous Keeper of Scotland, the Earl of Surrey, the current Lieutenant, St. John, and Valence were appointed on 1 March with the Earl of Warwick and Hugh de Vere.¹⁶⁰ Warwick, Vere and Valence contributed diplomatic experience, having served on embassies to treat with France. Le Latimer Sen., fitz Alan, fitz William and the knight, Robert Hastang, were appointed on 26 March to conduct Scottish representatives to

157. receiving people into the King's peace E101/331/17 (C.D.S. II No.1755), dated 7 April 1306 and C.P.R. 1301-7 p.426, dated 5 April 1306; attorneys from Comyn SC1/45/135

158. SC1/47/79

159. SC1/47/89

160. C.P.R. 1292-1301 p.580.

Canterbury.¹⁶¹ On 8 April, the envoys had power to appoint in the place of Latimer, now engaged elsewhere.¹⁶²

From 1296 to 1307, there are many examples of leading magnates acting together in the King's service in Scotland. On 24 June 1297, Percy and Clifford were appointed to arrest, imprison and do justice to all those breaching the King's peace.¹⁶³ Cressingham, Treasurer of Scotland, was to hold a colloquy with them 'so that they may more circumspectly execute the said matters by his counsel and advice'.¹⁶⁴ There is evidence from a letter from Cressingham to the King on 24 July of a meeting between Scottish representatives and Percy and Clifford at Roxburgh, which moved to Berwick to await the coming of the Earl of Surrey.¹⁶⁵ A letter from them gives details of what amounted to a negotiated agreement with the Earl of Carrick, the Steward of Scotland, the Bishop of Glasgow and 'the commonalty' of Scotland. They have been received into the King's peace. In return, Percy and Clifford guaranteed that they would not be required to cross to serve in Gascony against their will and pleasure, nor would any English army invade their lands or attack them as retribution for previous trespasses.¹⁶⁶ Percy and Clifford appear to have had scope to act on their own initiative and take decisions in the King's name. As the War of Independence dragged on, there

161. *Ibid.* p.582.

162. *Ibid.* p.586.

163. *Ibid.* p.251; there is also a letter from Percy to the King, stating he was going to Berwick with the Earl of Surrey, SC1/20/2 (*C.D.S.* II No.913).

164. *Ibid.*

165. C47/22/12/41 (*C.D.S.* II No.918).

166. C47/22/12/41 (*C.D.S.* II No.908 and *Stevenson* Vol.II 192).

is less evidence of magnates having freedom of action as Edward dictated matters personally, issuing detailed instructions for action. Another piece of evidence from 1297 was more akin to later practice. On November 1st. fitz Roger, fitz Alan, fitz William and the Earl of Angus were to give credence to what John de l'Isle, who had raised money for the King in Yorkshire, should tell them and to execute these instructions.¹⁶⁷

But, at least until 1300, those serving the King in Scotland were permitted some independent decision-making. On 28 January 1298 the escheator beyond Trent was to deliver to the King's receiver in Northumberland all money, being the issues of his province, to be expended at the discretion of Brian fitz Alan in safeguarding these parts.¹⁶⁸ The most interesting evidence for decision-taking in relation to Scotland by what amounted to a baronial council comes from 1299. The Close Roll contains details of an assembly summoned on 15 July to meet at York. Those summoned were the Archbishop of York, the Treasurer, the Bishop of Coventry and Lichfield, the Bishop of Durham and the Earl of Lincoln (both of whom had led squadrons at Falkirk), five magnates, who had all held appointments in relation to Scotland - Percy, Clifford, Latimer Sen., fitz William and Wake, and three Scottish magnates loyal to Edward - the Earls of Dunbar and Angus and Simon Fraser. They were to take decisions on the fate of Scottish prisoners in the hands of the sheriff of Yorkshire

167. *C.C.R. 1296-1302* p.77.

168. Gough *op.cit.* pp.71-2.

and the Constable of Berwick Castle. They were to decide where in the Marches would be most convenient for the King to stay if he came there in the coming winter. They were to discuss the keeping of the Marches and the garrisoning of the King's castles in Scotland.¹⁶⁹ The constables of Edinburgh, Roxburgh, Jedburgh and Berwick were to attend personally to do what should be enjoined upon them.¹⁷⁰ Edward was entrusting to a group of prelates, earls and barons, experienced in Scottish affairs, a certain amount of independent decision-making and executive action. Those involved were not merely instruments for implementing royal decisions, but were empowered to deal with important aspects of the Scottish Wars as they deemed most expedient in Edward's interests.

No evidence exists for comparable gatherings later in the reign. Stevenson provides evidence for a meeting between Latimer Sen., John de Segrave, the Scottish baron, Siward, and Ralph de Manton, deputising for St. John, too sick to attend, at Roxburgh to discuss military action in the area.¹⁷¹ Stevenson ascribes the date 27 August 1298 when St. John was imprisoned in France. The reference to his illness, given his death later that year, points to 1302 as the correct date. Botetourte on 30 March 1304 was sent by Edward to the Earl of Carrick, St. John Jun., Segrave and Clifford to inform them of the business they have been charged to do.¹⁷² The only hint of a group of magnates being required to meet to take decisions

169. *C.C.R. 1296-1302* p.258.

170. *Ibid.* pp.259-60.

171. *Stevenson II.* 305.

172. *C.D.S. II* No.1437.

comes from 1307. In his letter to Valence of 11 February, the King asks how he, the Earls of Gloucester and Hereford, St. John and Percy have ordained among them for the prosecution of his affairs.¹⁷³ Given the detailed instructions to Valence, this meeting would have concerned itself with the most effective means of implementing instructions. The role of the King's appointees in Scotland, as the war progressed, became more and more execution of royal orders. Power to take their own decisions lessened as Edward assumed increasing personal control with Scotland dominating his political agenda. Before 1300, Edward still had other major considerations such as his overseas campaigns, was more remote from the Scottish scene and less obsessional in relation to Scotland. The attitude adopted by the King was probably counter productive and detrimental to England's fortunes in Scotland. Allowing experienced magnates on the spot to assess the situation and take appropriate action might well have produced quicker action and more positive results.

Can one draw conclusions from this discussion of baronial service in Scotland outwith major campaigns? To deal with flash-point situations Edward called on barons and knights, predominantly from the northern counties, for immediate service at pay. As in 1297 and 1306 this was in response to Scottish insurrection. Those summoned formed advance contingents to contain the situation until full-scale invading armies had mustered. For garrisoning of castles, defending the English position and making forays, Edward relied on retinues,

173. *C.C.R.* 1302-7 p.574.

mainly serving for pay. Some barons provided men-at-arms for lands held in Scotland. From 9 November 1300 and between 12 and 14 February 1302, detailed indentures were made by the King and Council with individuals for service in Scotland. They ranged from the most important royal appointees, such as St. John Sen., Latimer Sen. and Valence, through barons such as Edmund de Hastings and Alexander de Balliol, to the Hastang brothers, Robert and Richard, serving as castellans.¹⁷⁴ Edmund de Hastings served on forays and in 1302 as Warden of the town of Berwick. Alexander de Balliol was Keeper of the forest of Selkirk. Northern barons were also to the fore in this aspect of service, Cantelupe, fitz William, John de Lancaster, Rither, Wake, Multon, Teye and Twenge. Lesser landholders, such as Hodelestone, served regularly as did knights, for example the brothers Hastang, William de Felton and John de Kingstone, long-serving Constable of Edinburgh Castle. Walter de Beauchamp undertook a wide range of duties in Scotland as Steward of the Household.

There are examples of *maiores barones* serving other magnates in Scotland rather than the King directly. In 1296 and 1297 Elys d'Aubeny operated as a 'minister' of the Earl of Surrey. On 11 June 1297 he was sent with Saer de Huntingfield on the King's special affairs by the Earl.¹⁷⁵ In 1302 and 1303 Robert fitz Payne was acting under Valence. Documents from 1302 to the Constable and Marshall from Valence and fitz Payne refer to service proffered by John de Maundeville and, on 30

174. E101/68/1/5-24 (C.D.S. II Nos. 1170-2, 1174, 1286-7, 1290).

175. C.P.R. 1292-1301 p.252.

June 1303, Alan de Plucknet acknowledged receipt of victuals by order of fitz Payne, captain of men-at-arms of the King's forces this side the Scottish Sea.¹⁷⁶ Perhaps fitz Payne indented for service with Valence, as Berkeley did in 1297-8, serving under him in Flanders.¹⁷⁷ Certainly on 9 November 1303 an indenture was made between them for fitz Payne to tourney on Valence's behalf for one year.¹⁷⁸ Fitz Payne was also active in Scotland in 1306 when Valence was King's Lieutenant, being instructed to take custody of the Scots rebel Walter de Murray and imprison him in Corfe Castle.¹⁷⁹

The service of ten English barons in Scotland deserves particular attention. They received important appointments and played a major part in executing Edward's plans. Not all were engaged on royal service at the same time. But their level of service was greater, and involvement in Scottish affairs more extensive, than others. They do not form a homogeneous group. Two distinct and different categories of royal servant are apparent. There were the northern barons and the 'professional' royal servants. The one apparent difference between the groups is that the 'Northerners', with the exception of Fitz Alan, often held appointments as Wardens of the March, whereas the professionals were Lieutenants within Scotland itself.

Of the 'Northerners', Brian fitz Alan, a Guardian in the

176. SC1/48/116, SC1/31/33 and *C.D.S.* IV Add. No.1789.

177. E101/68/1/1-3 (*C.D.S.* II Nos. 905, 1004 and 981).

178. E101/27/11 (*C.D.S.* II No.1407).

179. Palgrave *op.cit.* p.353.

'Interregnum', 1290 to 1292, was again prominent from 1297 till 1300. Clifford, Percy, fitz Roger and Huntercombe are all to be found active in Scotland throughout the period. Percy and Clifford were both young men when Balliol rebelled; Percy was twenty-three and Clifford twenty-two. Percy was first summoned to parliament in 1299 and Clifford a year later. With others, notably Valence, they represented the new generation of magnates on whom Edward had to rely as his older, trusted lieutenants aged, grew infirm and died. Both, substantial landholders in the North, held by barony and were to increase their estates later. Percy was granted the Barony of Alnwick in 1309, Clifford the Honour of Skipton in 1310.¹⁸⁰ With northern landholdings, their service was partly out of self-interest but their active support was essential to Edward. Their local standing in the North enabled them to secure the services of other barons, men-at-arms and foot, without whose support Edward's Scottish policies were doomed to failure. They provided the link between the King and his forces on the ground.¹⁸¹

Fitz Roger, in his late forties, and Huntercombe, in his fifties, in 1296, were of an earlier generation. Fitz Roger had manors in Buckinghamshire, Norfolk, Essex and Suffolk, including the Honour of Blythborough, but his major estates

180. Percy - I.J.Sanders *English Baronies* p.103; Clifford - *Ibid.* p.143.

181. e.g. *C.Ch.W.* p.98: on 20 September 1298 letters patent went to the people of Cumberland and Westmorland informing them that a raid carried out by them in the company of Percy and Clifford would not be taken as a precedent, as promised by Clifford and Percy.

were in Northumberland, including the Honour of Whalton.¹⁸² Huntercombe was, primarily, a Northern baron with substantial Northumbrian landholdings, including a quarter of the Barony of Styford and a half that of Wooler.¹⁸³ Both had served in the Welsh Wars and were Lords of Parliament. Huntercombe had previous involvement in Scottish affairs as Keeper of the Isle of Man. Apart from Huntercombe's spell as Governor of Edinburgh Castle, all their appointments related to Northumberland. As with Clifford and Percy, Edward was relying on magnates whose local power base could provide the resources, expertise and motivation for service demanded by his involvement in Scotland. Huntercombe held important office in the March through to the end of the reign; fitz Roger's major activities were from 1296 to 1300, though he was urgently summoned for immediate service twice, under Segrave in 1303 and Valence in 1306.¹⁸⁴

Turning to the 'professionals', John de St.John and William le Latimer had parallel careers in royal service, covering far more than Scottish affairs. The same is true of John de Botetourte, but John de Segrave's service to Edward was almost exclusively in Scotland. What St. John, Botetourte and Segrave shared in common was lack of personal involvement deriving from Northern estates. St.John's family Barony was Basing, Southampton. Segrave, who did not hold *per baroniam*, was an extensive landholder in eight counties, but the most

182. *C.I.P.M.* Vol.V No.219 pp.120-1.

183. *Ibid.* No.403 pp.223-6.

184. *P.W.* I pp.369-70 and p.374.

northerly was Derbyshire.¹⁸⁵ Botetourte's lands, mainly acquired through marriage, were in Gloucestershire, Bedfordshire, Suffolk, Norfolk, Huntingdon and Essex.¹⁸⁶ Latimer did hold lands in Yorkshire but had major estates elsewhere, including, through his wife, half the Barony of Chipping Warden in Northamptonshire.¹⁸⁷ He could be described as a 'Northerner' but his involvement in Scotland was primarily as a long-standing 'professional' servant of the Crown.

St. John was engaged on royal affairs virtually continually from 1286 till his death in September 1302. Much of this service was in Gascony, both administrative and military. When seneschal of the Duchy, he was captured by the French, remaining incarcerated for two years. It was probably his experience in Aquitaine that led to his appointment as virtual commander of royal operations in Scotland in 1300. Another important role entrusted to him was in 1289 as a member of a commission appointed to enquire into complaints against the King's ministers.¹⁸⁸ Latimer also served on that commission and was appointed almost ten years later to a commission to enquire into breaches by royal officials of the Forest Charter.¹⁸⁹ He also saw service in Gascony in 1294-5. St. John and Latimer were tried, trusted and militarily experienced lieutenants of the King, given special responsibilities at a difficult time in Scotland when Edward

185. *C.I.P.M.* Vol.VI No.699 pp.427-30.

186. *Ibid.* No.587 pp.367-8.

187. I.J. Sanders *English Baronies* p.33.

188. *C.C.R. 1288-96* p.55 and *Foedera* I p.715.

189. *P.W.* I p.397.

was unable to follow up his victory at Falkirk.

Segrave's appointments in Scotland date from his custody of Berwick Castle in 1301, though he served on earlier campaigns.¹⁹⁰ In 1300 he certified service in Scotland as Lieutenant of the Earl Marshall, for whom he deputised at Caerlaverock.¹⁹¹ Earlier family involvement had seen his father, Nicholas, keeper of the castles of Ayr and Dumbarton in 1291-2.¹⁹² Highly intriguing is evidence indicating service by John de Segrave himself in the March in 1286.¹⁹³ It is an account by him of wages for himself and William d'Eyncourt, banneret, six knights, thirty-two esquires and forty archers for the safe keeping of the March of England in the parts of Scotland from mid-July to 16 August 1286, for forty-seven days, staying in the March according to the form of an indenture of 28 April made at Westminster between himself and the King. The total of the account was £145. 14s.. This indicates that on the death of Alexander III Edward sent a force to patrol the border area. Perhaps he had an eye for the main chance, or feared border raids by lawless Scots in the troubled condition of a minority. This extends the connections of the Segrave family with Scotland back to the beginning of Edward's interest in its affairs. Given this background, and his experience deputising for the Marshall, Segrave's eventual appointment as King's Lieutenant is not surprising. It also demonstrates Edward's capacity for utilising talent, even

190. appointment to Berwick - *C.D.S.* II No.1331.

191. certificates of service - C47/2/13-17; Caerlaverock -
Nicolas *op.cit.* p.13.

192. *Stevenson* I 204-8.

193. E101/612/2.

amongst those whose total loyalty might have seemed in doubt. Segrave was a strong supporter of the Marshall and Constable in their opposition to the King in 1297 and in the continuing disputes over the Charters. Segrave's appointment and service thereafter support the view that the dissident barons were satisfied with the additional concessions, wrung out of a reluctant King, between 1299 and 1301. Certainly there is no evidence to suggest that Segrave was bought over by Edward.

John de Botetourte's rise in importance from obscure origins was due to his service to the Crown.¹⁹⁴ His career in royal service led to his prominence and regular summonses to parliament in the next reign. His service to the Crown was wide-ranging. He participated in various commissions, was constable of St. Briavel's and Gloucester Castles, Keeper of the Forest of Dene and sub-captain of the King's mariners. But, from 1302 till the end of Edward's reign, he was usually in Scotland - Justice of Galloway, Keeper of Lochmaben and Dumfries, Warden of the Marches and frequently involved in the organisation and leadership of forays.¹⁹⁵

Aymer de Valence, who succeeded to the bulk of his

194. Geoffrey Barrow describes him as a royal bastard - G.W.S. Barrow *Robert Bruce* p.201. Strong counter arguments have been put by Michael Prestwich e.g. *Edward I* pp.131-2.

195. appointed Warden of the March 4 January 1303 - C.P.R. 1301-7 p.103. Previously the King wrote on 25th. September 1292 to the Bishop of Chester thanking him for his advice that Botetourte should succeed John de St. John, deceased, as King's Lieutenant. Edward agrees that Botetourte is 'a good man, wise and competent' but he wished to do nothing about the Guardianship until his next parliament and he had received advice from the wise men of his Council. *The Functions of the Medieval Parliament of England* compiled by G.O. Sayles p.257.

father's estates in 1296, does not fit strictly into either category of 'Northerner' or 'professional'. He held lands in Northumberland and Yorkshire, but these represented a small proportion of his extensive landholdings in twenty-one counties, Wales and Ireland, not to mention his French possessions as 'Sire de Montignac'.¹⁹⁶ His status was far greater than that of St. John, Latimer, Segrave or Botetourte. He represented the comital element in Scottish affairs, just as the Earl of Surrey had done earlier. Outwith military campaigns, Valence's main service to Edward, prior to 1302, was in diplomacy, serving on six of the twelve embassies to negotiate peace with France between 1296 and 1302. But from February 12th. 1302 when he indented with the King and Council for the custody and garrisoning of Bothwell Castle, he became increasingly involved in Scotland.¹⁹⁷ In 1306-7 his was the major responsibility for putting down Brus's rebellion.

A lengthy consideration of baronial service in Scotland has been necessary for compelling reasons. Scotland dominated Edward's reign as it drew to a close. A study of baronial service in the Marches and north of the Border provides evidence of the importance to the King of the greater barons in the implementation of major policies. It demonstrates the nature and extent of service provided. It offers clues as to Edward's criteria for selection of magnates for specific duties. By identifying those who undertook such tasks, it will prove possible to assess later rewards received for

196. *C.I.P.M.* Vol. VI No. 518 pp. 314-40.

197. E101/68/1/21 (*C.D.S.* II No. 1286).

performing service to the Crown.

The evidence from Scottish affairs shows a minority of barons involved outwith major campaigns, falling roughly into three groups. Some who held lands in Scotland after the major grants of 1298 were expected to provide men for castle garrisoning duties. Northern landholders had responsibility for the defence of the English March, for raising troops there to lead on ventures into Scotland and for responding quickly to crisis situations. The 'professionals' operated within Scotland to defend lands held by the English, to garrison and fortify castles and to make forays against the Scots. Once involved in Scottish affairs service to the Crown elsewhere often came to an end. The leading roles of King's lieutenants were taken by *miores barones* but important parts were also played by prominent knights, primarily as castellans, such as Kingston, the Hastang brothers and William de Felton. As men on the spot those holding royal appointments in Scotland did have to take key decisions. But as the struggle to conquer Scotland dragged on and Edward became obsessed with completing his conquest the scope for autonomous action was reduced. Edward's desire to take all decisions personally became most marked in the stream of detailed instructions sent to Valence in 1306-7.

Preparations for Warfare

Turning to preparations for warfare, additional duties were required of some magnates over and above providing retinues for major campaigns. In 1300, when Edward I was

seeking novel methods of raising troops for Scotland, he summoned all £40 landholders to muster at Carlisle at Midsummer to set out against the Scots at his wages.¹⁹⁸ Prestwich points out that this was criticised by the magnates, never repeated and that, after 1301, all summonses used the traditional strict feudal formula.¹⁹⁹ Partial evidence from the Close Roll suggests that the 1300 experiment was abandoned.²⁰⁰ The King appointed in most counties local magnates to act together with sheriffs in summoning £40 landholders. Nineteen *maiores barones* were called upon. All were to act in counties where they had significant landholdings. For the few for whom inquisitions post mortem do not survive, other sources, such as respite of debts and feet of fines, provide this information. In only one case, that of William Touchet, is corroboratory evidence lacking, but an entry in the Book of Prests refers to him as one of the heirs of the Bishop of Ely.²⁰¹ Thus landholding in Cambridgeshire seems probable. Edward was relying upon influential magnates to ensure the smooth implementation of this departure from usual procedures. He felt that his chances of successfully raising cavalry troops were increased by involving local magnates. Close connections with the King can be shown in most cases. Bardolf, Basset, Berkeley, Botetourte, Braose, fitz Payne, Hacche,

198. *P.W.* I pp.330-340.

199. M. Prestwich *War, Politics and Finance under Edward I* p.247.

200. *C.C.R. 1296-1302* pp.388-9, an incomplete entry to those ordered to summon £40 landholders, which starts 'although the King at another time ordered...', suggesting the order was to be countermanded.

201. *Book of Prests of the King's Wardrobe for 1294-5 presented to J.G. Edwards*, general editor E.B. Fryde, p.271.

Latimer Sen., Leybourne, John de Tregoz, Welles, Touchet and Clifford, were all, at some point, household knights. Ap Adam and Furnivall served in the King's squadron at Falkirk, the latter also at Caerlaverock. Eyncourt and Henry de Tregoz frequently served Edward as justices in eyre. Fitz William held appointments in the northern counties. Only in the case of Henry de Grey, whose major service to the Crown came later under Valence in Scotland, is a close connection with the King not obvious.²⁰² But baronial involvement does not invalidate Prestwich's contention of baronial dislike of this experiment. Those called upon were frequently on royal service for which many owed their prominence and status as Lords of Parliament. None of the nineteen were among the known supporters of Bohun and Bigod in 1297.

Earlier, in September 1297, two other barons were involved when Edward sought to take men-at-arms abroad at pay. Sheriffs and others, mainly knights, were appointed to select and retain at the King's wages, knights and yeomen of their counties to muster with horses and arms in London. Those involved, again in counties where they held land, were Bogo de Knovill for Shropshire and Staffordshire, and Andrew de Eastleigh for Warwickshire.²⁰³

On 25 November 1298, various appointments were made as Captains of the March, implying recruiting men-at-arms as well

202. E101/12/18/8 gives details of payments of wages for Grey, serving with Valence, made by Weston in 1303; C47/3/52/9 and *C.C.R. 1301-7* p.376 includes advances on wages for Grey a.r.34, serving with Valence.

203. *C.P.R. 1292-1301* p.309.

as leading them. All persons having lands in certain counties were to assemble at a given place within a specified period (eight or ten days) from receipt of notice from the Captains - Clifford for Cumberland, Westmorland and Lancaster; Huntercombe, Northumberland; Furnivall, Nottinghamshire and Derby; fitz William, Yorkshire.²⁰⁴ Whereas Clifford had supreme command for his area, Latimer Sen. was appointed Captain-General for the other four counties.²⁰⁵ He would co-ordinate the work of the others and take command of the troops when mustered at Newcastle. Furnivall's commission for Nottinghamshire and Derby stated that all aged twenty to sixty, having £30 in land per annum, were to provide one barbed horse and, over £60, two, the commitment increasing in proportion with every £30 of land held. He was to compile a roll of all persons and horses in every wapentake.²⁰⁶ The King was trying to maximise his cavalry through another expedient and was utilising the services of leading magnates in relevant counties.

For armies in Wales, Scotland and overseas, Edward I required infantry. Magnates were involved in three ways. On a few occasions, particularly in relation to landholders in the Welsh Marches, requests were made to provide troops from their own lands to serve at the King's wages, a practice more in evidence for the Welsh War of 1287. In 1298 William de Braose was instructed to raise three hundred foot from Gower and lead

204. *Ibid.* p.387.

205. *Ibid.*

206. *Ibid.*

them at pay to Carlisle.²⁰⁷ Edmund de Mortimer was to raise six hundred from his Welsh lands and have them led to Carlisle by someone in whom he had confidence.²⁰⁸ His brother, Roger, was to raise a further six hundred.²⁰⁹ There is also evidence from 1307 of Roger de Mortimer and Robert de Tony providing one hundred and fifty Welsh foot for Scotland.²¹⁰ Edward was seeking experienced troops and involved Welsh Marcher Lords in their provision.

Magnates arrayed troops as officers of the Crown. In 1297 Grey, Justice of Chester, was required to raise infantry from the palatinate and specified areas of Wales, to serve the King both overseas and in Scotland.²¹¹ In April the following year he was to recruit foot to be led to Berwick at the King's wages.²¹² The numbers involved were considerable, with four thousand Welsh to be raised by 6 December 1297. Nor did Grey's efforts represent the totality of Welsh forces called upon in 1297 and 1298. Similar mandates went to John de Havering, Justice of North Wales, as well as individual Marcher Lords.²¹³ In 1303, Clifford, as custodian of the liberty of the Bishopric of Durham, was required to array foot there for service in Scotland.²¹⁴

207. Gough *op.cit.* p.94.

208. *Ibid.* p.93.

209. *Ibid.* p.94.

210. *Calendar of Ancient Correspondence Concerning Wales* edited by J.G.Edwards p.214 XLVIII 63.

211. *P.W.* I pp.295-6, 304 and *C.P.R. 1292-1301* p.250.

212. *C.P.R. 1292-1301* pp.342-3 and Gough *op.cit.* pp.90 & 94.

213. *C.P.R. 1292-1301* p.250, 313, 324 & 342; Gough *op.cit.* pp.90 & 94; *P.W.* I pp.295-6, 304.

214. On 7 April - E101/11/11.

Barons were appointed to commissions of array by the King. We know, from a record of wages paid, that Thomas de Berkeley chose and led five hundred foot from Wiltshire and a further five hundred from Somerset and Dorset to serve in Wales in 1294 and 1295.²¹⁵ This is unusual in that, although a landholder in Somerset, Berkeley's main estates were in Gloucestershire, and it is usually there that he implemented the King's mandate. Alan de Plucknet, a landholder there, was required on 22 November to choose foot from Herefordshire for service in Wales.²¹⁶ In 1297 four barons were appointed on commissions of array to raise foot soldiers from both Wales and the Marches to muster at Hereford for service overseas at the King's wages - Edmund de Mortimer, John Giffard, Robert de Tony and John fitz Reginald.²¹⁷

Most commissions of array were to provide foot for Scotland. Although Wales was an important recruiting ground the bulk of the infantry came from the Northern counties. On 27 October 1297, appointments were made to levy a total of 29,000 troops. Wales and Chester provided 6,000; Nottinghamshire, Derby, Shropshire, Staffordshire, Worcester and Gloucestershire, 7,000; but 16,000 from Northumberland, Cumberland, Westmorland, Lancashire and Yorkshire. Baronial involvement in this levy was slight. Other than Grey, Justice of Chester, only Hodelestone, one of three Captains of the March for Cumberland and Westmorland, acting with the clerk, Peter de Donewych, for Lancashire, Cumberland and Westmorland,

215. *Book of Prests* p.54.

216. *C.Ch.R.V.* p.302.

217. *P.W.* I p.294.

and the Yorkshire baron, William le Vavassour, associated on 4 November with William de Ormesby for Northumberland, Yorkshire, Nottingham and Derby, were involved.²¹⁸ But barons took command of these troops as Captains of the March. An additional levy of 14 November for 3,000 foot from Lancashire were earmarked for service under Clifford.²¹⁹ The commissioners of array for Nottingham and Derby were directed to send their levies to serve under fitz Alan.²²⁰ Most appointees were knights, with royal clerks to pay wages. This pattern was repeated in 1299 when, on 18 September, commissions of array were established in nine counties for 16,000 troops, of which 13,500 were from the North. Barons were involved in their local areas for the largest contingents - Huntercombe for 4,000 from Northumberland and Vavassour, 4,000 from Yorkshire.²²¹

In 1300 only Vavassour was involved, for Yorkshire, where 5,000 foot were sought out of 16,000 being raised in the northern counties, Nottinghamshire and Derby.²²² Problems of recruiting infantry were becoming apparent. Commissioners were to bring to justice and punish those found rebellious. This instruction was repeated when a further 4,900 were sought from Yorkshire on 27 July to muster at Carlisle in August. To ensure a better response, the numbers required from each wapentake were detailed.²²³ Three separate arrays of foot were

218. *C.P.R. 1292-1301* pp.313-4.

219. *Stevenson II* pp.243-4.

220. *P.W. I* p.300.

221. *C.P.R. 1292-1301* p.437.

222. *Ibid.* p.572.

223. *P.W. I* pp.304-5.

made in 1301, again mainly from the northern counties, but with no baronial involvement, other than that those raised in Yorkshire in November, were to be under the command of Furnivall and Vavassour.²²⁴

Another major effort to raise foot, 9,500, was made on 9 April 1303 from the same counties as in 1301, to be at Roxburgh at pay on 12 May.²²⁵ Hodelestone was to raise 300 from Coupland in Cumbria and fitz Roger and Huntercombe 1,000 from Northumberland. A dual role was expected from them. They were also to raise as many men-at-arms as they could. For Yorkshire three local magnates, Furnivall, Twenge and Cantelupe were appointed to raise men-at-arms, the knights and clerks for the three ridings concerned solely with infantry. But the barons did deal with the arraying of foot.²²⁶ The final commissions of array, for spring and early summer 1307, for a smaller number, under 5,000, 'to pursue Robert de Brus in the moors and marshes in which he was lurking', involved Thomas de Multon finding 160 from his liberty of Egremont.²²⁷

Baronial involvement in the provision of troops primarily related to cavalry. In raising infantry, even northern landholders, in whose counties many foot soldiers were sought, were employed infrequently. Local knights and royal clerks, to pay wages, were the King's main source for commissioners of array for infantry. Where northern barons were involved,

224. *C.P.R. 1301-7* p.2.

225. *Ibid.* pp.132-3.

226. E101/11/11.

227. *C.P.R. 1301-7* p.498.

special circumstances sometimes appertained, as with dual purpose commissions to raise both foot and cavalry. Once foot soldiers were arrayed for service and led to the point of muster, barons as Captains of the March did assume an important role, taking over responsibility for their leadership and deployment.

An essential ingredient in successful military campaigns is provisioning of the armies. Like most commanders, Edward I relied on living off the land. But in areas ravaged by years of intermittent warfare, this was not always possible. He had to supplement his stores at Berwick and elsewhere by purveyance of provisions. These were required for armies on the march and Scottish garrisons. Much of the work of King's clerks in Scotland, such as Bremesgrave, was in victualling castles. Some evidence, mainly from 1301 and 1303, of how Edward organised prises comes from the Patent Rolls. The system was not dissimilar to that for arraying foot. Specific requirements as to quantity were made known by mandates to local 'commonalties' as in March and April 1301.²²⁸ Prises were to be carried out under the instructions of those appointed by the King. Edward appointed local knights and barons with the influence and power necessary to ensure compliance. Barons involved were fitz Walter for Essex; Botetourte for Norfolk and Suffolk; Furnivall for Notts and Derby; Cantelupe for Yorkshire; Huntercombe for Northumberland. Difficulties were encountered. Amended instructions went out six weeks later on 18 April for Essex altering the requirements, there being a

228. *C.P.R. 1292-1301* p.578.

scarcity of oats and malt. Fitz Walter further informed the King that the men of Essex were reluctant to hand over supplies till taxers and collectors, in whom they had confidence, were elected by them at Michaelmas.²²⁹ A similar prise took place in September and November 1303 with responsibility to the sheriff, a named knight or baron and a royal clerk. Fitz Walter and Huntercombe were again appointed, along with Vavassour for Yorkshire, Eyncourt for Lincoln and John de Beauchamp for Somerset and Dorset.²³⁰ All barons involved in prises, except John de Beauchamp, were regularly in royal service, particularly in counties where their main estates were.

Other examples of baronial service pertaining to war preparations can be found. In 1300 Knovill was sent with Havering, King's Justice of North Wales, to Montgomery to negotiate a subsidy for the Scottish War.²³¹ Among those elected by the 'commonalty' of Berkshire in October 1301 to assess the fifteenth, lately granted, and to tax, levy and pay it to the Exchequer was John de St. John of Lageham.²³² All others elected in the counties were knights. Despite St. John's parliamentary summonses, this reinforces doubts as to his status as a *maior baro*. Geoffrey de Geneville was, in April/May 1301 and February 1302, described as 'one of the greater barons of Ireland', given a commission to act along with the Justiciar, Wogan, to make arrangements with the Earl

229. Ibid. p.589.

230. C.P.R. 1301-7 pp. 159 and 201.

231. C.P.R. 1292-1301 p.512; P.W. I p.343; C.C.R. 1296-1302 p.354.

232. C.P.R. 1292-1301 pp.611-3.

of Ulster and other Irish magnates to serve with horses and arms in Scotland.²³³ Geneville had, in 1297, been called upon by the King previously to supervise preparations for a major campaign, as acting Marshall, when Bohun and Bigod refused to serve overseas. Thomas de Berkeley served as acting Constable. Two trusted, loyal barons were asked to undertake a job of work for the King, as an emergency short-term expedient until the constitutional conflict was resolved. Two other barons, the Segrave brothers, acted in 1300 in Scotland as lieutenants of the Marshall and Constable.²³⁴ But their appointments were different, being nominated by and responsible to the Earls, whom they had supported in 1297. Their service was only indirectly to the King, though the work of these offices was essential to him.

William de Leybourne, the ubiquitous, ever-useful Botetourte and Simon de Montacute performed important naval service for Edward I. Leybourne was one of the few barons of the period whose landholdings were exclusively in one county, namely Kent.²³⁵ Summoned to every parliament from 1299 onwards, he rose in prominence partly through his naval career and as a regular Household banneret. His later service in Scotland was extensive, but in 1294-7 he was heavily engaged on royal affairs as Captain of all the navy of England, Ireland and Wales and Keeper of the Sea.²³⁶ There is no evidence that his

233. *Ibid.* pp.589 and 595; *C.P.R. 1301-7* p.21. Full details of Geneville's involvement are given in James Lydon, 'Edward I, Ireland and the War in Scotland 1303-4', *England and Ireland in the Later Middle Ages* Ed. Lydon p.44.

234. as in certifying service done - C47/2/13/7-14.

235. *C.I.P.M. Vol.V No.220* pp.121-3.

236. described as such in letters by him of 12 September 1294,

appointment arose from seamanship skills: 'It was his membership of the household, his long experience in commanding men, his administrative ability and his family tradition of service that led Edward to make this appointment.'²³⁷ As Captain of the King's mariners, he undertook weighty responsibilities. In March 1294 he had to provide transit to Gascony for the King's brother, Edmund.²³⁸ In March 1297 he was in charge of ten ships protecting the coast of Calais for those crossing to serve the King in Flanders, and was to engage French mariners attempting to prevent their passage.²³⁹ In July of the same year, the sheriffs of Kent, Surrey, Sussex and Southampton were to aid Leybourne and others appointed to keep twelve ships in these parts.²⁴⁰ Botetourte served as Leybourne's deputy. An undated document gives a full list of payments to those in his fleet and from 1294-7, he is described as sub-captain of mariners, sometimes specifically for Yarmouth.²⁴¹ Precise instructions went to him, as on 28 September 1295 when he was mandated, as Keeper of the sea coast of Yarmouth, not to molest Dutch fishermen and, on 25 March 1297, he was to restore ships arrested in his bailliwick, as Keeper of the maritime ports towards the North.²⁴² Montacute's naval contribution came in January 1307 with his appointment as Captain and Governor of the Fleet against the Scots, as well in parts of Scotland as in the

C47/2/10/4.

237. J.O. Prestwich *op.cit.* p.2.

238. *Foedera* I p.809.

239. *C.P.R. 1292-1301* p.245.

240. *Ibid.* p.291.

241. C47/2/11; other examples of this description - *C.C.R. 1288-96* p.407 and *C.C.R. 1296-1302* p.99.

242. *C.P.R. 1292-1301* pp. 149 and 245.

Isles between Scotland and Ireland.²⁴³

A minority of barons were involved in preparations for war. They fall into two categories - the 'professionals' holding specific related appointments under the Crown and those selected for their local power base, serving the King in areas where they were landholders of significance. The majority of those involved, in both categories, were mainly men who rose to prominence in the reign through service to the Crown, often initially as members of the household. Many of the duties undertaken were also the provenance of prominent knights and royal clerks.

The Administration of Justice

A study of baronial involvement in the administration of justice shows that a number held judicial appointments under the Crown. Some served on special commissions to deal with specific matters, such as the complaints against the King's ministers in 1289; incidences of breaches of the Charters in 1299-1300; and as justices of trailbaston 1305-7. But there were baronial appointments to routine commissions of oyer et terminer. What emerges, however, is the limited nature of such involvement. Less than half of the *maiores barones* performed such service. Of the forty-six involved, only about one third served in anything like a regular capacity. The remainder were appointed on a few occasions to specific commissions for particular reasons. Only a handful can be considered regular,

243. C.P.R. 1301-7 p.490.

'professional' commissioners.

Lengthy judicial appointments were held by Roger le Strange, William de Vescy, Hugh le Despenser and Robert de Clifford as Justices of the Forest. Strange was Justice of the Forest, South of the Trent, from October 1283 until succeeded by Despenser in February 1297.²⁴⁴ He was regularly summoned to parliament up till then, but references to him in records thereafter are scant. He lived till 1311 but a number of petitions from him refer to his weakness and in February 1302 he had royal letters permitting him, by reason of his sickness, to nominate attorneys for two years.²⁴⁵ The equivalent post North of the Trent was held by Vescy from June 1285 till his death in 1297, Clifford replacing him in August.²⁴⁶ It is difficult to assess how much work each Justiciar did personally or to what extent they delegated to subordinates. Vescy was also Justiciar of Ireland from 1290 to 1294 and spent some considerable time there as evidenced from nomination of attorneys and letters of protection.²⁴⁷ Strange was heavily involved in other of the King's affairs, especially in the Welsh Wars, and in 1291 was a royal envoy in Rome.²⁴⁸ It is unlikely that Clifford devoted a great deal of time to this post, given his involvement in Scotland. Despenser was frequently abroad on royal embassies. One specific piece of evidence shows his deputy acting in his

244. *C.F.R.* I pp.193 and 382.

245. A.P.316 No.E.228 and A.P.321 No.E.455; *C.P.R.* 1301-7 p.13, dated 2 February 1302.

246. *C.F.R.* I p.217 and *C.P.R.* 1292-1301 p.306.

247. appointment - *C.P.R.* 1281-92 p.387.

248. *Ibid.* p.445 and, staying beyond seas, 18 April 1292 p.485.

stead. On 24 September 1300 a writ de intendendo in favour of Robert de Harwdon, acting in Despenser's place until his return from royal business at the Papal Curia, was sent to sheriffs, foresters, etcetera.²⁴⁹ It can be assumed that this arrangement was common in relation to all four Forest Justices. The Close and Patent Rolls contain instructions to them and examples of duties performed by them. The latter, such as licences following inquisitions carried out by the Justices, are more frequent in the case of Strange, who appears to have been more active personally than the other three.

For eighteen years, from 1281, Reginald de Grey served Edward I as Justice of Chester, a role performed by his father in the previous reign.²⁵⁰ He was, to all intents and purposes, a 'professional' royal servant, participating in many aspects of government. His baronial status was justified, and, indeed, enhanced by such involvement. His service began in Henry III's reign in 1266 as sheriff of Nottingham and Derby and Constable of Nottingham Castle.²⁵¹ He fought in all the Welsh Wars, leading major contingents, as in 1295 against Madog. His military service continued into Scotland, still serving there under the Prince of Wales in 1303.²⁵² He is known to have attended the parliament of 1290, and was summoned to all those held from 1295-1307. He served on the King's son's Council during Edward's absence in Flanders.²⁵³ But it is in his role

249. *C.P.R. 1292-1301* p.535.

250. appointment - *C.F.R. I* p.255.

251. Moor *op.cit.* Vol.II pp.151-2.

252. C67/15, dated 8 April 1303.

253. P.R.O. *Deputy Keeper's Report 35th.* 2 March 1874 p.5

as Justice of Chester that his value to the King and the full extent of his service is seen.

Grey was responsible to the King for all aspects of governing Chester, administrative, legal and financial. Instructions to sheriffs of English counties came to him as Justice. He accounted annually for the King's revenues and the range of duties undertaken are seen in the relevant Liberate Rolls. He administered, assessed, levied and collected grants in aid made to the King.²⁵⁴ He was responsible for the maintenance of royal property, such as Chester Castle. He headed commissions of oyer et terminer in Chester and presided over numerous inquisitions. One of his last duties in Chester was judicial. On 4 December 1298, he was ordered to go in person to the manor of Macclesfield to hold and determine common pleas and pleas of the forest there, which had long not been pleaded to the King's loss.²⁵⁵ He had responsibility for raising troops both cavalry and infantry. His responsibilities extended beyond Chester itself, to Wales. He dealt with lawlessness and the settling of landholding disputes in Wales and the Marches.²⁵⁶ He had responsibility for various castles and arrayed Welsh foot for service overseas and in Scotland. Edward relied heavily upon Grey for the governance of Chester and surrounding areas. His satisfaction is evidenced by Grey's lengthy tenure of office. But the duration, nature and extent

No.37.

254. e.g. appointed 6 August 1292 to assess the 1/15th. *C.P.R.* 1281-92 p.503.

255. *C.F.R.* I p.409.

256. e.g. re landholding of Roger de Monthalt in Elawe A.P.62 Nos.3097-8; re various crimes committed in the King's lands 23 August 1299 *C.P.R.* 1292-1301 p.474.

of service provided by Grey was the exception rather than the rule. Only a handful of magnates served the King so comprehensively.

Edward made use of magnates on special commissions to deal with particular problems. During his three year sojourn in Gascony (1286-9), complaints against royal officials, particularly justices, alleging corruption and abuse of power, multiplied. Sheriffs were notified of the appointment of a commission on 13 October 1289 comprising the Bishops of Winchester and Bath and Wells, the Earl of Lincoln, John de St. John, William le Latimer, the clerk William de March and the Keeper of the Wardrobe, William de Luda, to hear pleas of grievance and injuries inflicted by the King's ministers, when he was furth of the realm. They were to inform any of the aggrieved in their counties to appear at Westminster. The commission found clear evidence of abuse and, as Maddicott points out, leading justices were dismissed, few returning to active royal service.²⁵⁷

Almost ten years later, on 18 November 1298, under baronial pressure, Edward appointed a commission to enquire touching offences and oppressions of the people by the King's justices, foresters and verderers. Latimer and the Earl of Lincoln were again appointed, their fellow commissioners being the Earl of Surrey, the Bishops of Coventry and Lichfield and London, and the knight, Richard fitz Walter. Writs de

257. J.R.Madicott 'Law and Lordship, Royal Justices as Retainers in Thirteenth and Fourteenth Century England', *Past and Present Supplement* 1978 p.14.

intendendo were sent to Clifford and Despenser, the Justices of the Forest.²⁵⁸ But baronial grievances continued to find expression in the parliaments of 1299 and 1300. On 10 May 1300 Edward appointed 'at the request of the prelates, earls, barons and others, and for the better observance of Magna Carta and the Forest Charters', three people in each county to hear and determine complaints of transgressing against the Charters.²⁵⁹ Most of those appointed were knights of the shire. The only significant difference between the three *barones* appointed, St. John of Lagenham for Oxford, Henry Tregoz and Henry Huse for Sussex, and many knights was their receipt of a number of parliamentary summonses. However, this is another example of the King appointing to commissions those with local knowledge, all three having their main lands in the counties in which they were asked to serve.

A specific example of the appointment of a magnate with local knowledge, to ensure compliance with a royal decision, comes from 1297. It complements the instructions to Botetourte, sub-captain of mariners, referred to above. Robert de Tateshale, a major landholder in East Anglia, was, on 6 September appointed to head a commission with royal justices to arrest vagabonds at Great Yarmouth and keep them in safe custody.²⁶⁰ He was to take further measures for the custody of that town and the sea-coast, to allow merchants, native and foreign, to carry out their business in peace. Special attention was to be given to allowing fishermen of Flanders,

258. *C.P.R. 1292-1301* p.374.

259. *Ibid.* pp.515-7.

260. *Ibid.* p.308.

Holland and Zeland to come and fish there.

In the closing years of his reign, when Edward was preoccupied with Scotland, there is evidence of a general breakdown in law and order. One possible reason was the absence on service in Scotland from their local areas of major magnates. Another may well have been Edward I's policy from 1294 onwards of making pardons freely available to able-bodied male criminals who cared to earn them through military service. Naomi Hurnard described this as 'a disastrous expedient' which 'could not fail to have deplorable results'.²⁶¹ The King attempted to deal with this problem, by appointing commissions, comprising barons, knights and royal justices, with wide-ranging powers to reassert the rule of law. The barons were men who had undertaken other duties for the Crown. A particular problem was that of vagabonds. In July 1303, Hodelestone and Multon, local landholders in Cumberland, were appointed to deal with vagabonds in that county, along with the justice Crokedayk.²⁶² In Sussex, Henry Tregoz and William Paynel were to enquire about vagabonds, the sheriff to arrest and keep in safe custody those whom they found guilty.²⁶³ Similar commissions were appointed in 1304, with Edmund d'Eyncourt, a landholder in all three counties, serving on that for Nottinghamshire, Derby and Lincolnshire.²⁶⁴

261. N.D. Hurnard *The King's Pardon for Homicide before A.D. 1307* pp. vii and 316-7. Further relevant comments are to be found pp.36, 219, 247, 311-2.

262. *C.P.R. 1301-7* p.194.

263. *Ibid.* p.197.

264. *Ibid.* p.274.

In 1305 more widespread remits were given to commissions of trailbaston, described by Powicke as a 'drastic measure',²⁶⁵ appointed in March/April and repeated in October.²⁶⁶ Malefactors in general and those specifically guilty of murder, felony and extortion were to be brought to justice. The commissioners were to cause sheriffs to arrest and imprison malefactors. But those arrested could be replevied by sufficient mainpernors, as there were already a great multitude in custody and the King could not yet provide for their final delivery. Royal justices were prominent on these commissions, but local magnates worked with them. Those involved were Vavassour, fitz William, Burghersh, Eyncourt, Martin, Botetourte and Mauley. The work of such commissions was on-going, Mauley, Eyncourt, Vavassour and Martin again being appointed to enquire in various counties into trespasses against the peace on 21 February 1307.²⁶⁷ Some were over-assiduous in execution of their remits. Mauley, Eyncourt and Vavassour, along with the justices Beresford and Middleton, who were charged with dealing with trespasses and felonies in six counties committed from a.r. 25 to a.r. 33 Edward I, were ordered to desist from intermeddling with crimes committed prior to 1297.²⁶⁸ These barons did a real job of work. We know from the attendance record of the 1307 Carlisle Parliament that Martin, Mauley and Eyncourt were not present each being *excusatur per justiciam*.²⁶⁹

265. Sir Maurice Powicke *The Thirteenth Century* p.346.

266. *Ibid.* pp.348, 352 and 404.

267. *Ibid.* pp.542-3.

268. *C.C.R.1302-7* p.503.

269. *P.W. I* p.183ff.

Most magnates appointed to commissions of oyer et terminer were appointed once or on a handful of occasions. Either or both of two factors contributed to these appointments. Barons provided local knowledge to supplement the legal expertise of the justices appointed with them. They participated on commissions in counties where they held land, for example, Berkeley and Poinz in Somerset in 1298,²⁷⁰ Martin in Devon in 1299.²⁷⁰ Berkeley's appointment shows that being convicted, as he was in 1293 of breaking the King's free chace at Kingswood, Bristol, was not a bar to judicial service.²⁷¹ Secondly, where the complaint being investigated was by a magnate, particularly an earl, baronial involvement was the rule. This was equally true of investigations into trespasses committed against members of the royal family. In 1298 Ralph Basset was on a commission to enquire into those who broke the free chaces of the Earl of Warwick in Warwickshire and Staffordshire.²⁷² In 1304 fitz Walter enquired into depredations of the Earl of Norfolk's manor of Enfield, Essex.²⁷³ In 1292, Geneville was one of those to make enquiry into requests of the Earl of Norfolk in relation to his vill of Ross in County Kildare.²⁷⁴ Aymer de Valence's one appointment to a commission, along with Despenser, related to the Queen's park at Camel, Somerset.²⁷⁵ His participation is

270. Berkely and Poinz - *C.P.R. 1292-1301* p.303; Martin - *ibid.* p.464.

271. *C.P.R. 1292-1301* p.321 - 22 November 1297, pardon to Berkeley of fine of 500 marks imposed on him for breaking King's free chace at Kingswood in 1293, because of his good service in Flanders.

272. *Ibid.* p.383.

273. *C.P.R. 1301-7* p.289.

274. *C.D.I. 1293-1301* pp.522-3 No.1160.

275. *C.P.R. 1301-7* p.85.

confirmed by a report to the Chancellor, Greenfield on the conviction of Richard Bacun.²⁷⁶ In complaints against a magnate, one of his peers was usually involved. In 1291 Nicholas de Segrave investigated allegations of rape against John Paynel.²⁷⁷ A few examples can be found of barons acting as justices of gaol delivery, Robert fitz Roger, for example, acting in 1297 with the sheriff of Essex.²⁷⁸ Ad hoc appointments of magnates to commissions carrying out normal judicial functions were the exception rather than the rule. When made, they fit into the categories described above.

A small number of magnates, mainly those whose rise in prominence derived from regular service to the Crown, participated in the administration of royal justice on a frequent basis, again primarily on commissions where magnates were either plaintiffs or defendants. Those involved were Walter de Beauchamp, John de Botetourte, Hugh le Despenser, Robert fitz Payne, Reginald de Grey, Bogo de Knovill and Roger le Strange. Despenser and Strange carried out judicial duties other than as Justices of the Forest. Twice Despenser was appointed to commissions in eyre to hear and determine trespasses in royal parks and chaces and on three occasions relating to breaking parks of the Earl of Surrey in Surrey and Sussex.²⁷⁹ Between 1290 and 1293, Strange was similarly

276. SC1/28/95.

277. *C.P.R. 1281-92* p.455.

278. *C.C.R. 1296-1302* p.28.

279. Royal parks/chaces - 18 February 1299, Tonbridge, Kent, *C.P.R. 1292-1301* p.460 and 29 April 1303, Queen's park of Carmel, *C.P.R. 1301-7* p.138; Earl of Surrey's parks - 13 July 1297, *C.P.R. 1292-1301* p.317, 17 July 1299 *Ibid.* p.472, 2 January 1300 *Ibid.* p.543.

involved with commissions relating to breaking parks of the King, the Earl of Warwick and John de la Mare.²⁸⁰ As these commissions related to parks and free chaces, Strange and Despenser's expertise in relation to the forests was relevant.

The role of Beauchamp, Botetourte, Grey, fitz Payne and Knovill was different. They were almost professional justices. Fitz Payne is the odd-man-out in that he came from a well-established family, inheriting in 1281 half the Barony of Poorstock, Devon and half that of Winterbourne St.Martin, Dorset.²⁸¹ He was to extend his landholdings with a grant in 1305 of the Barony of Marshwood, Dorset, by the owner, John de Mandeville, and by a royal grant of half the Barony of Stogursey, Somerset, by Edward II in 1308, the heir being an idiot.²⁸² But, like the other three, he served in the royal household. Although he fought in the Welsh Wars of the 1280s and again in 1294-5, the major mentions of fitz Payne in the records come from 1297 onwards. In that year he was first summoned to parliament then regularly thereafter. Also in 1297 he led a contingent, twenty-six strong in the King's Household in Flanders.²⁸³ It may have been that service which marked him out, in the King's eyes, as someone on whom he could rely. He was Governor of both Corfe and Winchester Castles and became Valence's Lieutenant in Scotland. Between 1298 and 1307 he is frequently found on commissions of oyer et terminer. He is the

280. King 12 July 1290, *C.P.R. 1281-92* p.403; Earl of Warwick, 15 November 1293 *C.P.R. 1292-1301* p.42; de la Mare, 18 September 1291 *C.P.R. 1281-92* p.458.

281. I.J. Sanders *English Baronies* pp.72 and 98.

282. *Ibid.* pp.64 and 143.

283. Lewis *op.cit.* Appendix p.317.

only one of a number of barons, with parallel backgrounds and careers, employed by Edward in this manner. A number of commissions on which he served were in Somerset, where he held land. In 1307 he was appointed with the justices, Malorre and Paveley, on a general commission to enquire into the breaking of parks, warrens and free chaces in various counties of England.²⁸⁴

Grey's appointments were often as Justiciar of Chester and encompassed Welsh affairs. On 23 August 1299, he was commissioned with Havering, Justice of North Wales, by a jury of Montgomery, Pole and the lands of Edmund de Mortimer and Peter Corbet, to deal with homicides, robberies, burnings, other felonies, harbouring of felons, purprestures in the King's lands and woods, waste of woods and usurpation of liberties.²⁸⁵ This exemplifies problems of lawlessness in parts of the realm. Edward's response was concerted purges after the event, rather than preventative measures. Barons and justices were given wide-ranging commissions to arrest and punish malefactors, hopefully to restore the rule of law. But Grey also served on commissions outwith Chester, Wales and the Marches. On 20 February 1290, with Knovill and the justice, Holebrok, he was to make enquiry as to the correct boundary between the King's forest of Cannock and the lands of the Bishop of Coventry and Lichfield.²⁸⁶ On 1 May 1293, with fitz Alan and the justices Brabazon and Hertford, he was appointed to investigate an assault in London on one of the King's

284. *C.P.R. 1301-7* p.544.

285. *C.P.R.1292-1301* p.474.

286. *C.P.R. 1281-92* p.344.

serjeants-at-arms.²⁸⁷

Beauchamp, Botetourte and Knovill, all men of obscure background, carved out important careers in royal service. All three were frequently appointed commissioners. Knovill was particularly active from 1290 to 1295 and again in 1299. Thereafter advancing years reduced his capacity for active, royal service. Botetourte, despite his multitudinous other duties for the King, remained active in the judicial sphere throughout the period. The cases Beauchamp handled covered breaking parks and free chaces, theft, robbery and rape (the case of John Paynel). In all, bar one, the complainants were magnates or the King. Two of the alleged malefactors were magnates, Paynel and Thomas de Berkeley.²⁸⁸ Because of his household responsibilities as Steward, his appointments to commissions ceased in 1293. But he was given a wide-ranging remit by the King in 1300. On 15 February he was granted power to arrest all malefactors throughout the realm, especially those appealed by approvers in his custody.²⁸⁹

Knovill is frequently found on commissions, relating to trespasses in Wales, the Marches, Staffordshire and Shropshire. Complaints by magnates, Peter Corbet twice and Roger de Mortimer, or against them, Edmund de Mortimer and the Earl of Hereford, figure prominently.²⁹⁰ He was primarily

287. *C.P.R. 1292-1301* p.42.

288. *C.P.R. 1281-92* pp. 455 and 519

289. *Ibid.* p.545.

290. Corbet - 26 July 1294, *C.P.R. 1292-1301* p.113 and 23 August 1299, *Ibid.* p.474; Roger de Mortimer - 3 December 1293 *Ibid.* p.106; Edmund de Mortimer - 10 June 1299, *Ibid.* 470; Earl of Hereford - 10 June 1299, *Ibid.* p.470.

engaged in counties where he held lands or, Shropshire and Staffordshire, where he had been sheriff. In one of his last commissions in Wales, he was specifically described as Constable of Montgomery Castle.²⁹¹ But, from 1290-2, he is found serving on commissions in London. Of particular interest is a commission to him and the justice, Holebrok, of 7 May 1290, repeated for 13 January 1292, to deal with complaints in the city of London against the King's bailiffs or ministers.²⁹² Holebrok was associated in this work with Knovill, replacing Hopton, an original commission having dated from 1289. Given that Edward had instituted a major enquiry into complaints against the King's ministers during his absence in Gascony, this suggests a separate commission under Knovill established to deal with London, as an adjunct to the main enquiry. Knovill's judicial service, which also included gaol delivery, was part of the lengthy record of royal appointments which enhanced his position, his being a regular Lord of Parliament from 1295 till his death in 1307.

Botetourte's involvement with judicial commissions exceeded that of any other baron or knight in the period. There are three particular bursts of activity - 1292-3; 1298 to early 1302; 1305. This ties in with evidence for his other royal service. From 1294-7 he was actively engaged as sub-captain of mariners. From 1302-4 he was immersed in Scottish affairs and again in 1306-7. The King employed Botetourte in a judicial capacity when he was not otherwise required. His

291. 10 June 1299, *Ibid.* p.470.

292. 7 May 1290, C.P.R. 1281-92 p.353 and 13 January 1291, *Ibid.* p.513.

return to service on commissions in 1305 can be ascribed to the apparent conquest of Scotland. Earlier, Scotland took priority, for, in August 1298, Botetourte was replaced on a commission of oyer et terminer as he was staying in Scotland on the King's service.²⁹³ He also had a judicial role in Scotland, being referred to, in 1303, as Justice of Galloway.²⁹⁴

In 1292-3, Botetourte's commissions were primarily in Gloucestershire, where he was Keeper of the Forest of Dean.²⁹⁵ From 1298-1302 they related in the main to trespass, for example, breaking the park of Hugh le Despenser at Bradenham and Aymer de Valence, at Kentewell, and were in Norfolk, Suffolk and Essex, counties where he held land jointly with his wife, Maud.²⁹⁶ He was also called upon to arbitrate in a dispute between the mayor and burgesses of King's Lynn and the Earl of Norfolk in 1298.²⁹⁷ In 1301 he was outwith home territory, being appointed with William de Mortimer to survey the weirs, dykes and stakes in the water of Wye between Hereford and Monmouth, which were preventing the customed passage of ships.²⁹⁸ He was also involved in the enforcement of recent legislation. From the Westminster Parliament of May 3rd. 1300, transferred to Stepney, there was promulgated on 15 May a Statute against False Money. Edward was trying to extirpate debased crockards, pollards and other coins, brought

293. *C.P.R. 1292-1301* p.382.

294. E101/10/20/6.

295. Appointed 4 January 1291, *C.P.R. 1281-92* p.412.

296. Despenser - 14 May 1299, *C.P.R. 1292-1301* p.467; Valence - 29 June 1298, *Ibid.* p.355.

297. 28 November 1298, *Ibid.* p.458.

298. 18 April 1301, *Ibid.* p.627.

into England from ports in the Low Countries. On 1 April 1300, Botetourte, with the justices de l'Isle and Hengham, was ordered to enquire into offences against the Stepney ordinance in counties most prone to importation of pollards and crockards, Norfolk, Suffolk, Essex, Lincoln and London.²⁹⁹ A trusted royal servant was being appointed, in areas he knew well, to apply the law, promulgation of the statute and original enforcement measures having proved ineffectual. In April and again in October 1305 he was appointed a justice of trailbaston for ten counties. He also served on three commissions in Gloucestershire, all regarding complaints against the Berkeley family in Bristol.³⁰⁰

From evidence from Ancient Petitions, and the King's accession to most requests, the *maiores barones* were keen to see justice done when trespassed against. But baronial involvement in administering the judicial system was limited. The majority were never involved and those who were, with a few exceptions, to no great extent. Judicial offices held by *maiores barones* throughout the period, were the forest justiciarships. Given the history of keen baronial interest in the forests, this is hardly surprising. Even tenure of these offices by significant Lords of Parliament, Despenser and Clifford, did not deflect Bohun, Bigod and their supporters from complaints and demands for reassertion of the Charters. Given their extensive service to the Crown in other spheres, the role of Despenser and Clifford was more titular than

299. *Ibid.* p.548.

300. All dated 7 April 1302, *C.P.R. 1301-7* pp.352, 353 and 356.

actual. Perhaps this is why discontent surfaced. Barons, of proven loyalty to the King, were called upon when serious difficulties arose, St. John and Latimer serving on the 1289 commission. Barons with a lengthy record of service were called upon when the rule of law was threatened, as in 1305. With the exception of fitz Payne, those involved regularly on commissions, Grey, Knovill, Beauchamp and Botetourte, were men of humble origin, whose rise in status derived from lengthy, versatile, royal service, of which acting as commissioners was but a part.

Dependency Administration

Turning to other aspects of royal administration, Edward utilised members of the English baronage in Gascony. Sometimes he appointed a Lieutenant, with full powers to represent him, acting as though invested with royal authority. Otherwise, he governed the Duchy through a seneschal, with substantial powers but acting under Edward's orders. The seneschal was the King's chief minister, presiding over both the King's Council and the Court of Gascony. Those appointed often had no personal interest in the Duchy, probably to enable them to take an objective view outside local rivalries and factions. Various officials, usually Gascons, were appointed under the seneschals.

From 1290 to 1307, the comital element in English society was represented in royal appointments as Lieutenant of Gascony by John, younger son of the Duke of Brittany, the King's brother Edmund, Earl of Lancaster and Henry de Lacy, Earl of

Lincoln. But two major barons were involved prominently, John de St. John and John de Hastings. Otto de Grandison, who was, jointly with the Bishop of Bath and Wells, Lieutenant there as far back as 1278, had a continuing role from 1302-7. John de Havering also served two terms as Seneschal.

St. John knew Gascony, having been with the King in France from 1286-9.³⁰¹ On 12 July 1293 he was appointed Lieutenant of Gascony at wages of £2,000 per annum.³⁰² When he was replaced by John of Brittany on July 1st. 1294, he assumed the role of Seneschal.³⁰³ In addition to fulfilling the duties of that post, he adopted a military role in the wars against France.³⁰⁴ Captured in February 1297, he was not released until exchanged for Balliol in 1299.³⁰⁵ He served in the Duchy in a military, administrative and judicial capacity. It was just this kind of role that he was asked to replicate in Scotland in 1300, where he served till his death in September 1302. In 1300, when Edward was being forced to have recourse to the services of men of a younger generation, he still, whenever possible, appointed to key positions trusted men of experience and long-service. St. John was one of the few men of all the talents who served the King in virtually every capacity, wherever his service was required. He is only recorded as having received summonses for three parliaments. It was probably his very service to the King, in Edward's eyes of

301. de Walden *op.cit.* pp.52-3.

302. *Roles Gascons* Vol.III (1290-1307) Ed. C.Bemont No.2205.

303. *Ibid.* No.2932.

304. Documentary evidence includes E101/152/6, 44 documents relating to his duties as seneschal.

305. *The Chronicle of Bury St.Edmunds* pp.137 and 153.

greater importance, that provides the explanation.

John de Hastings, in the difficult but more peaceful era, following the cessation of hostilities, performed the dual role of Lieutenant and Seneschal from 26 August 1302 till 1 August 1304. Details of the financial agreement between him and the King for this service are found in an indenture sealed by him and Droxford, Keeper of the Wardrobe.³⁰⁶ He was to have a paid retinue of thirty men-at-arms, of whom one third were to be bannerets. We know from letters of protection that three who crossed the Channel with him were barons in their own right, Simon de Montacute, John Paynel and Thomas le Latimer.³⁰⁷ Although confirmatory evidence is lacking, it seems likely that they indented with the King directly, or indirectly through Hastings, for this service. Evidence, such as Berkeley and Fitz Payne's indentures with Valence, show this kind of arrangement existed. There was a close relationship between Hastings and Paynel. On 12 October 1297 the King confirmed a grant for life by Hastings to Paynel of the manor of Ashleigh, Norfolk.³⁰⁸ Hastings, an important Welsh Marcher Lord, had been in Gascony previously, joining Edward there in 1289.³⁰⁹ He was also appointed in 1309 by Edward II for a subsequent term as Seneschal.³¹⁰

Hastings' successor, John de Havering, had been Lieutenant of the Seneschal, then held the post itself from

306. E101/68/1/25.

307. *C.P.R.* 1301-7 p.64.

308. *C.P.R.* 1292-1301 p.312.

309. Moor *op.cit.* Vol.II pp.183-5.

310. *Roles Gascons.* Intro. LXXIX.

1289 until 1294, serving for the last six months under St. John.³¹¹ His reappointment on 24 October 1304 is perhaps surprising given Prestwich's verdict that 'he did not prove to be a good choice' in 1289 and that 'the administration in Gascony was not in good heart in 1294'.³¹² His appointment continued under the Prince of Wales, created Duke of Gascony in 1306, and he was still in office on Edward's death.³¹³ First known of as a yeoman of the Countess of Leicester,³¹⁴ his rise in status was spectacular and resulted from royal service. Like Knovill, his first royal appointment was as a sheriff - of Southampton in 1274. In the 1280s, he held a number of positions in Wales and from 1290 onwards was regularly on royal service there or in Gascony. He was summoned to both parliaments in 1299 and a writ was sent to him by William Russell for the 1301 Lincoln Parliament, according to the document published by Cole.³¹⁵ He was not summoned in Edward II's reign. Whether or not Havering can be regarded as a Lord of Parliament, his rise in social status as a result of loyal service to the Crown was remarkable.

Otto de Grandison's main service to the Crown was on royal embassies to France. But Bemont takes the view that, in the first decade of the 1300s, he and the Earl of Lincoln held the vague titles, King's Lieutenants and 'procureurs et nonces

311. *Ibid.* LIV.

312. M. Prestwich *Edward I* p.308.

313. *Roles Gascons* LX; on 11 November 1306 he was ordered to give seisin to attorneys of the Prince of Wales, *C.P.R.* 1301-7 p.471.

314. *G.E.C.* Vol.VI p.405.

315. Cole *op.cit.* p.334.

speciaux du Roi'.³¹⁶ In these capacities, they had the task of restoring royal authority in the recovered Duchy. The seneschals, Hastings and Havering, he saw as operating under them. There is certainly evidence of Lincoln and Grandison exercising authority in Gascony. On 10 November 1303 they appointed, with full details of the terms of the appointment and remuneration, on the King's behalf, William Aumonde, King's clerk, as a member of the Council of Guienne.³¹⁷

Two other barons involved in Gascon affairs, outwith military service, were Amaury de St.Amand and Valence. The former who, in 1295, shared the fate to befall St.John of being captured by the French, was in 1305 commanded to render his account as Governor of Bordeaux.³¹⁸ Also in that year he was arrested, imprisoned and charged with offences relating to his custody of Oxford Castle.³¹⁹ At least one historian argued that his fall from grace was partly attributable to his governorship of Bordeaux.³²⁰ In parliament the same year the ordinance regarding the receiving of petitions appointed a group of barons and royal officials to receive all petitions sent by the people of Gascony that could be replied to without the King. Included were the Earl of Lincoln, John of Brittany and Havering, but also Aymer de Valence.³²¹ The first three had first hand experience in the Duchy. But Valence's inclusion is not surprising, given his regular service to the King and his

316. *Roles Gascons* Intro. XXV.

317. E30/712.

318. De Walden *op.cit.* p.70.

319. *Memoranda de Parlamento 1305* pp.280-7.

320. Nicolas *op.cit.* pp.197-8.

321. P.W. I. p.155 and *Memoranda de Parlamento 1305* No.1.

landholdings in Gascony as 'Sire de Montignac'.

In Gascony, over a network of native officials, there presided leading English barons as Lieutenants or Seneschals. They were men with a proven and diverse record of service to the Crown. Their position in the Duchy was one of real power and influence. But, especially when no Lieutenant was in post, the most important matters were referred to the King and he sent out numerous directions, sometimes on quite local business.

In contrast with Gascony, members of the English baronage played little part in the administration of Ireland from 1290 to 1307. A number were involved in Irish affairs as major landholders and were called upon to organise cavalry forces to serve in the Scottish Wars and elsewhere. This was particularly true of Geoffrey de Geneville, who had held office in Ireland as Justiciar from 1273 to 1278. In the day-to-day running of the colony, only William de Vescy, of the greater barons, was involved, as Justiciar from 1290 until 1294 at an annual fee of £500.³²² As Powicke pointed out, the Justiciar was de facto the King's viceroy in Ireland.³²³ Curtis described his role as 'to organise the King's lands and the King's revenues, to diminish the feudal liberties and to make Ireland a valuable appanage of the ever-needy English Crown'.³²⁴ Vescy's justiciarship was not a particularly happy

322. appointment, *C.P.R. 1281-92* p.387; replacement by William de Oddingeleys, *C.D.I. 1293-1301*, p.77 No.166.

323. Powicke *op.cit.* p.563.

324. E. Curtis *A History of Mediaeval Ireland, 1110-1513* p.183.

one. He was not an outsider, as he did hold lands in Ireland from 1290, being granted livery of those of his late mother.³²⁵ The records show him carrying out his duties and implementing the King's instructions. But his justiciarship was marked by a serious dispute with Thomas de la Roche, sheriff of Cork, whom he dismissed but the King reinstated.³²⁶ He was involved in lengthy litigation with John fitz Thomas, the case being first heard before the King's Council in Dublin in the presence of magnates, including the Earls of Gloucester and Ulster and John de Hastings.³²⁷ Complaints against him were heard at the Westminster parliament of Michaelmas 1293.³²⁸ This catalogue of discord, created by his exercise of the office, led to his being replaced briefly by William de Oddynges in 1294. In 1295, Wogan was appointed Justiciar, holding office till 1307 and again from 1309-12. He was described by Curtis as 'the greatest viceroy that had yet come to Ireland'.³²⁹ A former justice in eyre and of gaol delivery in Somerset, he had carried out administrative duties in South Wales. It was this type of royal servant that filled administrative posts in Ireland for the remainder of the reign. Where barons were involved in Irish affairs, this was as Irish landowners not through offices held of the Crown.

The one other baron holding office under the Crown in Ireland was Thomas de la Roche. Referred to as Thomas de la

325. *Calendarium Genealogicum, Henry III & Edward I*
Ed.C.Roberts p.410 No.4; *C.D.I. 1285-92* p.336 No.691.

326. *Ibid.* p.461 No.1040.

327. *C.D.I. 1293-1301* pp.71-3 No.147.

328. E101/232/11 (*C.D.I. 1293-1301* No.106).

329. Curtis *op.cit.* p.187.

Roche of Wales, his main landholdings were in the Principality and Ireland. He served two terms as sheriff of Cork, from 1285 for five years, then reappointed for a further five.³³⁰ In 1292 he was entrusted again to the shrievalty for four years by the King, having been dismissed by Vescy.³³¹ He was also active in royal service in Wales, being sent there in October 1293 to conduct Welsh hostages from Lampadervour to Caermarthen Castle.³³² It was not till 1300 that, aged fifty, he was first summoned to parliament and regularly thereafter.

Wales was ruled by Edward I as royal territory until 1301, when his son took control as Prince of Wales. Barons, particularly the Marcher Lords, had been heavily involved in the conquest of Wales for which many were well rewarded and a number placed in custody of royal castles. In 1294, they were called upon again to crush Madog's rebellion. Some were found on commissions affecting Wales and the March. Reginald de Grey, Justice of Chester, had considerable input into Welsh affairs. But Wales came to be ruled in much the same way as Ireland with justiciars, with administrative and judicial powers, appointed by and responsible to the King. Otto de Grandison was nominal justiciar of North Wales from 1284 till 1295 but was rarely there, the work being undertaken by deputies, John de Havering till 1287, William de Grandison till 1290 and finally Robert Staundon.³³³ But the seriousness

330. *C.F.R.* I p.258; *C.P.R.* 1281-1292 p.355.

331. *C.D.I.* 1285-92 pp.463-6 Nos.1048 and 1052.

332. *C.C.R.* 1288-96 p.426.

333. Kingsford *op.cit.* p.132; examples of William de Grandison 'supplying his place' come from 19 September 1289 and 6 November 1289, *C.Ch.R.Var.* p.321.

of the Welsh revolt of 1294-5 persuaded Edward that a resident, experienced administrator, was required. Havering returned from Gascony to become Justice of North Wales from 1295 to 1300, when he was appointed for the whole of Wales,³³⁴ till the King's son took personal control. Havering shared power with Walter de Pederton, the Justice of West Wales, but was senior to him. A series of royal officials responsible to the justiciars, worked under them, chamberlains, controllers and sheriffs.

Apart from overseeing its administration, Havering had duties in Wales from 1295-1301 as an itinerant justice and in arraying troops. In judicial commissions, he frequently acted with Pederton. Many were appointed in 1299 and 1300, dealing with landholding disputes such as between the Bishop of Llandaff and William de Braose; complaints of trespass against them by barons such as Roger de Mortimer; and complaints of transgressions by barons - enquiring with Knovill into alleged theft by Edmund de Mortimer.³³⁵ There were also more general enquiries into lawlessness, as in Montgomery and the lands of Peter Corbet and Edmund de Mortimer.³³⁶ Havering and Pederton were also utilised to uphold royal interests, their being appointed on 25 September 1299 to enquire 'touching lands, with their homages, services, escheats, liberties and other appurtenances, which have been subtracted to the King's prejudice, and other subtractions of liberties and touching

334. *C.P.R. 1292-1301* pp.146 and 502.

335. *C.P.R. 1292-1301* pp. 464, 465 and 470.

336. 23 August 1299, *Ibid.* p.474.

purprestures in divers parts of the March of Wales'.³³⁷ In 1297 and 1298 Havering was engaged in raising troops, being responsible for Welsh forces to assemble at Whitchurch by 1 August 1297 for service overseas.³³⁸ In total in 1297 he was to array 2,300 Welsh foot to serve in Scotland and a further 2,000 in 1298, additional to those raised by Grey. An interesting document, which Edwards ascribes to 2 August 1297, shows Havering encountering difficulties in arraying troops.³³⁹ He cannot find constables because of a shortage of adequate mounts. He is also fearful of the situation in Wales, suggesting to the King that he send Peter Corbet on his service for the maritime districts, and that Fulk fitz Warine and Hugh de Audleigh be instructed to remain on the frontier of their lands, for Havering relates the 'evil appearance of things in the March'. From April to July 1300 he acted virtually as a tax collector, being given letters of credence for the whole of West Wales, Powys, Griffen, Buelth and Montgomery to collect a subsidy for the Scottish War, the King being in great need of money.³⁴⁰

In what might be termed dependency government, of Wales, Ireland and Gascony, Edward's approach was consistent. The problems of the country concerned and the detailed organisation of the administrative system might be different, but, in each case, Edward sought to rule through a strong man, acting, to some extent, as a viceroy. Scope for individual

337. *Ibid.* p.439.

338. *P.W.* I p.295.

339. *C.A.C. Wales* pp.80-1 XVIII No.94.

340. *C.P.R. 1292-1301* pp.503, 517 and 526.

decision making was, at times, essential, especially in Gascony, where circumstances sometimes demanded a King's Lieutenant in addition to the Seneschal. But, the Seneschal of Gascony, the Justiciar of Ireland and the Justice of North Wales were performing the same function. Edward maintained close contact as far as communication difficulties allowed. He sent detailed instructions, retaining as much power in his own hands as proved feasible. In selecting men to undertake these duties, the qualities he sought were loyalty, experience, reliability and the ability to take effective action. Social status was not particularly relevant, as in the successful appointment of Wogan in Ireland. Unlike other appointments, he did not select men on the basis of local knowledge and landholding. Perhaps he believed such appointments would be divisive, create friction and encourage local factions. It is significant that the one relative failure was Vescy, who had a personal interest as an Irish landholder. In the clear and precise Ordinance for the Governance of Scotland, drawn up in 1305, Edward envisaged a similar system.³⁴¹ Powicke thought Ireland was his specific model.³⁴² Again, a strong man, a King's Lieutenant, would be at the head. It would be someone of loyalty and experience, having fulfilled the role in Gascony; someone who had not played a major role in Scottish affairs. His choice was John of Brittany.

The administration of the Channel Islands had to be provided for by Edward I. For almost the entire reign, Otto de

341. *P.W.* I pp.161-3..

342. Powicke *op.cit.* p.711.

Grandison was nominally in charge. He was committed the keeping of the islands on 24 November 1275, at a rent of five hundred marks.³⁴³ The appointment was renewed in 1277, when Grandison paid one of his rare visits to the islands, but quit of ferm and for life.³⁴⁴ Further re-grants were made in 1290 and 1297, and he was still in possession on his death in 1328.³⁴⁵ The original appointment, made when Grandison was Seneschal of Gascony, may have had the purpose of unified control of the trade routes to England. But the position, quit of ferm, was a reward to a faithful royal servant. Grandison paid little attention to the islands, delegating duties to subordinates. Few problems arose till about 1292, because his deputies were responsible local men. However, the exactions of the Bishop of Guernsey, Guillaume de St.Remy, in 1292, and his successors, began a flood of complaints to the King, in the main directed against Grandison's bailiffs and ministers.³⁴⁶ They reached such proportions that on 26 November 1302 Grandison, as well as his bailiffs, was summoned before the King and Council to answer the complaints.³⁴⁷ Channel Island petitions were also to the fore in the business of parliament in 1305.³⁴⁸ Edward's willingness to keep Grandison in office, despite overwhelming evidence of maladministration,

343. *C.F.R.* I p.62.

344. H. Marret Godfroy 'Notes et Additions a la Series Chronologique des Gardiens et des Seigneurs des Iles Normandes, 1198-1401', *Societe Jersiaise Bulletin*, X-XIV 1888-9 Vol.II p.37.

345. *C.C.R.* 1288-96 pp.85-6; *C.P.R.* 1292-1301 p.230.

346. Lt.Col.J.M.W.Guerin 'Some Important Events in Guernsey History', *Transactions of the Guernsey Society of Natural Science and Local Research* Vol.VI.p.101.

347. *C.C.R.* 1302-7 p.591.

348. *Rotuli Parliamentorum Hactenus Inediti, 1279-1373*, Camden 3rd. Series Vol.LI pp.48-54 Ed. H.G.Richardson and G.O.Sayles.

smacks of contempt for the islanders. They posed no threat as a similar situation in any of the major dependencies might have done. Though concerned about the worst excesses in 1302, his principal objective was to provide his favourite with a lucrative sinecure. Grandison's brother, William, was also involved in the Channel Islands, as lieutenant for his brother in 1294, at the time of war with France, when a strong man on the spot was probably deemed advisable.³⁴⁹

Custody of Castles

Another duty entrusted to barons was the custody of royal property, principally castles, but also forests, within England and Wales. Again the number involved, under thirty between 1290 and 1307, was not great and those appointed were often employed in other aspects of royal service. Local connections, as in other appointments, are much in evidence. Out of twenty-two appointments in England, sixteen of the appointees were landholders in the counties where the castles or forests were situated. For four others, lack of detailed inquisitions post mortem prevent definite conclusions being reached. In only two instances does it appear that appointees were not local landholders. On 8 June 1294, William de Leybourne was appointed to the custody of Pevensey Castle in Sussex.³⁵⁰ In documents of 1299, Robert de Clifford is described as Constable of Nottingham Castle.³⁵¹ He held lands

349. Protections for him going to the Channel Islands - SC1/26/35.

350. *C.F.R.* I p.339. But his landholdings were in the neighbouring county of Kent.

351. e.g. *C.C.R.* 1296-1302 p.273.

in many counties, but not Nottinghamshire.³⁵² The rationale for this appointment might have lain in his tenure of the Justiciarship of the Forest, North of the Trent. Of the one instance where the baron involved, Richard fitz John, summoned to parliament in 1290 and 1295, but who died on the King's service in Gascony in 1297, has no other record of royal service, lands were held in the county concerned, but not of the King in chief. He held in Northamptonshire the manor of Potterspiry of the Earldom of Ferrers.³⁵³ However, Fitz John's custody of Rockingham Castle was an incentive for service about to be undertaken. On 18 October 1296, going to Gascony on the King's service, he was appointed to the custody of the corpus of the castle so that his wife and household may inhabit the buildings within the walls, other than the prison which was to remain in the custody of the Steward of the Forest between the bridges of Oxford and Stamford, the Earl of Warwick.³⁵⁴ Similarly on 1 July 1294 Amaury de St.Amand was appointed to the custody of the corpus of the castle of Marlborough 'so that Mary, his wife, may dwell therein'.³⁵⁵ In these cases only the castles were committed, not lands pertaining thereto. Also in 1294 Matthew fitz John, Keeper of Devizes Castle, was required to allow the wife and family of John Tregoz, a baron on the King's service in Gascony, to reside there and to provide them with fuel for their fires and ten bucks from the forests of Melksham and Chippenham.³⁵⁶

352. *C.I.P.M.* Vol.V pp.300-7 No.533.

353. *C.I.P.M.* Vol.III pp.281-8 No.422.

354. *C.P.R.* 1292-1301 p.155.

355. *Ibid.* p.77.

356. *C.C.R.* 1288-95 p.391.

Few indications are given in appointments to the custody of English castles as to the reasons behind them, except when they were bestowed as a reward for service being or about to be undertaken in Gascony. Most appointments envisage continuation of previous arrangements 'at the rent which the Earl of Warwick, late Constable used to render'; 'on the same conditions as the late Constable, John Sampson'; 'in conjunction with Richard de Bosco, to whom the King formerly committed it, both answering at the Exchequer as Richard formerly did'.³⁵⁷ Occasionally, custody of castles went together with other lands. As well as Rockingham Castle, Adam de Welles was granted custody of the forest between the bridges of Oxford and Stamford. In one of the few cases where more details are given, Reginald de Grey was committed the lands of Macclesfield and Hope, with the castle of Hope, and the lands of Overton, Glendower and Soghard, late of Queen Eleanor 'so that he depute trustworthy and industrious courtiers, who will answer for the issues as they were in the Queen's hands'.³⁵⁸ Edward appointed to the custody of castles and forests people with local knowledge to administer royal property efficiently and account at the Exchequer for the execution of their remits. One baron was accused of failing in his duties. In 1305 Amaury de St.Amand was charged before parliament with releasing felons from Oxford Castle, instead of bringing them to justice, and of violently resisting those

357. Ralph fitz William, Scarborough Castle, 3 October 1297, *C.F.R.* I p.391; Adam de Welles, Rockingham Castle and the forest between the bridges of Oxford and Stamford, 19 January 1299, *Ibid.* p.409; Simon de Montacute, Corfe Castle, 16 September 1299, *C.P.R. 1292-1301* p.436.

358. 8 February 1292, *C.F.R.* I p.304.

sent to make arrests.³⁵⁹ He was adjudged not guilty and restored to royal favour. There would be financial benefits for custodians who provided efficient, cost-effective administration, and keeperships to frequent royal servants such as Walter de Beauchamp, Botetourte, Clifford, Despenser, fitz Roger, fitz Walter, fitz William, Reginald de Grey, Hacche, Havering, Knovill, Leybourne, Montacute, St.Amand, St.John, Vescy and Welles may be viewed in this light. However, custodies were by no means a baronial preserve, many of those appointed being local knights.

Information as to what was expected of castellans can be obtained from the Liberate Rolls. Maintenance of the fabric of castles and estates was expected, and allowance for these would be made in the ferm. On 16 July 1301, the Barons of the Exchequer were to allow Eustace de Hacche £45 for repairs at Marlborough Castle in 1300.³⁶⁰ On 28 November 1305 he was to be allowed £13 11s. 4d. for improving the vineyards and £8 16s. 8d. for further repairs to mills and houses, all carried out between 1299 and 1302.³⁶¹ Constables were expected to house hostages and prisoners and employ warders to guard them. On 13 August 1297, Walter de Beauchamp, as Constable of Gloucester Castle, was allowed £68 9s. for the costs of Welsh hostages.³⁶² Then, and again in 1299, he was to receive the costs of Scottish prisoners, captured at Dunbar in 1296, and their warders, amounting to £81 17s. 10d.³⁶³ Constables were also

359. *Memoranda de Parlamento 1305* pp.280-7.

360. C62/77/2.

361. C62/82/3.

362. C62/73/3.

363. *Ibid.*, C62/75/2 and C62/75/8.

involved in preparations for war. Beauchamp was allowed £64 for ten armigerii with horses, retained in the Gloucester garrison from 1 October to 13 December 1297, preparatory to setting out on the King's service to Flanders.³⁶⁴

A consideration of custody of royal castles in Wales reveals the type of appointee and responsibilities undertaken not dissimilar to England. Edward either appointed those with lands in Wales or the Marches, or trusted lieutenants frequently employed on royal service. Of the former, Alan Plucknet was Constable of Drwyslwyn Castle and John Giffard, an influential Marcher Lord, also known to have had custody of Buelth, was granted the corpus of Dynefwr Castle on 8 February 1290 as a refuge for himself and his men for life.³⁶⁵ In fact, on 29 July 1297, he was ordered to deliver it to the Justice of West Wales, Pederton, appointed to the custody under Robert de Tibetot.³⁶⁶ Havering, Justice of Wales, was Constable of Beaumaris from 1 April 1300 to 7 February 1301.³⁶⁷ Botetourte held St.Briavel's, with the Forest of Dean in Gloucestershire, by an appointment of 4 January 1291.³⁶⁸ Knovill was Constable of Montgomery and Leybourne of Criccieth.³⁶⁹ The one surprising appointment is that of Robert fitz Walter on 28 June 1293 to Castell-y-Bere.³⁷⁰ All other service performed by him was in

364. C62/75/8.

365. Plucknet, appointed 6 November 1287, *C.F.R.* I p.262; Giffard as Constable of Builth, e.g. 13 January 1290, *C.C.R.* 1286-92 pp.213-4; Dynefwr, *C.P.R.* 1281-92 p.341.

366. *Ibid.* p.427.

367. *C.F.R.* I p.427.

368. *C.P.R.* 1281-92 p.412.

369. Knovill - *Ibid.* p.301; Leybourne- *C.Ch.R.* p.294.

370. *C.P.R.* 1292-1301 p.28.

Essex, where he held the family Honour of Little Dunmow.³⁷¹ Although on 25 April 1298 he was pardoned arrears of the ferm of Castell-y-Bere, on account of his services in Gascony, his appointment did not mention rent.³⁷² Indeed he was granted a salary of £100 per annum at the Exchequer at Caernarvon and was licensed to hunt and carry away deer within the county of Merioneth. Evidence of his authority and activity in Wales is confirmed by Knovill delivering Welsh prisoners from his prison at St.Briavell's in 1295 at the instance of fitz Walter.³⁷³ The other appointments in Wales followed the usual pattern of being at the same yearly rent as the new constable's predecessor.

A number of appointments made by Edward I were terminated in 1301 when control of lands in the Principality and the Earldom of Chester were entrusted to the Prince of Wales, who made his own appointments. Included was that of Leybourne to succeed Knovill at Montgomery, and an inventory of what was handed over is extant.³⁷⁴ The surrender of keeperships in 1301 demonstrates that governorships of castles was by no means a baronial preserve. On 7 February, when Havering was mandated to deliver Beaumaris to the Prince, similar orders went to Philip Abhowel for Builth, William Chicon for Aberconway and Walter de Hakelut for Haverford.³⁷⁵

371. I.J. Sanders *English Baronies* p.130.

372. *C.C.R. 1296-1302* p.52.

373. C62/73/6.

374. 'Montgomery Castle' by Rev. G.Sandford *Collections relating to Montgomeryshire, issued by the Powys Land Club* Vol.V 1877 pp.98-9.

375. *C.P.R. 1292-1301* p.576.

Evidence for responsibilities of castellans in Wales also comes from the Liberate Rolls. The most comprehensive relates to Botetourte's tenure of St. Briavell's. He had responsibility for Scottish prisoners from 1296 to 1302, costs amounting to £122 6s. 10d.³⁷⁶ He was also allowed the costs of Welsh hostages of £55 19s. in 1295-6.³⁷⁷ Between 1290 and 1292 he effected repairs, including a new gate, the money being faithfully and loyally spent according to the King's viewers and testifiers, the total cost being £151 15s. 4d.³⁷⁸ Since Botetourte's custody coincided with the Welsh revolt, his wartime duties can be ascertained in part. On 14 November 1300, he was allowed, in the issues of his bailliwick, £47 7s. 8d. for wages of horsemen, crossbowmen and archers forming the garrison for the Welsh War between January and May 1295, together with £8 1s. 5d. for the purchase of arms.³⁷⁹ In addition he had a wider responsibility for supplying other castles. On 26 June 1297, the Barons of the Exchequer were to allow him £121 13s. 4d. for purchase and delivery of quarrels for ballisti, 150,000 delivered in 1295 to Fermbaud, Constable of Bristol Castle, for the fortifications of the King's castles in Wales, and 6,000 for Bosco, Constable of Corfe Castle, the previous year.³⁸⁰

A number of Plucknett's accounts as Constable from the Pipe Roll were published by Myrwanwy Rhys for the *Cymmrodorion*

376. C62/76/6; C62/77/1; C52/80/3.

377. C62/73/5.

378. C62/70/2 and C62/73/5.

403. C62/76/1.

380. C62/73/5.

Record Society, including the year 1289-90.³⁸¹ This covers receipts and outlays from Michaelmas 1289 to St.Valentine's Day 1290. Receipts were from rents and issues pertaining to the castle, and the outlays cover wages to Plucknet and those employed by him, a knight, a varying number of esquires, a chaplain, a receiver, crossbowmen, janitors and watchmen. Expenses outweighed receipts by £101 0s. 3d. and this accounts for £100 paid to him, recorded in the Liberate Roll for 1294.³⁸² Some custodies of castles were lucrative in that income would exceed expenditure and a yearly rent would be paid by the castellan. But in this case, when income would be depressed as a consequence of the Welsh Wars, (Plucknet's account states he could not secure rent in full, because of the poverty of the tenants) the King, following an accounting, authorised payment of an operating loss to the Constable.

The custody of one royal castle pertained to another post, of considerable importance when England was at war with France. Robert de Burghersh, Constable of Dover Castle was also Warden of the Cinque Ports from 1299 till his death in 1306. He has no record of major military service or individual summonses to musters. His name does not appear on any list of household knights. There is, however, a list of valuations of horses appreciated after the passage of the King from Winchelsea for Flanders on 24 August and during the first week in September 1297. Horses valued were for both household and non-household cavalry and Burghersh was one of those carrying

381. 'Ministers Accounts for West Wales, 1277-1306'
Cynnrodorion Record Series XIII pp.38-53

382. C62/70/2.

out the valuations.³⁸³ Between 1300 and 1307 when few new names were added to the lists of those summoned to parliament, Burghersh appears on that for the parliament at Westminster on 16 February 1305.³⁸⁴ He was also amongst those originally summoned to the special assembly to be held that year to settle the governance of Scotland.³⁸⁵ He was not summoned to the parliament of May 1306 and his death later that year makes it difficult to assess whether or not he was destined to become a regular Lord of Parliament.

Burghersh's landholdings were solely in Kent and Sussex, only two thirds of the manor of Boston Oloulf in Kent held of the King in chief.³⁸⁶ A typical knight of the shire, a commissioner of banks and dykes in Sussex in 1295, he was enrolled for the defence of the coast there a year later.³⁸⁷ He was a member of Prince Edward's Council in 1297.³⁸⁸ On 20 July 1299, he was appointed to the custody of Dover Castle and the Wardenship of the Cinque Ports, having been in January 1298 described as 'supplying the place of the Warden'.³⁸⁹ Before his formal appointment, but described as Constable of Dover Castle, he was empowered to deliver John de Balliol to Raymond de Vicenza.³⁹⁰ He was involved in judicial affairs, as a commission in Sussex and Kent in 1305 to enquire regarding malefactors.³⁹¹ His service to the King extended into the

383. E101/6/19.

384. *P.W.* I pp.136-7.

385. *Ibid.* p.158.

386. *C.I.P.M.* Vol.IV. No.376 pp.246-7.

387. *Moor op.cit.* Vol.I p.163.

388. *Ibid.*

389. *C.P.R.* 1292-1301 p.427; *C.C.R.* 1296-1302 p.191.

390. *Foedera* I p.906.

391. *C.P.R.* 1301-7 p.348.

diplomatic field. In 1303 and 1304, he was engaged in enquiries with French envoys about damage and loss arising out of the war at sea. In both January and April 1304, he was mandated to go to Calais for discussions about depredations at sea committed by the men of Calais and the Cinque Ports upon one another.³⁹² The King also sent him in April a petition from London merchants, alleging robbery at sea by men of Calais. Burghersh was instructed to put all diligence into seeing that the merchants received restitution.³⁹³ In June 1304 he received protection and nominated attorneys, going to Gascony on the king's affairs for which the Constable of Bordeaux was ordered to pay him 10s. daily as expenses.³⁹⁴ He was to act as attorney for the Prince of Wales in receiving seisin of the Duchy.³⁹⁵ Burghersh assumed an important role in the normalisation of relations with France. In 1304 as Constable of Dover, he had custody of Nicholas de Segrave arrested on his return from France.³⁹⁶

One further appointment made by Edward was that of Robert de Clifford to the Keepership of the Liberty of Durham. From 17 July 1302 to 8 July 1303, and again from 6 December 1305 for life, the King removed from Antony Bek, the Bishop, his right to administer the regalian franchise. On both occasions the forfeiture followed complaints from within the liberty against the Bishop, prime movers being the barons, Ralph de

392. *Ibid.* pp.152, 208, 216 and *C.C.R.* 1302-7 p.196.

393. SC1/61/25.

394. *C.C.R.* 1302-7 p.451.

395. *C.P.R.* 1301-7 p.471.

396. P. Chaplais 'Some Private Letters of Edward I', *E.H.R.* 1962 p.80.

Neville and John fitz Marmaduke.³⁹⁷ But Edward's main motive was his belief that the resources of the franchise could be more readily utilised in the Scottish Wars if under his direct control. Miss Fraser's conclusion 'but for the needs of the Scottish Wars, the franchise of Durham might well never have been challenged by Edward I in its regalian competence', appears justified.³⁹⁸ Clifford was appointed Keeper at an annual fee of two hundred marks, with authority to appoint a sheriff and ministers for the liberty.³⁹⁹

Clifford, one of the King's lieutenants in the March, was an obvious choice. There is evidence of his involvement prior to his first appointment in an undated document, probably from 1302. He is charged to make known to all those of the Bishopric, who complain of the Bishop, that they should be before the King at Durham in three weeks of Easter, when the King will put right all their grievances.⁴⁰⁰ His primary duties as Keeper were to mobilise the forces of the liberty for service in Scotland. Two days after his first appointment, he was ordered by the King to obey his Lieutenant, John de St. John, and instructed by the latter to bring people of the franchise to serve at the King's pay, without that service being taken as a precedent nor prejudicial to them.⁴⁰¹ Again in April 1303, he was to raise foot from the franchise.⁴⁰² Also in that year he had instructions to aid Walter Bacun in selecting

397. Fraser *op.cit.* p.336.

398. *Ibid.* p.342.

399. *C.P.R.* 1301-7 pp.43 and 49; *C.C.R.* 1302-7 p.381.

400. E101/8/4.

401. *P.W.* I. p.364; C47/22/2/19 (*Stevenson* II 178).

402. E101/11/11, *C.P.R.* 1301-7 pp.132-4 and *P.W.* I. pp.370-2.

ships and sailors, because, though Bacun had selected two from Hartlepool and one each from Wearmouth and Jarrow, the men of these towns had refused to send the ships to Berwick. Clifford was to distraint, if need be, those involved.⁴⁰³ In his second term of office, coinciding with Brus's rebellion, he was appointed on 5 April 1306 captain of the men of the liberty of Durham in the company of Henry de Percy.⁴⁰⁴ He was also instructed to take into the King's hands the lands held by Brus in the liberty.⁴⁰⁵ Eight months later he was the main beneficiary, being granted Brus's former possessions in the Bishopric of Durham, saving to the church of St. Cuthbert and the Bishop any rights they had.⁴⁰⁶ Given that control of the liberty, and making best use of its resources in the prosecution of the Scottish Wars, motivated its forfeiture by the Bishop, it was doubtful if it were better administered by Clifford. In 1306 there were complaints of exactions against him by the Priory of Durham. In 1307 the King ordered him to stop exceeding his remit and to desist from interfering with the Bishop's barony.⁴⁰⁷

Diplomatic Service

Turning from domestic to foreign affairs, particularly international relations, we find a number of *maiores barones* serving the King. A distinction can be drawn between those serving occasionally and those more regularly involved. Of the latter, Otto de Grandison was virtually a professional

403. *C.C.R.* 1302-7 p.76.

404. *C.P.R.* 1301-7 p.426.

405. *C.F.R.* I. p.354.

406. *C.P.R.* 1301-7 p.436.

407. *Ibid.* pp.444, 445 and 500.

diplomat. The same is almost true of Geoffrey de Geneville. Hugh le Despenser was a frequent envoy and others, whose service on embassies merits individual consideration, are Hugh de Vere and Aymer de Valence.

Baronial involvement is found in marriage alliances negotiated by Edward I. In April 1294, the King appointed a sizeable entourage to accompany his recently married daughter, Eleanor, Countess of Bar, overseas. It comprised the Bishop of London, the Earls of Oxford and Hereford, a number of knights and clerks, and the barons, John de Ferrers, William le Latimer, John de Montfort, Eustace de Hacche and Alan la Zouche, who were given letters of protection and the right to nominate attorneys in England.⁴⁰⁸ A high-powered escort for the Countess was Edward's method of stressing the importance of this marriage alliance. But four of those appointed had a more practical duty to perform. With Guy Ferre, Osbert de Spaldington and Master John Lovel, Eustace de Hacche held a commission to make an extent of the dower which Henry, Count of Bar, had assigned to Eleanor in marriage, and to see that it amounted to the yearly value of 15,000 pounds of Tours.⁴⁰⁹ Some of those often on royal embassies were also involved with the Count of Bar. Langton, the clerk Benstead, the Earl of Lincoln, Despenser and Grandison were on 15 October 1305 empowered to treat with him and his brother to assign to them rents and lands in Scotland or elsewhere, in consideration of their service to Edward, and to make arrangements for Joan,

408. *C.P.R. 1292-1301* p.65.

409. *Ibid.* p.67.

the King's niece, to come to England.⁴¹⁰

When the King's daughter, Elizabeth, married John, Count of Holland, shortly after Christmas 1296. Robert de Tateshale and Robert fitz Roger were among those requested to attend the ceremonies at Ipswich.⁴¹¹ This was during a period of intense diplomatic activity, when Edward was striving to strengthen his position in Europe against France, making agreements with the Count of Holland, the Duke of Brabant and the Count of Flanders.

At some point in 1296 William de Valence, Earl of Pembroke, with the Bishops of Ely and Coventry and Lichfield and Hugh le Despenser, made an agreement with John, Duke of Brabant. On 4 February 1297, Edward acknowledged his indebtedness in 40,000 pounds of black money of Tours to the Duke.⁴¹² Significantly, in January another high-powered entourage was summoned to go to Brabant with the Duchess, the King's daughter, Margaret, who married John in 1290. Its overall composition was similar to that which had accompanied the Countess of Bar in 1294. The barons travelling were John de Ferrers, John de Hastings and Robert de Clifford.⁴¹³

Edward negotiated a defensive alliance with Guy, Count of Flanders, including a marriage treaty involving the King's son and either Phillipa or Isabella, the Count's daughters. On 6

410. *C.P.R.* 1301-7 p.387.

411. *C.C.R.* 1296-1302 p.75.

412. *C.P.R.* 1292 1301 p.232.

413. *Ibid.* pp.226 and 229.

February 1297, Robert fitz Roger, with the Earls of Cornwall, Oxford and Norfolk, was to seal letters regarding the alliance.⁴¹⁴ Four days earlier Hugh le Despenser and Walter de Beauchamp, as Steward of the Household, were empowered to take an oath on behalf of the King to keep the treaty with the Count. This they did, along with the Bishops of Durham and Chester.⁴¹⁵

The above demonstrates baronial involvement in Edward's diplomatic relations with the Low Countries. In his attempts to negotiate treaties, a number of different elements in English society were usually involved - comital, episcopal, baronial and clerical/judicial. The same was true, as noted in relation to William de Vescy, of the abortive negotiations with the Scots in 1290. Otto de Grandison appears also to have been involved. Bain carries details of expenses paid to him and his entourage going to Rome to obtain papal dispensations for the projected marriage.⁴¹⁶ Evidence from the Calendar of Papal Registers shows Grandison to have been at the Curia in 1289.⁴¹⁷ Further examples of Grandison's participation in concluding marriage alliances come from 16 February 1297, when he had a remit to treat of marriage between the Count of Savoy and the King's daughter Joanna, the widowed Countess of Gloucester;⁴¹⁸ and from 8 May 1300 with his appointment to treat of a marriage between Robert, son of Otto, sometime

414. *C.C.R. 1296-1302* pp.12-13.

415. *C.P.R. 1292-1301* p.233.

416. *C.D.S. II* No.464.

417. *Calendar of Papal Registers, Papal Letters I, 1198-1304* p.500ff.

418. *C.P.R. 1301-7* p.431.

Count of Burgundy, and the King's daughter, Eleanor.⁴¹⁹ There was also baronial involvement in Edward's efforts to construct alliances against France, with John de St. John, John of Brittany, Amaneus de la Bret and Robert de Tibetot being empowered to treat and ordain regarding a league with Castille.⁴²⁰ Prestwich points to Hugh le Despenser and Nicholas de Segrave being sent with the Bishops of Durham and Dublin to negotiate with the German King and the Archbishop of Cologne in 1297.⁴²¹

It is in Edward's dealings with France and the Holy See that the composition and remit of his diplomatic embassies are best exemplified. It is also in these contexts that the activities of Edward's 'professional' diplomats are best discussed.

Some barons were utilised by Edward I on specific aspects of relations with France or the Papacy. Burghersh's remit in relation to depredations at sea during the Anglo-French War has been discussed. Robert de la Warde was sent urgently in January 1301 with the clerk, Thomas de Logorre, to the King of France. Letters for this mission were to be prepared hastily and the Keeper of the King's passage at Dover was instructed that they and their entourage should be allowed to cross without any search, notwithstanding a recent ordinance of the King and Council.⁴²² In January 1291, when Edward was

419. *Foedera* I p.861.

420. *Ibid.* p.805, 3 July 1294.

421. M. Prestwich *Edward I* p.387 from *Treaty Rolls* i 89-90.

422. *C.Ch.W.* p.126 and *C.C.R.* 1296-1302 p.416.

contemplating participation in a Crusade, Roger le Strange and John de St. John were sent as envoys to Pope Nicholas IV.⁴²³ In July 1304, along with Roger la Warre, and again in June 1307, Thomas de Berkeley had letters of protection going to Rome on the King's service.⁴²⁴ Warre set out again for Rome on the King's affairs in 1305.⁴²⁵

Between 1290 and 1307 there was a great deal of diplomatic activity between England and France. Till 1294 efforts were directed at maintaining the uneasy peace. From then till 1303, negotiations centred upon concluding truces or a lasting peace treaty. For the remainder of the reign, Anglo-French discussions dealt with problems arising out of the peace settlement. Mary Salt provided a comprehensive list of English embassies to France for Edward I's reign. It is from this, supplemented by additional evidence, that the level of baronial involvement in this aspect of Edwardian diplomacy can be assessed.

Miss Salt groups the appointments made for the period 1290-1307 into twenty-seven embassies.⁴²⁶ King's clerks were appointed to undertake administrative duties. But on eighteen occasions there was a comital or baronial (and often both) element within delegations sent by the English King. When genuine negotiation was involved, this element was ever present. The higher ranks of English society were not involved

423. *Cal.Pap.Reg.* p.555.

424. *C.P.R.* 1301-7 pp.237 and 530.

425. *P.W.* I. pp.158-9.

426. Salt *op.cit.*

when envoys acted as messengers,⁴²⁷ or when they were appointed to implement specific instructions.⁴²⁸ Sixty-seven different individuals were appointed to the twenty-seven embassies, many being clerks or justices serving only once. Senior royal officials such as Langton and Greenfield each served on five occasions, though not together. Edward also used Gascon subjects such as Amaneus de la Bret on eight occasions and continental allies, including the Duke of Brabant, the Counts of Bar and Holland, but especially, Amadeus, Count of Savoy, whose service on ten embassies was surpassed only by Grandison. English nobles appointed to embassies were :- the Earl of Warwick and Edmund, Earl of Lancaster, twice each; the Earl of Lincoln, six times; John of Brittany and Hugh de Vere, each on three occasions; Geoffrey de Geneville, four times; Hugh le Despenser, six; Aymer de Valence, seven; Otto de Grandison, twelve; Thomas de Berkeley twice; William de Leybourne, once; and Robert de Burghersh three times, but specifically for issues relevant to his wardenship of the Cinque Ports. With the exception of Vere, brother of the Earl of Oxford, whose non military service to the Crown was virtually exclusive to this field, all had long records of service to the Crown in many capacities.

A considerable contribution to Edward's diplomatic relations with France and the Papacy was made by Grandison,

427. *Ibid.* No.48 and *C.P.R.* 1301-7 p.169 - e.g. September 1304 when Gerard Salveyn and Roger Heselton went to Philip IV.

428. *Ibid.* No.32 and *Foedera* p.807 - e.g. William of Gainsborough and Hugh of Maincester being despatched to France on 24 July 1294 to renounce Edward's homage.

Dispenser, Vere, Valence and Geneville. The latter was less involved in actual peace negotiations between 1294 and 1303. Although on 15 April 1300, he was one of those appointed to go to Rome for the completion of negotiations for peace, he was more frequently to be found carrying out specific instructions.⁴²⁹ In April 1291, he was empowered to do homage and swear fealty for Ponthieu and deliver the county to Edmund, Earl of Lancaster.⁴³⁰ In November 1297, he was appointed English conservator for the truce negotiated to last till Lent 1298.⁴³¹ On 15 January 1298 he was sent with Master John Lovel to Paris to negotiate as to infractions of that truce and discuss the inclusion of the Scots.⁴³² On 9 November 1298 with Lovel and Thomas de Logorre, he was appointed to obtain redress of grievances for breaches of the peace at sea.⁴³³ His inclusion in the delegation to Rome in 1300 may have been because of previous experience there. He had protection for two years in 1290, going to Rome for the King regarding aid for the Holy Land.⁴³⁴ His value to Edward was as a troubleshooter to iron out difficulties following negotiations for either a truce or peace.

From 1294-8, Hugh de Vere was involved in negotiations with the French. Along with the Earl of Lancaster and John Lacy, he negotiated, ultimately unsuccessfully, between

429. Salt *op.cit.* No.42; *C.P.R.* 1301-7 p.127; *C.C.R.* 1296-1302 p.347.

430. Salt *op.cit.* No.28; *Foedera* p.754.

431. Salt *op.cit.* No.36.

432. *Ibid.*; *Foedera* p.884.

433. Salt *op.cit.* No.39; *C.P.R.* 1292-1301 pp.371 and 481; *C.C.R.* 1296-1302 p.224.

434. *C.P.R.* 1281-92 p.339.

January and April 1294 to prevent deteriorating relations between the King of France and Edward from resulting in war.⁴³⁵ Twice in February, and again in March, letters from the King were directed to him seeking news. In early 1296, Edward made a major effort to arrange a truce then peace, treating through cardinals appointed by the Pope. Virtually all those involved in his diplomatic moves in relation to France participated, including Vere.⁴³⁶ On 18 February 1298, with the Bishops of Durham and Winchester, William of Hotham, Valence and Grandison, Vere was appointed to negotiate a peace under Papal auspices, and given a secret brief of Edward's case against Philip IV.⁴³⁷

But it was Grandison, Valence and Despenser who were the most regular negotiators. Between 1294 and 1303, Miss Salt takes account of ten different embassies in which efforts were made to negotiate a truce or peace. Otto de Grandison served on all ten, Valence on six and Despenser four. Grandison was the King's permanent representative, and he was joined, except for one embassy, appointed on 18 February 1298 to negotiate a peace under papal auspices, by the Count of Savoy.⁴³⁸ Grandison, Despenser and Valence served together on two occasions, the discussions with the cardinals in 1296, and in treating of peace with France in April 1302.⁴³⁹ Neither Despenser nor Valence were involved in the negotiations which secured a peace treaty in 1303, Edward's envoys being Savoy,

435. Salt *op.cit.* No.31; *Foedera* p.793.

436. Salt *op.cit.*No.34; *Foedera* p.834; *C.C.R.* 1288-96 p.505.

437. Salt *op.cit.* No.37; *Foedera* p.887.

438. *Ibid.*

439. Salt *op.cit.* No.43; *C.P.R.* 1302-7 p.30; *Foedera* p.940.

Grandison, the Earl of Lincoln and the Bishop of Winchester.⁴⁴⁰ Between 1294 and 1303 Edward had virtually a permanent embassy in France, with fluctuating membership, which also went, twice, to Rome. Grandison and Savoy formed the backbone. Clerks and royal officials were often included. Allies such as the Counts of Bar and Holland were called upon. When negotiations were under papal auspices or at the Curia, episcopal involvement was provided by one or more of the Bishops of Winchester, Durham and Coventry and Lichfield. But leading nobles, particularly the Earl of Lincoln, Despenser and Valence were often present to give status to his negotiating team. Whereas, certainly from 1294 to 1303, Grandison was a permanent royal envoy, Lincoln, Valence and Despenser served the King in a wide range of capacities.

One phase of the negotiations with France is not taken into account by Miss Salt, the venue being this side of the Channel. On 1 March 1301, Edward appointed negotiators to treat with French envoys at Canterbury, with Scottish representatives also to be present. Those appointed were the Earls of Surrey and Warwick, Valence, Vere and St. John.⁴⁴¹ The King had appointed a high-level team, knowledgeable in Scottish affairs and experienced in negotiating with the French, promising to ratify what they might do in his name. Grandison's non-involvement must derive from Scottish affairs, rather than direct Anglo/French considerations, forming the agenda for this meeting.

440. Salt *op.cit.* No.46; *C.P.R.* 1302-7 pp.105-6; *Foedera* pp.950-1.

441. *C.P.R.* 1292-1301 p.589.

Grandison, Valence and Despenser continued to be involved in diplomacy after peaceful relations were reestablished with France. The King's mandate on 24 March 1304 to Burghersh, with Bouqell, seneschal of Ponthieu, to act with French representatives regarding depredations at sea, followed their appointment by Grandison, Savoy, the Earl of Lincoln and the Bishop of Winchester, described as the King's proctors.⁴⁴² A ten strong delegation, including Grandison and Despenser, was despatched to Rome in October 1305 to treat regarding a crusade, peace with France and other matters touching the salvation of the King's soul.⁴⁴³ A letter of 23 January 1306, possibly from Despenser, acknowledges receipt of letters from the King, reports on business transacted and tells of the Earl of Lincoln's pending return to England, the others remaining at the Curia till expedition of all the King's business.⁴⁴⁴ Grandison and Despenser were among those ordered in March 1307 to accompany the Lord Edward to France.⁴⁴⁵ Valence's final involvement with French affairs in the reign, probably because of his lieutenancy in Scotland, came in September 1304, being appointed with John of Brittany and Guy Ferre to superintend the expenses of the retinue of the Prince of Wales, going to France to do homage for Aquitaine.⁴⁴⁶

Otto de Grandison was, to all intents and purposes, a permanent royal envoy. A great deal has been written about

442. *C.P.R. 1301-7* p.216.

443. Salt *op.cit.* No.51; *C.P.R. 1301-7* p.387; *C.C.R. 1302-7* pp.351-3.

444. SC1/16/117.

445. Salt *op.cit.* No.53; *Foedera* p.1012.

446. Salt *op.cit.* No.49; *Foedera* p.967.

royal favourites in English history. Edward I has remained free from criticism. This does not mean that favourites did not exist between 1272 and 1307. Rather, Edward was more intelligent than predecessors and successors in the role given them and in rewards bestowed. Otto de Grandison was a favourite - a trusted, loyal servant, having been one of his knights from 1268 and with him in the Holy Land. Grandison's service and loyalty was to Edward personally, not the English Crown. On Edward's death, opposed to the influence of Gaveston, he left England for good. Grandison's status as a baron was wholly due to his elevation by, because of service to, the King. He held appointments, in the Channel Islands and Wales, but was an absentee office-holder, operating through deputies, though gaining financial benefits. His service to the King was almost exclusively in diplomacy. Appointments date from November 1275, as one of those representing the King in a suit over Burgundy and seeking seisin of the Agenais.⁴⁴⁷ In the 1280s he served in the Welsh Wars but, in 1286, preceded Edward to France to make preparations for the King's visit and remained there with him.⁴⁴⁸ In the early 1290s he had a sabbatical from royal service, journeying to the Holy Land. Kingsford's assertion that 'he never held any position of the first importance' is questionable, given his tenure of the justiciarship of Wales and his appointment in 1278 as King's Lieutenant in Gascony.⁴⁴⁹ But his summing-up of his value to Edward as a diplomat shows why Edward utilised his services and talents. 'For this service, his family ties with the

447. Salt *op.cit.* No.4; *Foedera* pp.529-30.

448. Salt *op.cit.* No.24; *Foedera* pp.665-72.

449. Kingsford *op.cit.* p.129.

nobles of Savoy and Burgundy, his long experience at the Roman Curia and his familiarity with the affairs of Gascony, gave him peculiar qualifications.⁴⁵⁰ Edward is reputed to have written that there was no one who could do his will better.⁴⁵¹

Advice and Counsel

Two baronial obligations were performance of military service and provision of advice and counsel. These are key elements in assessing greater magnate status. Evidence for individual barons counselling the King is not easy to come across, though examples are to be found of Edward I requesting advice from named individuals. As to consultation with the baronage as a whole, the obvious assumption is that this was done through parliament. But caution is required. In the later middle ages the Lords of Parliament were established as a cog in the machinery of decision-making, but historians disagree as to parliament's prime purpose in Edward I's reign. Haskins took the view that 'the King's parliament in the opening days of the fourteenth century is more in the nature of a high court of justice than a deliberative or legislative assembly. For it is the Council, with the King as presiding officer, which is the heart and core of the mediaeval parliament - a council of ministers, judges and experts in the law'.⁴⁵² Records of business transacted show a large number of petitions handled, and judgments handed down. A small number of barons were involved judicially. William le Latimer was

464. *Ibid.* p.152.

451. J.O. Prestwich *op.cit.* p.2.

452. G.L.Haskins 'The King's High Court of Parliament Holden at Westminster', *History* 1940 p.305.

among those hearing an action against the Franciscans of Yarmouth in the 1290 parliament.⁴⁵³ Aymer de Valence and John de Havering were on the panel of auditors for Gascon petitions in 1305.⁴⁵⁴

Cuttino, however, argued that 'parliament was essentially what it had always been from the first, a political assembly', and 'it is becoming increasingly clear that parliament was just as much 'political' in its essential functions as it was 'judicial', if not more so'.⁴⁵⁵ Evidence from writs of individual summons for Edward's parliaments, certainly from 1300-7, support this viewpoint. He summoned the same barons as he called upon for personal military service in Scotland to resolve outstanding political problems which were thwarting his efforts to complete the conquest of Scotland. The prime business of the parliaments of 1300 and 1301 was 'political', and the advice, counsel and, indeed, consent of the *maiores barones* was sought. In addition Harriss is convincing when he argues that 'Parliament began to wear the aspect of a place of confrontation between King and subjects, where the common profit of the realm and the dignity of the Crown were no longer defined and provided for by the king, but were invoked by subjects in opposition to royal government.'⁴⁵⁶

Edwards' assessment still rings true - 'of the business

453. *Rot.Parl.* i p.33 No.23.

454. H.G. Richardson and G.O. Sayles 'The King's Ministers in Parliament 1272-1377 Part I The Parliaments of Edward I', *E.H.R.* 1931 pp.544-5.

455. G.P.Cuttino 'Mediaeval Parliament Reinterpreted', *Speculum* 1966 p.686.

456. Harriss *op.cit.* p.30.

done in parliament, what specifically interested the generality of Englishmen was the dispensing of 'justice', but what specially interested the King and his counsellors were the 'grosses busoignes'.⁴⁵⁷ It was for this 'grosses busoignes' that barons were summoned to parliament to provide advice and counsel. As to the involvement of barons summoned, caution is required, taking into account the previous discussion on the actual parliamentary attendance of magnates. What is emerging from this study of baronial service is that more than half, seldom, if ever, served the King other than through parliamentary attendance or service in his armies. It would be tempting to suggest that the parliamentary non-attenders were those with limited other service to the Crown and that those Lords who attended parliament were those most active in royal service. The little evidence from 1306 and 1307 of appointment of attorneys does not bear this out. Caumville and Verdun were excused because of age, as was Reginald de Grey, who appointed an attorney in 1307. Furnivall was an active royal servant. Indeed there is evidence that absence from parliament was specifically demanded by the King because of other priorities. This is true of those instructed to remain in Scotland in 1302 instead of coming to parliament.⁴⁵⁸ In 1306, prominent barons serving in Scotland, including Valence, Clifford and Percy were not summoned to parliament. Mauley, Eyncourt and Martin were excused from attending the Carlisle parliament in 1307 because they were on royal judicial service and Simon de Montacute because he was

457. J.G.Edwards 'Justice in Early English Parliaments'
B.I.H.R. 1954 p.53.

458. SC1/61/5 and *P.W. I.* p.117.

Captain of the King's fleet in Scotland.⁴⁵⁹ It is impossible to determine which barons attended which parliaments, unless they are specifically listed in the records or are known from the rolls to have had judicial business there.

Is it easier to identify the *maiores barones* who gave advice and counsel as members of the King's Council? The answer must be no, as specific lists of members sworn of the Council do not survive. As Baldwin said 'as to the number of councillors in normal times, we are never definitely informed, nor has any method of estimating this number led to certain results'.⁴⁶⁰ Brown describes Edward's Council as an 'amorphous institution' and thought it 'reasonable to conclude that Edward I had a large number of councillors, bishops, earls, barons, officials, knights and clerks though it is uncertain if all these men were formally appointed and sworn of the Council'.⁴⁶¹ There was a comital and baronial presence. On 21 March 1305, a proclamation of Edward I from parliament at Westminster, which had first met on 28 February, thanked everyone for their attendance and allowed them to return home; but the bishops, earls, barons, justices and others who are of the King's Council are not to depart without the King's special licence.⁴⁶² Despenser, Percy and John de Hastings are listed as members of the Council in September 1305.⁴⁶³ On 23 October 1306 when James, Steward of Scotland, did homage it

459. *P.W. I.* p.183.

460. J.F.Baldwin 'The King's Council from Edward I to Edward III', *E.H.R.* 1908 p.12.

461. A.L.Brown *op.cit.* pp.31-2.

462. *Rot. Parl.* i p.159.

463. E175/1/20, referred to by M. Prestwich, *Edward I* p.437.

was before members of the King's Council including Aymer de Valence, John de Hastings, John de Boteturte, Robert de la Warde and John de Sudeley.⁴⁶⁴ There are references to individuals as members of the Council, for example on 14 October 1292 to 'Robert de Typetot and others of the King's Council'.⁴⁶⁵ Though known to have been present at the parliament of 1290, he was not summoned to any of those for whom writs exist till his death in 1298.

On 6 February 1299, writs of individual summons for a parliament to be held that year were issued and Robert fitz Roger and John de Segrave were included.⁴⁶⁶ But a further mandate to the chancellor of the same date instructed him to summon as hastily as possible archbishops, bishops, abbots, priors, earls and barons and all of the realm who held by barony, Sir Robert fitz Roger, Sir John de Segrave and all who were of the King's Council to be with the King at London for the King's business 'de la outre' on which he desired their advice.⁴⁶⁷ The reference to 'all who hold by barony' is unique. Many *maiores barones* received their first ever parliamentary summons at this time. Edward was perhaps seeking to establish a new list of suitable recipients. Of the seventy-eight summoned and described as *barones*, twenty-nine did not hold *per baroniam*, and of those who did so hold and were summoned to subsequent parliaments, nineteen were not summoned on this occasion, including prominent barons such as Balliol, Braose,

464. *P.W. I.* p.180.

465. *C.C.R. 1288-96* p.243.

466. *P.W. I.* p.79.

467. *C.Ch.W. I.* p.101.

Clifford, Huntercombe, John de Lancaster, St.Amand and Verdun. The non-inclusion on the lists of so many who did hold *per baroniam* suggests lack of detailed knowledge of tenure. The specific mention of fitz Roger and Segrave is intriguing. Both were regularly summoned; fitz Roger held by barony, but Segrave did not. One logical answer presents itself. Both supported Bohun and Bigod in the 1297 crisis. By stressing their membership of the Council was Edward emphasising his desire to be reconciled with, consult and take account of the views of those who had opposed service abroad, given that the business specified for this *colloquium* was to treat and advise on the affairs of the King's dominions overseas? Fitz Roger and Segrave being members of the Council demonstrates that Edward neither surrounded himself entirely with 'yes-men', nor harboured long-term grudges against those who had opposed him.

Examples can be found of barons being specifically requested to give advice and counsel to the King. In a letter to all sheriffs of 12 August 1297, his version of the constitutional conflict with Bohun and Bigod, Edward states that, on the refusal of the Earl of Hereford as Constable and John de Segrave, deputising for the Marshall, to enroll people for service overseas, he sent for Geoffrey de Geneville, Thomas de Berkeley, John de Tregoz, the Keeper of the Tower of London, the warden of London and the justices Beresford and Hengham, to advise him. He then made Berkeley Constable and Geneville Marshall, because the Earls had asked to be relieved of their duties.⁴⁶⁸ It is likely that the King had decided upon

468. *Foedera* pp.872-3.

the appointments. The only 'advice' he wished from Geneville and Berkeley was their willingness to undertake these duties. Edward chose two loyal, experienced servants of baronial status, but much inferior in rank to Hereford and Norfolk. This was deliberate. They could undertake the military administration required of them, without being seen as a challenge to the hereditary authority of the Constable and Marshall.

When Edward set out for Flanders, he must have placed great store on the ability of those appointed to the Council of the young Prince Edward given the continued disaffection of Bohun, Bigod and their supporters. Rishanger reported 'while Edward was in Flanders, his place was taken by his son, Edward, to whom, because he was a minor, was given as Council the Bishop of Lincoln, the Earl of Warwick, Reginald de Grey, John Giffard and Alan Plucknet'.⁴⁶⁹ The role of the three barons is confirmed by letters from the Prince as King's Lieutenant in favour of the Earls of Hereford and Norfolk, promising to obtain by all possible means the King's pardon of all rancour and indignation conceived against the said Earls, John de Ferrers and others, their allies. The letters were with the assent of the Bishops of Ely, Coventry and Lichfield, London, the Archbishop elect of York, the Earls of Cornwall, Surrey and Warwick, John Giffard, Reginald de Grey, Alan Plucknet and others of the Council.⁴⁷⁰ Grey, the Justice of Chester, Giffard and Plucknet were elder statesmen, all of

469. Rishanger *op.cit.* p.179.

470. P.R.O. *Deputy Keeper's Report 35th. 1874* p.5 No.37.

full age in the reign of Henry III, who had served Edward well, particularly in Wales. All three were regularly summoned to parliament. They were appointed to the Prince's Council to provide loyalty, experience, stability and wise counsel. Given their ages, they might have been judged more useful in this capacity than in leading troops overseas. There is some conflicting evidence regarding Grey and Plucknet as both were summoned to serve in Flanders. However, neither is cited by Lewis as serving there, nor do their names appear on horse valuation rolls. Moreover, both received summons in October to muster at Newcastle against the Scots on 6 December.⁴⁷¹

On 15 March 1298, the day after Edward returned from Flanders, docketed *de consilio summonendo*, writs were addressed to the Bishops of Ely and Lincoln, twenty clerks of the Council, justices and John Giffard.⁴⁷² They were summoned to go to the King at Westminster on 30 March to discuss certain arduous and important affairs. According to *Rotuli Parliamentorum*, the main business was the ordinance, whereby the Exchequer and Treasury were removed to York.⁴⁷³ But specific mention of the two bishops and Giffard shows continuity with the Council left to advise the Prince. Perhaps they were required to report to the King on their stewardship. Why Giffard was summoned, rather than Grey or Plucknet is not easy to determine. Early in April, Grey was engaged in arraying troops in Wales for Scottish service.⁴⁷⁴ There is no

471. *Ibid.* pp.302-4.

472. *P.W.* I. p.65.

473. *Rot. Parl.* i p.143.

474. *C.P.R. 1292-1301* p.342.

evidence for the whereabouts of Plucknet but he was dead by Christmas Day, 1298.⁴⁷⁵

On 21 September 1299, writs of summons were issued to the Archbishop of Canterbury, the Bishops of Durham, London, Salisbury and Coventry and Lichfield, the Earls of Cornwall, Lincoln, Norfolk and Surrey, John de St.John, Otto de Grandison, Hugh le Despenser, Hugh de Vere and Robert fitz Walter. They were earnestly entreated to appear at the New Temple on 18 October for a *deliberacionem et consilium* on certain important affairs.⁴⁷⁶ The Chronicle of Bury St. Edmunds refers to the King commissioning St.John to lead an army to Scotland, and St.John was operating as King's Lieutenant by January 1300.⁴⁷⁷ An indenture was made for his Scottish service by St.John with the King and Council.⁴⁷⁸ No other chronicler provides any clue as to the business transacted. The presence of the Bishop of Coventry and Lichfield, the Earl of Lincoln, Grandison, Vere and Despenser might suggest discussion of the current state of relations with France. St.John had just been released from captivity in France. But fitz Walter had no involvement in such matters.

No dubiety exists about the purpose of an assembly held in 1305. It was to agree a scheme for the governance of Scotland. This had been foreshadowed by a memorandum on Scotland promulgated at the March/April parliament the same

475. *C.I.P.M.* III No.543 pp.416-8.

476. *P.W.* I. p.81.

477. *Chronicle of Bury St.Edmunds* p.154.

478. E101/68/1/7 (*C.D.S.* II. No.1170).

year.⁴⁷⁹ Some authorities, including the *Complete English Peerage*, have counted this as a parliament, but the selective nature of those summoned and the specific business done shows this was a technical assembly. It is conceded that judicial business was transacted and an ordinance on conspirators made, 'by the King and Council in his parliament'.⁴⁸⁰ It is difficult to be definite as to who actually attended. The original writs calling this assembly for 15 July are not extant. We are reliant on the various writs of prorogation, plus the information as to who were appointed as English commissioners to treat with the Scots for establishing the ordinance for the governance of Scotland.⁴⁸¹ There were three prorogations, the assembly eventually meeting on 15 September 1305. Flores reports that a Council was held in September on Scottish affairs at the New Temple to seek a lasting peace. The Scots were also to make payment for the trouble they had caused.⁴⁸² The prorogations may have been because of the trial of Wallace, which Edward wished concluded.

Changes in those summoned take place in the writs of prorogation. But it can be assumed that writs of 13 and 30 July and 27 August, which fix the date at 15 September, went to those expected to attend. If this is so, then a comparison with the names of those recorded as treating with the Scots would suggest that the presence of three earls and Valence, not involved in the negotiations, was envisaged. Valence's

479. *P.W. I.* pp.155-6.

480. *Rot. Parl.* i pp.182-7.

481. *P.W. I.* pp.158-60.

482. *Flores Historiarum*, Ed. Luard p.124.

exclusion as a negotiator is surprising, given his involvement in Scotland. It is possible that he was originally to serve in this role but was replaced by Percy, not summoned at all till 27 August.⁴⁸³ Of those appointed to treat with the Scots, along with two bishops, two earls, two abbots, various justices and clerks, including Sandale, Chamberlain of Scotland, were five barons. John de Hastings could not come because he was ill.⁴⁸⁴ The four participating were Percy, Botetourte, Despenser and William Martin. Percy and Botetourte were obvious choices, given their commitments in Scotland. Despenser was one of the King's proven negotiators. Edward was calling upon experienced, knowledgeable barons to contribute to the final solution of his major political problem. The surprising choice is that of Martin, a landholder in Somerset, Devon and South Wales.⁴⁸⁵ He is found in every military campaign from 1282 onwards - in Wales, Gascony, Flanders and Scotland. He fought at Falkirk and Caerlaverock, but had no specific duties in relation to Scotland. There is evidence that he was a member of the Council in 1305, and from then till 1307 he served on many commissions, especially as a justice of trailbaston.⁴⁸⁶ In

483. *P.W.* I. p.160.

484. *Ibid.* p.161.

485. His inquisition *post mortem* is incomplete - *C.I.P.M.* Vol.VI. No.563 p.358 - but evidence of landholding in Somerset and Devon comes from letters to the sheriffs for respite of debts - 20 May 1299 C67/13; 30 May 1301 C67/14; 13 May and 27 August 1303 C67/15; J.J.Alexander 'Early Barons of Torrington and Barnstaple' *Transactions of the Devonshire Association* Vol.73 1941 pp.122-3 and 'Devon Feet of Fines Vol.II 1272-1369' Ed. O.J.Reichel, F.B.Prideaux and H.Tapley-Soper, *Devon and Cornwall Record Society* 1939 No.855 pp.54-5.

486. Witnessing a royal document, apparently as a member of the Council, *C.P.R.* 1301-7 p.327; appointments to judicial commissions - *C.C.R.* 1302-7 p.280 and *C.P.R.* 1301-7 pp.354 and 542-3.

the next reign he was, in 1310, one of the Lords Ordainers.⁴⁸⁷ Summoned once before in 1295, he was a regular Lord of Parliament from 1299 onwards. No specific reason can be advanced for his involvement with the ordinance for the governance of Scotland. John de Segrave, as 'Custos of Scotland, this side of the Forth', along with the Earls of Athol and Ros for the rest of Scotland, was involved in ensuring that those elected by the *Communitas* of Scotland to attend the assembly knew of the arrangements and the prorogations.⁴⁸⁸

Edward undoubtedly sought advice from leading magnates and others, outwith the formal settings of parliament or council. This would be true of his journeyings around the country and on military expeditions. By its very nature, consultation of this kind would go unrecorded. There is one example of leading barons being requested to give advice in the field of naval warfare. During the Flanders campaign, on 10 October 1297, the King sent instructions to Valence and Despenser. 'Since we wish to give orders as to how the fleet can best be deployed at Sluys, we order you to bring with you five or six of the most sufficient of the same fleet together with the Bailiff of Sandwich, who is also there, so that you may be with us at Ghent on Saturday, so that we can discuss this business.'⁴⁸⁹

487. J.H.Trueman 'The Personnel of Mediaeval Reform, The English Lords Ordainers of 1310', *Mediaeval Studies* Vol.21 1959 pp.248 and 270.

488. P.W. I. pp.158-60.

489. SC1/47/76.

Finally on the theme of advice and counsel, there exists an example of a regional assembly of landholders, a practice later used by Edward III. On 14 January 1300, eight for the East Riding, and seven each for the West and North Ridings of Yorkshire, were summoned to appear in the Exchequer at York on Friday next to treat with the Barons of the Exchequer and others of the Council, on certain affairs concerning the King and the *Communitas* of that county.⁴⁹⁰ *Maiores barones* were included - Mauley, Twenge, fitz William, Latimer Sen., Latimer Jun., Faucomberge, Meynill, Vavassour and Rither. Equally, others holding lands in Yorkshire were not - Clifford, fitz Reginald, fitz Alan, Furnivall, Paynel, Percy, Nicholas de Segrave, Teye and Valence. No reasons for this assembly are stated, nor is the criterion for selection evident. One can note the coincidence that on the same date sheriffs and nominated knights and barons for all the English counties were empowered to summon £40 landholders to muster at Carlisle at Midsummer to serve at the King's pay against the Scots.⁴⁹¹ The two appointees for Yorkshire were fitz William and Latimer Sen., both summoned to York. Is it possible that Edward envisaged a special effort to provide men from Yorkshire through this assembly? But why were similar arrangements not put in hand for the other northern counties? Given the involvement of the Barons of the Exchequer, the business to be discussed was probably financial.

Slim though the recorded evidence is, a picture emerges

490. *P.W. I.* p.86.

491. *Ibid.* pp.330-340.

of a King consulting with members of his baronage. Those involved represent a small minority of the *maiores barones*. A selected few served on the Council and others were chosen for particular experience and attributes, as at the New Temple in 1299 and in deliberations over the ordinance for the governance of Scotland in 1305. Those who so served the King were, in the main, barons actively involved in other aspects of service to the Crown. But in virtually all the examples quoted, the baronial element was only one in a team of advisers. The King also looked for counsel to his bishops, earls, officials, justices, for legal advice, and clerks, for practical, administrative support.

Service in the Royal Household

In *War, Politics and Finance under Edward I*, Michael Prestwich devoted the best part of a chapter to considering the King's household.⁴⁹² He argued that 'the most important cavalry troops were those of the royal household', and that 'the household was more of a small army than an administrative establishment'.⁴⁹³ He has shown that over 500 cavalry troops for Flanders in 1297 and over 800 for Falkirk in 1298 were of the household.⁴⁹⁴ Documents he lists as containing the names of household knights can be supplemented by an undated list of bannerets of the household containing eleven names.⁴⁹⁵ Further information comes from the rolls of horses valued for the

492. M. Prestwich *War, Politics and Finance Under Edward I* Chapter II.

493. *Ibid.* pp.41 and 42.

494. M. Prestwich *English Politics in the Thirteenth Century* p.103.

496. E101/13/34/31.

Scottish Wars from 1296-1306, and for the Flanders campaign of 1297.⁴⁹⁶ Those considered specifically declare they were of the household. Prestwich further points out that the household provided the battalion led by the King in both the Falkirk campaign of 1298 and at Caerlaverock in 1301.

It is agreed that the role of household knights was primarily military, serving the King at pay. The names of those serving in the household contain younger sons of baronial families, brothers of barons, prominent knights, clerks of the household, such as Manton, Benstead and Drokensford, who also took up arms in time of war, foreign subjects, such as Amaneus de la Bret and Pons de Castellione, and Scots, on occasion loyal to the King, Richard Siward and Simon Fraser. But a significant contribution to the household forces, in the role of bannerets, between 1290 and 1307, was made by *maiores barones* on a regular basis, notably John de Sudeley, Robert fitz Payne, Adam de Welles, Walter de la Teye, Eustace de Hacche, Robert de Scales, Alan Plucknet the elder, William de Cantelupe, William Touchet, William de Leybourne, John de Engaine, Robert de Tony, Robert de Clifford, Peter de Chaumpvent, John de Botetourte and Walter de Beauchamp.

Continuity of service within the household is marked. Of the eleven household bannerets serving the King in Flanders, nine were in the King's squadron at Falkirk.⁴⁹⁷ One exception

496. Scotland - E101/5/23 (24 Ed.I.); E101/6/40 (26 Ed.I.); E101/8/23 (28 Ed.I.); E101/9/24 (29 Ed.I.); E101/612/8 and E101/612/11 (31 Ed.I.); E101/612/9 (34 Ed.I.).
Flanders - E101/6/19 and E101/6/37 (25 Ed.I.).

497. Lewis *op.cit.* p.317 and Gough *op.cit.*

was Leybourne, then Captain of Mariners. Although no horse was appreciated for him personally, valuations are recorded for a retinue of sixteen of his men, including three knights.⁴⁹⁸ The other, William Touchet reappears at Caerlaverock. Of the forty-six bannerets serving in the King's battalion at Falkirk, twenty-nine were also present at Caerlaverock. Of these, twenty-one were still under the King. The Earl of Warwick and Robert fitz Payne now served in the second squadron under the Earl of Surrey. The remaining six had transferred to the fourth battalion, under the young Prince of Wales, men of status such as the Earl of Lancaster and his brother, Henry, or of considerable experience and lengthy service, Tony, Latimer Sen., Roger de Mortimer and William de Ferrers. Also in that squadron were Leybourne and Robert de la Warde, who was to succeed Beauchamp as Steward of the Household. The King sought a core of experienced men under the Prince with the provision of these household bannerets and others such as John de St. John, John and Edmund de Hastings. Prestwich's contention that the household knights played no real part in the organisation or leadership of the other squadrons at Falkirk is supported by evidence from Gough and horse valuations. But, his argument that this was also true at Caerlaverock is questionable.⁴⁹⁹ It can be no coincidence that in the *Song of Caerlaverock*, of the first nine mentioned as serving under the Prince, six served in the household both in Flanders and at Falkirk, and a seventh, Leybourne, in Flanders

498. E101/8/23 - 6 July 1298.

499. M. Prestwich, *War Politics and Finance Under Edward I* p.60.

and elsewhere in Scotland.⁵⁰⁰ Henry le Tyes had horses valued as a member of the household in 1300.⁵⁰¹ The only exception was St. John, but he was the King's Lieutenant and, given the youth of the Prince, was in effective command.

Of the wars against the Scots, Prestwich wrote 'the King was served by a younger body of men, who must have lacked the sense of being the King's companions in his armies of Wales'.⁵⁰² This is to some extent true, with death depriving Edward of loyal servants. But the case can be overstated. Out of twenty-four *maiores barones* in the King's squadron at Caerlaverock, eleven served in Wales in the 1280s. Hugh de Vere had travelled with Edward on his three year Gascon sojourn. William de Grandison, Walter de Beauchamp, Robert de Scales, John le Strange, William de Cantelupe, Simon de Montacute and Eustace de Hacche all had service in the household stretching back into the 1280s. A number of the 'new' men were virtual fixtures in the household by the early thirteen hundreds providing every bit as much stability as those who were contemporaries of the King. This is particularly true of Clifford, Despenser, Botetourte and Welles.

Although the household's prime function was provision of cavalry in the King's wars, it was also an important source for Edward I in his selection of barons for royal service.

500. Nicolas *op.cit.* pp.43-7.

501. E101/8/23 - 13 July 1300.

502. M.Prestwich, *War, Politics and Finance Under Edward I* p.49.

Outwith the earls, and those whose service derived primarily from geographical considerations of landholding, the majority of barons who served as judicial commissioners, as royal castellans, as commissioners of array, as captains in the navy and in other branches of the royal service, had served, or continued to serve, in the household. This is particularly true of some of the younger men regularly employed in the last ten years of the reign. Among those known to have served as household bannerets in Scotland in 1296 and/or Flanders in 1297, one finds the names of Botetourte, Clifford, Despenser, Leybourne, fitz Payne, Tony and Welles, in addition to long-serving members of the household, Scales, Berkeley, Plucknet and Chaumpvent.⁵⁰³ Not all barons with service in the household went on to undertake non-military duties for the King. Hugh de Courtenay, who had no reason to love Edward for depriving him of his inheritance, was never called upon, and John de Engaine, father and son, provided no service other than military.⁵⁰⁴ But service in the household gave Edward the opportunity of assessing many bannerets and selecting those with the appropriate aptitudes both for attendance in parliament and duties requiring to be undertaken on his behalf. As Prestwich points out 'a good proportion of bannerets - two-thirds in 1300 - received summonses to attend

503. Scotland - E101/5/23; Flanders - Lewis *op.cit.* p.317, E101/6/37 and E101 6/19.

504. For Courtenay, see K.B.McFarlane. 'Had Edward I a 'Policy' Towards the Earls?' *History* 1965. pp.152-3. He deals with Edward's persuading Isabel, Countess of Devon, on her deathbed to agree to the reversion of lands to the Crown. He wrote 'By a matter of hours, Hugh Courtenay had been deprived, if not cheated, of his reasonable expectations, by the will of an old woman in the article of death, who may well not have known what was happening'.

parliament as barons, and their support of the king must have been valuable in discussions and debates'.⁵⁰⁵

But prior membership of the household was not a prerequisite for royal service. Prestwich points out that the King's chief diplomat, Otto de Grandison, was not closely associated with the household, and the same is true of Geneville.⁵⁰⁶ Of those involved regularly on judicial commissions, there is no record of membership of the household of Eyncourt or Vavassour. Prestwich points out that during the Welsh Wars household knights had a key role in recruiting troops and managing the preparatory stages of campaigns.⁵⁰⁷ It is equally true that household knights, such as Cantelupe and Furnivall, carried out similar duties in relation to Scotland. What is more significant is that they served as commissioners of array in counties where they were major landholders. If one considers all those arraying troops or making purveys, the common factor was that they operated on home territory, rather than that they were household knights.

An important aspect of service to the King was tenure of office within the household, either as Steward or Chamberlain. For most of the period under consideration, the former post was held by Walter de Beauchamp. After his death Robert de la Warde held office till his own demise, a few months before the King. The chamberlains were Peter de Chaumpvent and John de

505. M. Prestwich *Edward I* p.153.

506. Re Grandison, M. Prestwich *War, Politics and Finance Under Edward I* p.43.

507. *Ibid.* p.58.

Sudeley.

Much of the work undertaken for the King by Beauchamp who held office for ten years, related to the military aspects of the household, particularly the Scottish wars. Many horse valuations were undertaken by him and he had responsibilities in victualling.⁵⁰⁸ In a lengthy document of payments to household bannerets for the Scottish Wars for 1299 and 1300, two entries relate to him, covering fees, robes and wages for his retinue, both in cash and kind. He is also seen to have been responsible for arrangements for the King coming to Carlisle. He was paid £20 for business relating to 'the Cardinals of the Pope', and he is owed £100 out of £200 agreed by the King and Council for his work at court⁵⁰⁹. His duties as steward of the household were extensive, and protection lists show him to have been almost continuously in Scotland for the last three years of his life.⁵¹⁰ His frequent service on judicial commissions all date from before his appointment as steward, but he retained the keepership of Gloucester Castle from his appointment in 1291 till his death in 1303.⁵¹¹ He was empowered to take oaths on the King's behalf, to keep the treaty with the Count of Flanders in 1297 and to observe a truce with the Scots in October 1300.⁵¹² Beauchamp is an example of someone of obscure background rising in prominence and status through service in the household. The lack of an

508. Horse valuations - e.g. E101/9/24; victualling -
Stevenson II pp.299-300, 8 August 1298 1298.

509. E101/7/11/2, 2D, 3 and 3D.

510. C67/13.14 and 15.

511. *C.C.R. 1288-96* p.180.

512. *Foedera* p.856 and *C.P.R. 1292-1301* p.541.

extant inquisition post mortem makes it difficult to assess the extent of his landholdings. The only example of respite of debts is directed to the Treasurer and Barons of the Exchequer. In the 1301 letter to the Pope he was described as 'Dominus de Alcester, a manor in Warwickshire and, in June 1304 and April 1306, his son, Walter, had respite in Warwickshire and Staffordshire.⁵¹³

Beauchamp was succeeded by Robert de la Warde, of whom there is little evidence before 1294. His landholdings in Middlesex of the Abbot of Westminster, in Derby of Theobald de Verdun, in Lincolnshire of Reginald de Grey, in Leicestershire of William de Ferrers, and in Essex, of which he was enfeoffed by his father-in-law Robert fitz Walter, were not extensive.⁵¹⁴ His advancement, including summonses to parliament from 1300 onwards, derived from service to the Crown. There are no references to him indicating membership of the household until he became Steward. The undated list in which his name appears first, with Sudeley second, suggests this was drawn up after he became Steward. All those on it were alive during his stewardship till September 1306, when Hacche died.⁵¹⁵ In the Gascon War he served with fitz Walter under the Earl of Lancaster, and in Scottish campaigns from 1298 to 1301, he served with the Earl of Gloucester.⁵¹⁶ At Falkirk, like Gloucester, he was in the fourth squadron under Surrey. At Caerlaverock he was in the squadron under the King's son and

513. C67/15 - 25 April 1303; C67/16 - 6 April 1306.

514. C.I.P.M. Vol.IV No.433 pp.289-90.

515. E101/13/34/31.

516. Gascony - C67/9 dated 22 September 1294; in Scotland C67/14.

his name in the *Song of Caerlaverock* follows immediately after that of Ralph de Monthermer.⁵¹⁷ He is known to have been sent hastily to the King of France with Thomas Logorre as an envoy in 1301.⁵¹⁸ De la Warde's appointment as steward did not follow upon lengthy service in the household but, perhaps, from experience in serving Prince Edward. The King apparently appointed an outsider. There is far less evidence for his stewardship than for that of Beauchamp. An undated ordinance, describing him as sensechal, details the estate which John de Warenne ought to have in the King's household, made by him, the Treasurer, Henry de Percy and the keeper and controller of the Wardrobe.⁵¹⁹ On 23 October 1306, he is described as a baron and member of the King's Council, present at the performance of homage by James, Steward of Scotland. He is known to have been in Scotland in 1303, 1304 and 1306, but evidence of his duties and activities there is scarce.

Described in the *Complete English Peerage* as originally a 'King's yeoman', Peter de Chaumpvent, and his son, John, were household knights.⁵²⁰ He served the King at pay in Wales, Flanders and Scotland, and accompanied Edward to Gascony in 1286. His landholdings were not extensive, on his death three manors, one each in Sussex, Cambridgeshire and Essex, the last held of the King in chief for one knight's fee.⁵²¹ His service to the Crown was exclusively within the household. There are references to him as chamberlain, but records of payments make

517. Nicolas *op.cit.* p.51.

518. *C.C.R.* 1301-7 p.415.

538. E101/371/8.

520. *G.E.C.* Vol.II p.154.

521. *C.I.P.M.* Vol.IV No.152 p.94.

no specific reference to duties undertaken. The Book of Prests show payments to him in the Welsh campaign of 1294 - 1295, and we know of total payments due to him for the years twenty-six to twenty-eight Edward I of £127 18s. 1d. to cover his fees, robes and restitution of horses in the Scottish Wars.⁵²² He received two writs of summons to parliament in 1300 and 1301, but did not seal the Lincoln letter to the Pope.

Sudeley was a man of greater resources. Of full age on the death of his father in 1280, he inherited a manor in Worcestershire, held of the Earl of Warwick, two Warwickshire manors of the King in chief for two knights' fees, and the family honour of Sudeley, Gloucestershire, held *per baroniam*, also for the service of two knights.⁵²³ As with Chaumpvent, there is no record of service to the Crown outwith military involvement as a knight of the household in Scotland, or as chamberlain. There is no record of his appointment, though he is described as such in a number of documents from 1306. He, too, was present when James, Steward of Scotland did homage, and he received from the Earl of Richmond £10 as his fee for the homage done for the Earldom.⁵²⁴ A case can be argued that Sudeley's service in the household derived from financial necessity. A report from the Treasurer and Barons of the Exchequer, who had been ordered to scrutinise Sudeley's debts, and which dates, from internal evidence, from after 1298, showed debts at the Exchequer on the value of the manor of Great Dorset, Warwickshire and its chattels, apparently

522. *Book of Prests 1294-5* pp.148 and 153; E101/7/11.

523. *C.I.P.M.* Vol.II No.347 p.197.

524. *P.W.* I. p.180; E101/13/36, dated 23 October 1306.

mortgaged against loans from the Riccardi of Lucca, to be £564 8s. 5d.⁵²⁵ Of the four manors he inherited from his father, only the honour of Sudeley, now said to be held by one and a half knights' fees, remained in his possession on his death in 1336.⁵²⁶ Sudeley neither served at Falkirk nor Caerlaverock. Evidence of his military involvement in Scotland is from June 1301 onwards.⁵²⁷ He served in the Welsh Wars in the 1280s, and attended the military council before the Earl of Cornwall in 1287. Apart from his being exempted from service in Gascony in 1294, the records are devoid of his name for ten years. He reappears, summoned on 26 September 1298 for the muster at Carlisle against the Scots and received writs of summons for the 1300 parliament, and all others to 1321. He appears to have vanished from public life, possibly for financial reasons, then re-emerged, rehabilitated, as a member of the household. Whatever the explanation, Sudeley's service in the household from 1300 onwards, particularly as chamberlain, shows someone from an established baronial family serving the King in like manner to others of humbler origins.

Beauchamp, de la Warde and Chaumpvent provide examples of men rising in status through household service. As for other household knights, Botetourte became a member of the King's Council, and a parliamentary baron in Edward II's reign. Prestwich argued 'it is probably true that it was only through the royal household that a man such as Eustace de Hacche could

525. C47/87/4/51.

526. *C.I.P.M.* Vol.VIII No.30 pp.11-12.

527. His first recorded protection for service in Scotland is dated 1 June 1301 1301 - C67/14.

rise from the rank of a *serviens* to that of a lord of parliament'.⁵²⁵ Of those who came to be summoned to parliament regularly in Edward I's reign, a significant number did not hold *per baroniam*. Some of these were major landholders, men of considerable substance. Of the others without extensive landholdings or obscure in origin, a number, like Hacche, did serve as household knights, examples being Montacutè, John le Strange, Rither, Scales, Leybourne and Touchet. But there was another route to baronial status. Bogo de Knovill started in royal service as sheriff of Shropshire and Staffordshire and thereafter was of growing importance to Edward as an administrator, castellan and soldier in the Marches and Wales. Reginald de Grey, whose elevation came from his sterling service in Wales and as Justice of Chester, began his royal career as sheriff of Nottingham and Derby in the reign of Henry III.

Of those first summoned to parliament in the major influx of 'new' men in 1299 and 1300, William le Vavassour merits individual consideration. He did not serve in the royal household but that of the Earl of Lincoln, of which his father was steward in 1283.⁵²⁹ Lincoln asked for quittance of the tenth granted to the King and for nomination of attorneys for Vavassour, crossing to Gascony with him in 1295.⁵³⁰ In 1297 he was appointed by Edward to arrest and imprison those

528. M. Prestwich, *War, Politics and Finance Under Edward I* p.60.

529. F. Jones 'Welsh Bonds for Keeping the Peace, 1283 and 1295' *The Bulletin of the Board of Celtic Studies* Vol.13 1948-50 p.143.

530. SC1/27/43.

trespassing in the forests and chaces of the Earl, as long as Lacy stayed in Gascony.⁵³¹ He fought as a banneret in the Earl's squadron at both Falkirk and Caerlaverock, and all letters of protection for him from 1298 to 1301, refer to service in Scotland with Lincoln.⁵³² But in 1297 and 1299 the King appointed him to array foot in Yorkshire, where most of his modest landholdings were.⁵³³ He became increasingly active in royal service, particularly on commissions of oyer et terminer, and was appointed a justice of trailbaston in 1305.⁵³⁴ He came to the King's attention through serving the Earl of Lincoln, himself the Earl most prominent on royal service.

"Miscellaneous" Service

A few examples exist of baronial service to the Crown, which do not fit logically into any of the categories discussed. Three instances tie in with the theme of Edward I utilising the services of barons in their main areas of landholding, and using their local knowledge and, indeed, clout.

On 8 November 1295, a group of Welsh Marcher Lords were instructed to act on the King's behalf within their liberties and lands. They were ordered to take into the King's hands all lands and goods of all alien religious of the power of the King of France. They were to attend before the Treasurer and

531. *C.P.R. 1292-1301* pp.348 and 354.

532. C67/13 and 14.

533. 1297 - *C.P.R. 1292-1301* p.314; 1299 - *Ibid.* p.431.

534. *C.P.R. 1301-7* pp.348 and 354.

Barons of the Exchequer, on the morrow of Michaelmas next, to hear and do what should be enjoined upon them further in this matter. The Earls of Gloucester, Hereford, Norfolk and Arundel; the bailiffs of Monmouth, held by Edmund the King's brother, and the barons John de Hastings, Edmund de Mortimer, John fitz Reginald, William de Braose and John Giffard were so mandated.⁵³⁵ Edward was utilising these Marcher Lords to implement a policy decision arising from his wars with France.

Another example of the King calling on west country magnates for assistance comes from 1304. Amadeus, Count of Savoy, had loaned Edward I 10,000 marks, in part satisfaction of which the King granted him the wardship of the lands of the Earl of Arundel during the minority of the heir. Men of Oswestry were refusing to pay rents and ferms, or perform other services, to the Count's bailiffs and ministers. On 10 February 1304 Roger de Mortimer and Peter Corbet were requested to aid Bernard de Mercato, the Count's attorney, and others deputed by him, and counsel them in collecting rents, ferms and arrears of same.⁵³⁶ Corbet was a landholder in Shropshire and held the Marcher Lordship of Caus.⁵³⁷ Mortimer, who held the Marcher Lordship of Chirk, had estates in a number of counties, including Worcestershire, Herefordshire and Shropshire.⁵³⁸ Edward hoped to use the local standing of these magnates to ensure that the terms of a grant of wardship

535. *C.F.R.* I p.366.

536. *C.C.R.* 1302-7 p.198.

537. *C.I.P.M.* Vol.VI No.318 pp.183-4.

538. No inquisition *post mortem* is extant. Evidence from letters of respite of debts C67/14. 15 and 16 suggest lands held in Worcestershire, Herefordshire, Shropshire, Lincolnshire, Oxford, Norfolk and Northamptonshire.

were adhered to.

In his major dispute with the clergy in 1297, Edward relied upon a number of barons, operating locally, to assist in enforcing his authority, and in bringing the recalcitrant churchmen to heel. On 1 March 1297, a series of commissions were appointed to receive recognizances from clerics wishing to return to the King's peace. Further mandates were issued 'to enquire into the persons of whatever condition, who tell news whereby discord may arise between the King and the prelates, earls, barons and others of the realm, and who disturb or procure the disturbance of the King's mandate, and give sentences of excommunication or monitions against the King's subjects, or others aiding the King in executing his mandates, or against persons of Holy Church placing themselves under the King's protection to save and defend themselves and their churches', and to arrest and imprison such offenders. Detailed instructions were given as to how recognizances should be received. A number of the commissioners were required to take oaths before local coroners to perform their duties faithfully.⁵³⁹ Reginald de Grey was appointed as Justice of Chester and Havering as Justice of North Wales. Braose was commissioned with Pederton, the Justice, for West Wales. In every other case, the commissioners were the local sheriffs with one other. *Maiores barones* were involved, except in Middlesex, where John le Breton was appointed, and Cambridgeshire and Huntingdon, Reginald de Argenteyn. Those appointed were barons who served Edward on judicial

539. C.P.R. 1292-1301 pp.239-40.

commissions, commissions of array, for the purveyance of supplies and similar local duties. Of the twenty appointed, nine were called upon in the same counties for the summoning of £40 landholders for cavalry service in 1300 - Berkeley, Braose, fitz Payne, Furnivall, Grey, Leybourne, Henry and John Tregoz and Welles.⁵⁴⁰ Evidence for remits executed comes from testimonies for recognizances made by members of the clergy both from unpublished sources and the Close and Patent Rolls.⁵⁴¹ Four barons, who were to support the Constable and Marshall in their dispute with the King, were not of like mind in relation to the prelates. John de Segrave was a commissioner for Warwickshire and Leicestershire, Robert fitz Roger for Essex and Hertfordshire, John Lovel for Oxford and Berkshire and Henry le Tyeis for Southampton.

A number of barons were further involved in Edward's dealings with the prelacy, as emissaries to relay royal commands to clerical assemblies. On 21 March 1297, Despenser 'with those of the King's Council he shall summon', was empowered to go to the clerical assembly in London to proclaim the King's prohibition, on pain of forfeiture, of their ordaining or doing anything to the King's prejudice.⁵⁴² With relations still strained, the prelates, assembling in convocation at the New Temple, were notified on 30 October 1299 that the King was sending Knovill, with Ralph de Sandwich

540. P.W. I. pp.330-340.

541. An example from unpublished sources relates to John Tregoz receiving the recognizances of clergy from Herefordshire - SC1/27/65-67; C.C.R. 1296-1302 pp.88-97; C.P.R. 1292-1301 pp.244-286.

542. C.P.R. 1292-1301 p.244.

and Master John Lovel, to cite and appeal them if they presumed to do anything against the Crown, the King's dignity or the Council.⁵⁴³ Letters of credence were ordered on 25 May 1302 for fitz Roger, Welles and John fitz Marmaduke to attend an assembly of the clergy.⁵⁴⁴ All the above mentioned were barons, lords of parliament, with lengthy records of service to the Crown, except for fitz Marmaduke. A prominent Durham landholder, who served at Falkirk and Caerlaverock, his one recorded parliamentary summons was for Lincoln in 1301 when he sealed the letter to the Pope. He was a Commissioner of Array in Durham in 1303.⁵⁴⁵ In that same year, he was authorised by the community of the Bishopric to accept the King's mediation between them and the Bishop of Durham.⁵⁴⁶ It may have been his involvement in the bishopric that qualified him for appointment as an emissary to the clergy in 1302.

Conclusion

Having reviewed the nature and extent of baronial service to the Crown from 1290 to 1307, is it possible to reach some definite conclusions? In particular can one answer the specific questions posed in the introduction?

Historians, notably Rosenthal and McFarlane, created the impression that service to the Crown was widespread, expected of and sought by the higher nobility. Such views are not borne out by the evidence for 1290-1307. For twenty-three of those

543. *Ibid.* p.451.

544. *C.Ch.W.* 165.

545. *P.W. I.* pp.370-1, 9 April 1303.

546. *C.P.R. 1301-7* p.104.

listed in the appendices, no evidence can be found of royal service, other than in some cases, military, as household knights. Moreover they do not just represent those who fleetingly appeared on the parliamentary stage, and whose claims to be regarded as *maiores barones* appear tenuous. The complete non-participants include a number frequently summoned to parliament and for individual military service - Philip d'Arcy, recipient of eight parliamentary summonses; Hugh de Courtenay, nine; Gilbert de Ghent, who died in 1298, five; Philip de Kyme, ten; Gilbert Pecche, seven. They also include Ralph de Neville and William le Botiller of Warrington. If one includes all those for whom only isolated examples of such service have been discovered in seventeen years, a further fifty-six names would be added. Further elimination brings the conclusion that only about thirty, roughly 20-25%, of those listed in the appendices were regularly active in royal service.

A significant number of barons never served the King, other than in a parliamentary or military capacity. Some served in the household, but as an extension of military service, serving at pay. Over a third were rarely called upon. When they were, it was usually in their local area on judicial commissions, in making preparations for war, as custodians of royal castles or in taking recognizances of the clergy in 1297. Where appointments were more numerous, these were again in areas of principal landholdings. Some, such as Henry de Tregoz, fitz Walter, William de Grandison, Hacche, Martin and Montacute, did serve Edward in a range of capacities. Others

saw service in only one sphere of activity or in related fields. Duties undertaken by Norman d'Arcy, Balliol, Cantelupe, Edmund de Hastings, John de Lancaster, St. John Jun. and Teye, were almost exclusively in relation to Scotland, or in preparations for the war there. Hugh de Vere's appointments were to royal embassies. Roger la Warre's service was solely on embassies to the Holy See.

What conclusions can be reached about the thirty-one barons most active on royal service? They were Lords of Parliament. From 1295-1307 there were thirteen parliaments, for which lists of individual writs of summons are extant. Twenty-one were summoned on seven or more occasions, and the majority of those receiving seven to nine summons, including Clifford, Leybourne, Roger de Mortimer, Percy, Vavassour and Welles, were all regularly summoned after first being included in the lists in 1299 or 1300. Of the twenty still alive in 1307, fifteen were summoned to all parliaments from 1300 to 1307. Four, Clifford, fitz Roger, Percy and Valence were omitted in 1306, priority being given to involvement in efforts to quash Brus's rebellion. Only Botetourte had the one solitary summons in 1301. Plucknet and Vescy were summoned up to their deaths, and Strange until he became incapacitated. Walter de Beauchamp appears to have been present in parliament in 1300 and 1301. Burghersh was only summoned to one parliament, in 1305 the year prior to his death. The remaining four were among those whose service to the King was most extensive. Absence from parliament of St. John Sen., Latimer Sen., Geneville and Grandison can be explained by royal

diplomatic appointments, service in Gascony or being otherwise engaged on the King's business. Again the thirty-one were, with the exception of Burghersh, and, to a lesser extent, Grandison and Geneville, barons upon whom the King called for individual military service in major campaigns. Of those still alive then, all, bar Burghersh, Geneville, Strange and Botetourte were summoned for the major Scottish campaigns in the writs issued between 1298 and 1302.

Some of the thirty-one were used by Edward to implement policy and carry out instructions in areas where they had a power base. Plucknet, Knovill, Berkeley, John de Segrave, fitz Payne, Furnivall, fitz Roger, Leybourne and Grey were instructed to receive recognizances of the clergy in 1297.⁵⁴⁷ Berkeley, Welles, Latimer, fitz William, Furnivall, Clifford, fitz Payne, Leybourne and Grey were to summon £40 landholders for cavalry service in 1300.⁵⁴⁸ All, bar six, are to be found on commissions of oyer et terminer in areas where they were major landholders, though usually in isolated instances. They can, however, be almost divided into two categories - those who served the King over a wide range of duties, and those whose service was limited to specific aspects of government. Those who showed the versatility, expected by McFarlane and Rosenthal, were Berkeley, Despenser, fitz Payne, John de Hastings, Knovill, Leybourne, Edmund and Roger de Mortimer, Strange, Welles, Clifford, Latimer, fitz Roger, Botetourte and St. John. But the last five became increasingly involved,

547. *C.P.R. 1292-1301* pp.239-40.

548. *P.W. I.* pp.330-340

and in the case of Latimer and St. John, exclusively, with Scotland. Of those whose service was more specialist, Vescy, Eyncourt and Vavassour were prominent in judicial matters, although the latter, a northern landholder, was involved in arraying troops from Yorkshire for Scotland. Grey's service was predominantly in his role of Justice of Chester, though duties extended beyond purely judicial matters and into Wales. Fitz Alan, Fitz William, Huntercombe and Percy, all northern landholders with a personal interest, along with John de Segrave, were concerned with Scotland. Geneville and Grandison were professional diplomats. Valence was also frequently employed on embassies, before his involvement in and preoccupation with the conquest of Scotland. Alan Plucknet primarily served the King as a castellan in Wales, and Burghersh dealt with maritime affairs, arising out of his office as Warden of the Cinque Ports. Walter de Beauchamp's activities were largely related to duties as Steward of the King's Household.

Thus, baronial service to the Crown, outwith military campaigns and parliament, was not widespread in Edward I's reign. Where an appreciable number were involved, on an ad hoc basis, was when the King had need of their services to implement royal instructions in areas where they were prominent landholders. 'Local connection permeated the political world in which nobles exercised their authority.'⁵⁴⁹ Some were involved in regional conflicts, Wales and Scotland, primarily because of their personal positions as Welsh Marcher

549. Powis *op.cit.* p.48.

Lords or Northern Barons. A few were concerned with aspects of national affairs. This is true of diplomatic service involving Grandison, Geneville, Valence, Despenser and Vere. Some had duties covering half the realm as justices of the forest, Vescy, Strange, Clifford and Despenser. Latimer and St. John served on what was effectively a national royal commission in 1289. Membership of the Council involved a select number of barons in national affairs. But, overall, barons served Edward principally in local government. They also tended to be active in specific spheres, though a number did carry out wide-ranging duties. These were the almost full-time, professional, royal servants, whose rise in prominence during the reign derived from that service. The best examples are Latimer, St. John, Despenser, Knovill, Beauchamp, Botetourte and Leybourne.

Tenants-in-chief were expected to provide men-at-arms for the King in time of war. But there is no evidence of the King demanding specific duties from subjects because they were *barones*. When Edward sought landholders to undertake royal appointments in the counties, those selected were not necessarily of baronial rank. In taking recognizances from the clergy in 1297, and summoning £40 landholders for cavalry service in 1300, a number of prominent knights of the shire received a royal mandate. Edward sought baronial representation on his Council to speak for that important element in society, but only as part of a balanced team of advisers. With regard to diplomatic activity, a structure existed in embassies of prelates, earls, barons, justices and

clerks, representing the King in major negotiations, especially with France. When commissions of oyer et terminer were appointed to enquire into complaints by or against members of the baronage, they usually included another magnate from the county in which the trespass was alleged to have been committed.

A strong case exists for suggesting that lengthy, loyal service to the Crown resulted in enhanced status and increased importance. Men of relatively humble origins did rise to become Lords of Parliaments, primarily through the royal household. Others, whose landholdings were modest, and whose position was equivalent to that of knights of the shire, similarly received parliamentary summons, following such service. Hacche, Scales, Reginald de Grey, Chaumpvent, Knovill and le Strange are examples from the earlier part of the reign. Of the younger men, a similar case can be advanced for Leybourne, Burghersh, Vavassour and Welles. As to whether non-military service alone could result in emergence within baronial ranks, the only example one can quote is Burghersh. Given his death shortly after his sole parliamentary summons, it is impossible to say whether or not this was a recognition of enhanced status. It can also be argued that, although service as household knights brought men of ability to Edward's attention and recognition of their potential, it was their subsequent service in judicial, administrative or other spheres that was the determinant in Edward's summoning them to parliament, not household membership itself.

One should not forget that there are those such as Sampson, Nansladron, Grendon and St. John of Lageham, who provided little or no service to the Crown outwith the army, were possessed of relatively modest landholdings, and are not recorded as serving in the royal household. Yet they received a number of summonses to parliament and individual writs to muster for major Scottish campaigns.

Although *maiores barones* served the King in many capacities, locally and nationally, the same is true of other ranks of Edwardian society. In Scotland, many of the royal castellans, both in 1290-2 and from 1296 onwards, were knights. A significant proportion were of the household, but were never individually summoned to parliament, and are described on campaigns as knights, not bannerets. The same is valid for custody of castles in England and Wales. Where Edward required the services of men with local knowledge - in arraying troops; in commissions purveying supplies for Scotland; in taking recognizances of the clergy in 1297 - knights, as well as barons, were appointed. As Powis argued, 'The King's command was a mark of his royal sovereignty. But its enforcement was dependent on the cooperation of the 'natural' leaders of the local community, shire knights and territorial magnates'.⁵⁵⁰ In commissions of oyer et terminer, some local knights served, though the brunt of this work fell on professional judges. Royal clerks and justices were prominent in the King's Council and had important duties to perform on diplomatic embassies. In important state business,

550. *Ibid.* p.67.

there was invariably a role for earls and senior clergy. Involvement of the latter was often through one of their number holding high office, for example, Walter Langton, Bishop of Coventry and Lichfield, the long-serving treasurer. In administering his realm, Edward I sought the service of those he judged the most able, irrespective of social status. Whilst maintaining a balance from the various important elements in society, as any wise monarch would, his choice of royal servants was not circumscribed by status. He recognised talent and used it productively. He did have favourites, particularly among those of foreign origin, especially Otto de Grandison, and within the household. But he never made the mistake of relying too heavily on a chosen few, or in rewarding them lavishly. The ranks of the *maiores barones* provided one source for the selection of men to serve him. But there were others, equally important to the King.

Appointments by the King bore no relationship whatsoever to land tenure. There is no evidence that holding land *per baroniam* either qualified the landholder for, or obliged him to perform, any specific kind of service. The only relevant mention of tenure *per baroniam* is in the mandate to the Chancellor of 6 February 1299 to summon to parliament those who hold by barony.⁵⁵¹ Many summoned did not so hold and some who did were not summoned. It may simply have been that the King, in seeking to enlarge baronial representation and bring in new blood, thought of tenure as a way of ensuring representation of major landholders in parliament. By the end

551. *C.Ch.W.* I. p.101.

of the thirteenth century tenure *per baroniam* was a vague term with little practical application. Edward did not appoint barons to serve him because of the nature of their landholdings, but because of where these lands were. Some of the *maiores barones* did not even hold land of the King in chief. Size of landholding, however, was relevant. Whereas major landowners with extensive holdings, often in a large number of counties, are to be found summoned to parliament and musters for major campaigns, irrespective of other service performed for the Crown, many of lesser stature with limited landed wealth, and of humble origins, owed such summonses to a lengthy record of royal service.

Evidence does not suggest a great deal of family continuity in service to the Crown outwith parliamentary summonses and military service. Where an heir was of full age, he had an obligation to fulfil the military service undertaken by his father. The protection lists show this happening. There seems to have been a presumption on the King's part that the eldest son of an established Lord of Parliament should usually be summoned. Of the heirs of eighteen recipients of summonses, who came of full age before 1307, did homage and took livery of their father's lands, only four, Nicholas de Meynill, Alan Plucknet, Jocelyn Dinaunt and John Chaumpvent were not summoned. Some eldest sons were summoned in their own right when fathers were still alive. John de St. John Jun. and William le Latimer Jun. may have been summoned because their fathers, serving the King elsewhere, were not. But Theobald de Verdun Jun. and John de Clayvering, son of Robert fitz Roger,

were also summoned during their father's lifetime. Alan Plucknet Sen., an active royal servant, particularly in Wales, served on the Prince's Council in 1297. His son, of full age on his father's death, was active in Scotland as a household knight, but was much less prominent in public life. Similarly John de Chaumpvent, over thirty when his father died, served as a household knight but had no official appointments.

Some of the barons most prominent in royal service, who died in the period, were not succeeded by sons of full age. William de Vescy died childless, Eustace de Hacche without male issue, Brian fitz Alan sired two daughters and Robert de la Warde's wife was pregnant at the time of her husband's death. John Giffard's son was twelve in 1299 and Edmund de Mortimer's seventeen or eighteen in 1304. Of the other barons, who died between 1290 and 1307, and were succeeded immediately by sons, the majority were not active participants in royal service. Of those who were, some relevant observations can be made. Norman D'Arcy was active as a castellan in Scotland in 1291 and 1292, but his son Philip only performed military service and attended parliament. Robert de Scales, one of the most active household knights, died in 1305, too near the end of the reign to make meaningful comment on his son's role. William le Latimer Jun. and John de St. John Jun., Lords of Parliament in their own right, prior to their fathers' deaths, served regularly in Scotland on forays for the remainder of the reign. They assumed part of the roles played by their fathers, but they were never given major responsibilities, nor appointments to key posts as Wardens of the Marches. The one

example of a son being even more active in royal service than his father, is John de Segrave, who did homage for and took livery of his estates in December 1295.⁵⁵² Nicholas de Segrave, active in Wales in the 1280s, a commissioner of oyer et terminer, was Keeper of the Castles of Ayr and Dumbarton in Scotland in 1291-2. His son, John, played a major role in Scottish affairs, being at one point King's Lieutenant there. Moreover two of Edward's leading baronial servants, Robert de Clifford and William de Leybourne were following in the footsteps of their fathers, both Roger, who were associated with him as the Lord Edward and who accompanied him on the 1270 Crusade.⁵⁵³ But there is no convincing evidence of family tradition in undertaking specific duties for the King. Continuity is only established in performance of military service and, to a lesser extent, attendance in parliament. Edward selected barons for service using criteria such as ability, loyalty, usefulness to the Crown and local standing. Offices under the Crown, to which baronial appointments were made, were not hereditary.

Without doubt, *maiores barones* from the northern counties of England, and northern landholders in general, made a significant contribution to Edward I's Scottish ventures. Outwith major campaigns, barons, with landholdings in Northumberland, Cumberland, Westmorland, Lancashire and Yorkshire, were called upon for personal service and to provide forces to deal with the immediate impact of Scottish

552. *C.F.R.* I. p.386.

553. R. Beebe 'The English Baronage and the Crusade of 1270'
B.I.H.R. 1975.

uprisings. Those appointed as Wardens of the Marches, within the northern counties of England, were exclusively northern landholders themselves. They also acted as commissioners of array, to provide both cavalry and infantry as the backbone of Edward's forces in the major campaigns. They were called upon to purvey provisions for the armies in Scotland. On the whole, they responded to Edward's requests for such service willingly. It was in their own interests that the Scots be contained and Scottish incursions into the north of England prevented. But the nature and extent of their service strongly indicates that their role was largely defensive and in relation to strictly English, more than Scottish affairs. Their main concern was defence and protection of the March of England.

A number of northern barons did have a role beyond the bounds of the March, within Scotland itself, notably Clifford, Percy, fitz Roger, fitz William and Huntercombe. But major appointments within Scotland itself were not the preserve of northern barons, especially from 1300 onwards. Botetourte, St. John and Segrave were not northern landholders. Despite some estates in Yorkshire, Latimer was called to serve in Scotland primarily as a trusted, experienced, long-serving aide. Valence's appointments did not derive from his northern estates, only a small part of extensive landholdings throughout the realm. He was a Welsh Marcher Lord, holding the lands pertaining to the Earldom of Pembroke. For garrisoning of Scottish castles and contingents for forays, Edward relied on indented service with those appointed to key positions;

paid retinues provided by household knights; and, to a lesser extent, men-at-arms provided by those holding lands of the King's gift in Scotland. Troops provided from the northern shires were largely those required for the main contingents of infantry in the set-piece major campaigns.

The above comments do not seek to belittle the contribution of northern barons to the furtherance of Edward's policy objectives in Scotland. Some were of considerable importance. It can be argued that the future fortunes of their families were founded upon the growing power and influence of Robert de Clifford and Henry de Percy. But of significance, also, is the virtual non-participation in the Scottish Wars and the affairs of the March of Ralph de Neville, forebear of the powerful Earls of Westmorland. It will be seen that some northern barons had material gains to show for their endeavours. But no northern barons had liberties or privileges comparable to those of the great Welsh Marcher Lords. Ironically, the one major historic liberty in the north, that of the Bishopric of Durham, was taken into the King's hands and administered by Clifford, primarily to ensure better mobilisation of its resources against the Scots. The number of individual northern barons who benefited from their service to Edward against the Scots is comparatively small. One of those most regularly on royal service, Walter de Huntercombe, was forced to petition Edward in 1307 for remission of scutage demanded for 1300 and 1303, and justify his request by relating comprehensive details of his Scottish service.⁵⁵⁴ One

554. AP.1 No.45; *Rot.Parl.* i 194 No.19; *C.C.R.* 1302-7 p.485.

cannot speak of a group of Northern Marcher Lords comparable to those of the Welsh March. The northern magnates, landholders, knights and men-at-arms were sufficient in number and adequate in resources for the successful defence of the March. This was their primary role. But the service of leading magnates and forces from elsewhere within the realm was essential to the conquest of Scotland, or even the control of those parts in English hands.

In discussing the different forms of service provided by *maiores barones* for the Crown, efforts have been made to establish the criteria used by Edward I in making appointments. The single, most important criterion for the King in selecting people to implement royal decisions and enforce royal authority in individual counties or regions of the country was local knowledge and standing. Time and again, in choosing barons to serve on judicial commissions, to act as commissioners of array, to make purveyance, to undertake the custody of royal castles and forests, to take recognizances from the clergy in 1297 and to act as Wardens of the Marches in the northern counties of England, Edward turned to prominent local landholders with the necessary power base within their communities better to ensure that his will was done. Barons were predominant in such appointments, especially when other than routine and where persuasion or the threat of action against non-compliance was required. But others, notably prominent knights of the shire, were also selected. In one area of appointment, status was a determining factor. When judicial commissions were established to investigate

allegations of trespass by members of the higher nobility, or complaints made by them, the King or others of the royal family; a prominent local baron served on virtually every individual commission. The vast majority of baronial appointments related to local rather than national government.

In appointments in national government, the administration of dependencies and the affairs of Scotland, Edward relied heavily on experience. Until the last few years of his reign, when death deprived him of contemporaries with lengthy service, Edward counted extensively on men of his own generation. The best examples are to be found in his principal diplomat, Otto de Grandison; the long-serving Justice of Chester, Reginald de Grey; Bogo de Knovill, in a number of areas of royal activity; John de Havering in Wales; and John de St. John and William le Latimer. In 1297, it was trusted lieutenants, Berkeley and Geneville, to whom the King turned to assume the roles of Constable and Marshall, when Bohun and Bigod refused to serve overseas. When Edward departed for Flanders, with an unresolved political conflict in England, three long-serving, loyal barons were appointed to Prince Edward's Council - Reginald de Grey, John Giffard and Alan Plucknet. Edward I would have agreed with the adage 'there is no substitute for experience'.

However, to ensure continuity and efficient execution of royal remits, Edward had to make appointments from among the younger generation of barons. A number themselves became trusted lieutenants, with considerable responsibilities and

substantial expertise by the end of the reign. Most notable were Henry de Percy, Robert de Clifford, John de Segrave, Aymer de Valence, Hugh le Despenser, William de Leybourne and John de Botetourte. In Percy's case, the exigencies of Scottish events forced the King to turn to him, young and untried, because of his position as a major northern landholder. The same may appear true of Clifford, but he was a household knight and his talents were recognised early, his being just twenty-three on appointment to the Justiciarship of the Forest, North of the Trent, and his father had been a trusted contemporary. Segrave served a lengthy apprenticeship in various aspects of Edward's activities in Scotland, before becoming King's Lieutenant there in 1303. Valence, son of the Earl of Pembroke, who died in 1296, became increasingly active as a royal envoy, before becoming predominantly involved in Scotland from 1302 onwards. Despenser, Leybourne and Botetourte were all household knights, well-known to the King, before he entrusted them with important responsibilities. Many of those who later undertook important royal duties first served Edward in the household. But it was not the sole route to royal favour and service. One baron of relatively modest landholdings, who became a Lord of Parliament, was William le Vavassour whose early career was in the household of Henry de Lacy, Earl of Lincoln. Although Edward, perhaps, did not enjoy the same sense of comradeship with this younger group of men, he appears to have selected wisely. A second generation of loyal, trusted lieutenants was serving him well in the first decade of the fourteenth century.

The final question posed asked how much scope was given to those serving the King to use initiative and judgement, as opposed to merely carrying out royal instructions. Edward was a monarch who liked to keep his finger on the pulse and conduct personally all major policy matters. The general impression from the period 1290-1307, particularly from 1297, is of an ageing ruler, beset by a growing number of problems and particularly frustrated at the continuing resistance of the Scots. He became increasingly obdurate and cantankerous, demanded instant results from those serving him, whilst simultaneously seeking to take more and more decisions, even on relative minutiae, himself. This is especially noticeable in 1306-7 when Edward's carefully laid plans for the governance of a subjugated Scotland had been thwarted by Brus. His determination to get to Scotland to take personal charge, despite deteriorating health, reflected an almost maniacal belief that only he himself could solve the Scottish question once and for all. This was more a result of his frustration and obsession with Scotland than lack of confidence in Valence and those serving with him.

Where baronial appointments were to routine administrative duties, such as custody of castles, they were undertaken without interference from the Crown. Conditions of appointment were often vague, merely the same as the previous keeper. Provided they rendered their accounts, paid their ferm and satisfied the King's viewers and inspectors for expenditure on works, castle governors were given a relatively free hand. Commissioners were given instructions and empowered

to carry them out, but the King might intervene further, as he did in 1307 ordering certain commissioners not to exceed their original remit. Although regular instructions went from the King to specific office-holders, such as Grey, Justice of Chester, and additional commitments were often imposed, the duties were undertaken without royal interference. Where appointments were out-of-the-ordinary, as in 1297 to take recognizances from the clergy, minutely detailed instructions were laid down. Those with administrative authority in the dependencies, such as the Seneschal of Gascony, the Justiciar of Ireland and the Justice of North Wales, were in post to implement the King's detailed instructions. But, given communication difficulties, and the occasional need for decisive action, some scope for autonomy and independent decision-making must have existed. When a King's Lieutenant was appointed over the seneschal in Gascony, he undoubtedly had delegated authority to take decisions and act on the King's behalf as viceroy.

Prelates, earls and barons appointed to royal embassies, particularly to negotiate a truce or peace during the war with France, must have had scope for decision-making. They negotiated within parameters set and a brief laid down by the King. But flexibility and room for manoeuvre was essential. Evidence shows envoys having power to take oaths in the King's name and the King's prior consent to adhere to agreements made on his behalf. The difference in personnel between those embassies which were merely implementing instructions and those which were engaged in genuine negotiation bears this

out. The former were often composed solely of clerks, whereas the latter contained bishops, earls and *maiores barones*, specifically Grandison, Despenser, Valence and Vere. In discussing diplomatic initiatives in 1296-7, when Edward's main envoys were Walter Langton, Grandison, Despenser, John of Berwick and Amadeus of Savoy, Prestwich comments - 'The ambassadors were allowed considerable freedom of action'.⁵⁵⁵

It is from Scottish affairs that the most interesting evidence to answer the question comes, particularly of a change in the King's approach. There is good documentation for senior royal appointees in Scotland meeting together with authority to take decisions, acting on their own initiative. Most importantly there is the record from the Close Roll from 15 July 1299 of the summoning of a baronial assembly at York, empowered to take decisions on specific aspects of policy towards Scotland, with the major Scottish castellans to be present in order to implement them. No further similar meeting was held. The role of lieutenants, keepers and others appointed by the King from 1300 onwards consisted of implementing detailed written instructions, or receiving royal messengers conveying verbal directives. There is evidence of English barons holding office in Scotland meeting, but to discuss matters such as the planning of forays, not major strategic or policy matters. These were predetermined by the King, who took an increasing personal grip on Scottish policy, even from London. In 1306-7 Aymer de Valence and his forces were the instruments for attaining Edward's objectives. But

555. M. Prestwich, *Edward I* p.391.

Valence played no part in determining them. Copious royal instructions were forthcoming. Only logistical decisions were required of those on the spot.

Templeman's judgement was that Sir Maurice Powicke saw Edward I looking to his magnates 'for counsel and support, not detailed management of his affairs'.⁵⁵⁶ This is a generalisation more acceptable and more in accord with the recorded evidence than the views of McFarlane and Rosenthal. The counsel and support was given primarily through attendance at parliament and military service in times of war. Support was also provided at local level for the implementation of the King's policies. Some barons were involved in the detailed management of the King's affairs through specific appointments, but they were a distinct minority and other elements of society, prelates, knights, clerks and justices similarly served the King. The majority of *maiores barones* provided little service outwith parliament and military campaigns. What was provided was largely in relation to local affairs. But those who were involved did perform valuable service and played a major role in assisting Edward I in the governance of his realm. It is now necessary to ascertain the nature and extent of the rewards they received for their efforts.

556. G. Templeman 'Edward I and the Historians, *Cambridge Historical Journal* 1950-2, citing *King Henry III and the Lord Edward II* pp.711-2.

Chapter 3

REWARDS OBTAINED BY THE MAIORES BARONES

'Service to one's betters remained the norm throughout the ranks of the nobility, partly for the financial benefits it conferred, and partly for the opportunities for advancement and involvement in high matters which it opened up.'¹ The case has already been argued that lengthy, loyal service to the Crown resulted in enhanced status and increased importance. But did royal service bring tangible rewards for the *maiores barones* under Edward I? From contemporary sources through to his most recent biographer, Edward I has been portrayed as less than generous in rewarding services rendered. Michael Prestwich points out that 'the chronicler Langtoft was in no doubt that the king's largesse was inadequate.'² He, himself, argues that 'there is certainly no impression of great generosity on Edward's behalf'.³

Grants of Land - (i) England

In mediaeval England, land was the basis for power, wealth and social status. The greatest reward a baron could receive from the Crown was additional land to increase his wealth and enhance his status. Wolff demonstrates that dispensing of landed patronage by the King was 'a most important factor contributing either to political stability or political unrest according to how he disposed of those resources.'⁴ But 'there was no inexhaustible supply of land

1. Given-Wilson *op.cit.* p.5.

2. M. Prestwich *Edward I* p.110.

3. M. Prestwich 'Royal Patronage Under Edward I' p.44.

4. B.P. Wolff *The Royal Demesne in English History* p.10.

readily available' and 'the fund of royal resources was diminished with every grant.'⁵ Throughout Edward I's reign few grants of land were made within England other than to members of the royal family. But in his actions the King was little different from the barons themselves. As Waugh observes, though writing of the period 1200-1275, 'Lords substituted a variety of rewards from land to avoid heritability'.⁶ Why should a responsible monarch have acted differently? In seeking to provide for his family, Edward I was reflecting the concerns of the age. Furthermore, in the later years of his reign, the King had an increasing need to extend the resources available to him to meet the escalating costs of his Scottish ventures. If there was any expectation on the part of barons that service would be rewarded by gifts of land it lay in gaining estates in conquered territory, rather than within England. This is borne out by the requests, seeking lands of rebel Scots, which the King received during Brus's rebellion in 1306 and 1307.⁷

5. M. Prestwich *English Politics in the Thirteenth Century* pp.3-4; 'Royal Patronage Under Edward I.' p.48.

6. S.L. Waugh 'Tenure to Contract - Lordship and Clientage in Thirteenth Century England', *E.H.R.* 1986 p.817.

7. Barrow *Robert Bruce* appendix (taken from Palgrave's *Documents of the History of Scotland* pp.301-319). This lists Scottish landowners forfeited by Edward I in 1306 for supporting Brus, with the names of those who petitioned for their lands. *Maiores Barones* among the petitioners are - Hugh le Despenser; Henry de Pinkeny; Alexander de Balliol; Aymer de Valence; Walter de Muncy; John de Ferrers; John de la Mare; Gilbert Pecche; John de L'Isle.

Correspondence from the King to Aymer de Valence, his Lieutenant in Scotland, frequently refers to requests for lands there, with the response that the King will take no decisions till he comes to Scotland e.g. SC147/82 (*C.D.S.* II No.1786) of 16 June 1306; SC147/84 (*C.D.S.* II No.1787) of 19 June 1306; SC147/86 (*C.D.S.* II No.1792) of 29 June 1306; SC147/90 (*C.D.S.* II No.1872).

Edward I appears to have had a deliberate policy of consolidating the landholding position of the royal family. He brought the earldoms into 'a closer relationship with the Crown and increased the king's influence over them'.⁸ Tout and McFarlane demonstrated his taking every opportunity of accruing additional landholdings in relation to the earldoms, sometimes by devious or dubious, means.⁹ Two of the *maiores barones* had no reason to love Edward I. John de Ferrers, a supporter of Bohun and Bigod in 1297, had a tenable claim to the Earldom of Derby. He was forbidden to pursue his claims at the papal curia and petitions to Edward I brought no redress. 'The house of Ferrers had no reason to think of him as a lover of justice or a protector of the weak.'¹⁰ Regarding the deathbed reversion to the Crown by Isabel, Countess of Devon and Albermarle, of the Isle of Wight and three manors, McFarlane argues 'by a matter of hours Hugh de Courtenay had been deprived, if not cheated, of his reasonable expectations by the will of an old woman in the article of death, who may well not have known what was happening.'¹¹ Courtenay, who came of age in 1297, had to wait till 1302 to receive the manors of Lymington and Breaumore after inquisitions showed they did not pertain to the manor of Christ Church, Twynham, granted by the Countess to the King.¹² In 1305 he was still petitioning for manors in Cumberland and Yorkshire of the same inheritance.¹³

8. M. Prestwich *English Politics in the Thirteenth Century* p.33.

9. T.F. Tout 'The Earldoms under Edward I, *T.R.H.S.* 1894; McFarlane 'Had Edward I a 'policy' towards the Earls?'

10. McFarlane 'Had Edward I a 'policy' towards the Earls?' p.151.

11. *Ibid.* p.153.

12. *C.C.R. 1296-1302* p.537.

13. *Memoranda de Parlamento* p.302 No.465 and pp.301-2 No.466.

It is perhaps not surprising that Courtenay was a Lord Ordainer in 1310, although there is no evidence of his having supported the recalcitrant earls in 1297. His persistence was rewarded in 1335 when he was created Earl of Devon.

Very few grants of land within England were made by Edward I to *maiores barones*, and particularly between 1290 and 1307. This is not surprising given Wolff's findings, that 'in normal times there was precious little left over after the legitimate needs of the royal family had been met'.¹⁴ But there was one category wherein the King appears to have been willing to grant lands as rewards to *maiores barones*. These were estates within England forfeited by rebellious Scots. Recipients were among those who performed prominent roles in Scotland. The major beneficiary was Robert de Clifford in 1306. Specifically 'for his good services in Scotland' he was granted forfeited lands of Christopher de Seton in Cumberland in Skelton, Aleynby and Lanbynby.¹⁵ The forfeited Seton lands, one sixth of the barony of Kirkclinton, were divided between Clifford and William le Latimer.¹⁶ Although holding no specific appointments in Scotland, unlike his father, who died in 1304, Latimer served there extensively. Clifford also received Brus's manor of Hert within the Bishopric of Durham following the murder of Comyn and thereafter all of Brus's possessions there, saving any rights therein to the Bishop of Durham.¹⁷

14. Wolff *op.cit.* p.73.

15. *C.P.R. 1301-7* p.467; *C.Cha.R. 1300-26* p.77; *C.D.S. II* No.1894.

16. *C.P.R. 1301-7* p.434; *C.I.P.M. III* p.502; I.J. Sanders *English Baronies* p.59; Guisborough *op.cit.* p.369.

17. *C.P.R. 1301-7* p.436; *C.Cha.R. 1300-26* p.69; Guisborough also mentions Brus's lands in Essex 'granted to other

William de Ros profited by his brother, Robert's, decision to side with the Scots, through being granted the castle of Wark in Northumberland 'for his good service in the war in Gascony and elsewhere.'¹⁸ Henry de Percy, in 1299, was granted all lands, both in England and Scotland, of Ingram de Balliol, deceased, which belonged to Ingelram de Umfraville, 'the King's enemy and rebel.'¹⁹ In 1305, when Umfraville was readmitted to the King's peace and had forfeited lands restored, he was unsuccessful in attempts to obtain those granted to Percy.²⁰ In August 1300 Ralph fitz William was granted lands and rent in Dodington, Northumberland, of Nicholas de Rutherford, a Scot who had rebelled in 1296. But fitz William and his wife had previously demised the land to Rutherford and its value was only 100s. per annum.²¹ Similarly, in 1296 the lands, which the Sheriff of Westmorland was ordered to deliver to William de Vescy, belonged to tenants of his dwelling in Scotland who had rebelled.²² Moreover the lands of any five of them who were in the King's prisons were to be retained in his hands. The significant grants were to Clifford and Percy, the King's most important Northern landowners in defence of the March; to Ros, because of family connections, though his personal suffering and sacrifice for Edward contributed to the King's granting him Wark;²³ and to Latimer

magnates' :- Guisborough *op.cit.* p.369.

18. *C.D.S.* II No.1335; *C.Cha.R.* 1300-26 p.23.

19. *C.P.R.* 1292-1301 p.396.

20. *C.C.R.* 1302-7 p.290.

21. *C.P.R.* 1292-1301 pp.532-3.

22. *C.C.R.* 1288-96 p.495.

23. Although Wark was committed to Spaldington on behalf of William de Ros, who was in Gascony on the King's service, on 8 September 1296 (*Rot. Scot.* p.31), he handed it over to the King at the latter's request for the security and defence of the Scottish March. In October 1300 the King

who featured prominently in the wars in Scotland.

Another of Edward's principal lieutenants in Scotland was rewarded with lands in England. On 11 September 1300 John de St. John was granted lands, ferms and rents in England to the value of 1,000 marks per annum for life.²⁴ Ten days later he was granted for life the castles of Cockermouth and Skipton in Craven, the manors of Folkingham and Langbenington and £40 ferm of the manor of Boulton in Alredale.²⁵ On both occasions a qualification was that these grants were until he could be put in seisin of lands to that amount in Galloway, already granted to him, and which he could not enjoy because of the war. This appears to be the only example of compensatory grants in England to someone unable to take advantage of rewards in Scotland. Recipients of lands in Scotland were often not able to gain control of them. McFarlane graphically pronounced 'lands in Scotland, alas, proved as unattainable as castles in Spain.'²⁶ Why was St. John a special case in being granted equivalent lands in England pro tem.? St. John's role as King's Lieutenant in Scotland from 1300 till his death in 1302 was crucial to Edward. The fact that the grant of English lands came only two days after an indenture whereby St. John agreed terms with the King and Council to be Captain, Guardian and King's Lieutenant in the South-West of Scotland, suggests

promised to restore it to him (*C.P.R. 1292-1301* p.538). During the wars Ros was imprisoned by the Scots at Dumbarton in 1297 till its surrender after Falkirk, *C.D.S.* IV No.1835.

24. *C.P.R. 1292-1301* p.536.

25. *Ibid.* pp.537-8.

26. McFarlane *The Nobility of Later Mediaeval England* p.194.

a connection.²⁷ The indenture, including wages of 700 marks for St. John, makes no mention of land. In the Liberate Roll, dated 23 September 1299, the Treasurer and Chamberlain were ordered to deliver from the Treasury to St. John 1,000 marks of the King's gift.²⁸ It can be argued that this amount, compensation for two years spent in a French gaol, following his capture in the Gascon Wars, may have been converted into a grant of land. But St. John served extensively in Scotland for about nine months prior to the extant indenture. The promised grant of land materialising may have represented a reward for service already performed and an additional inducement for St. John to resume the Scottish appointment. On the other hand, St. John might have taken advantage of the impending re-appointment to ensure that the grant came about. Whatever the reason, this was a reward of significance and value to one of the *maiores barones* who devoted a lifetime to royal service.

The few *maiores barones* granted land within England during Edward I's reign were prominent within royal service. The grants made to Eustace de Hacche and Otto de Grandison are particularly significant. Both men, who rose from relative obscurity, Hacche a yeoman, Grandison a Savoyard without an English land holding base, became *maiores barones* summoned to parliament. Rewards for service to Hacche can not be regarded as largesse on a grand scale. But they were essential to, and instrumental in, his rise in status. The case of Hacche justifies Wells' contention 'there are several examples of

27. E101/68/1/7 (C.D.S. II No.1170).

28. C62/75.

families which became noble as a result of their connection with the King, and evidently faithful service over a period of years was often well-rewarded.²⁹ In 1278 and 1281 the sheriff of Dorset was ordered to deliver manors granted to Hacche, Lolleworth and Compton in Ninnemersh.³⁰ Morris must be correct in his view that 'the manor given to him in Dorset to hold during the royal pleasure must have been a reward for services in war and to enable him to support his new rank.'³¹ No Inquisition *post mortem* is extant to show how significant a landholder he became, and he had no male heirs on his death in 1306. He appears to have had demesne lands in Wiltshire and Warwickshire, where he had been sheriff, and to have held from 1286 till his death the manor of Pachenesham at Leatherhead in Surrey.³² But royal patronage deriving from loyal service provided Eustace de Hacche with the landholding and financial resources necessary for his enhanced status as a *maior baro*.

Kingsford stated Otto de Grandison's 'wealth acquired in English service had enabled him to increase his importance as one of the greatest feudatories of the Count of Savoy.'³³ The nearest Edward I ever had to a favourite, and utilised well-nigh permanently as the King's chief envoy in relations with France, Grandison received lands of the King's gift. Again, these show the King's reluctance to dispose permanently of royal lands, even to his most favoured servant. Moreover, he

29. Wells *op.cit.* p.76.

30. *C.F.R.* I pp.105 and 142.

31. J.E. Morris *The Welsh Wars of Edward I* p.51.

32. de Walden *op.cit.* p.109; A.T. Ruby 'The Manor of Pachenesham, Leatherhead', *Surrey Archaeological Collections* Vol.55 1958 pp.8-9.

33. Kingsford *op.cit.* p.158.

was not reducing his own landholdings. On 18 January 1291 the King confirmed the legacy of his late consort to Grandison for life of her manors of Dilton, Cambridgeshire and Thurerston, Buckinghamshire, with reversion to the King.³⁴ On 10 December 1293 he was granted for life the manor of Shenlee, Hertfordshire, in compensation for Thurerston, now granted in frankalmoin to the abbot and convent of Westminster. This manor came into the King's hands by the forfeiture of Adam de Stratton.³⁵ In contrast, Grandison had a gift for life of major landholdings in Ireland, altered to an outright gift to be held by the service of two knights' fees. This comprised the castle, cantred and land of Haknorgh, Tipperary castle, the town of Kilfeds and land of Muskery, the manor of Kelsylan, the town of Clonmel and the land of Easter Moy. This gift in July 1281 was for 'homage and service rendered by him from his and the King's youth.'³⁶ Even in rewarding a favourite, Edward was cautious in granting lands within England, though prepared to be generous in other territories, in this case Ireland.

Two further examples of land granted by Edward I in England, though relatively minor in nature, benefited key royal servants. On 24 December 1302, the Steward of the Household, Walter de Beauchamp, gained control of the manor of Lesnes, but only for a year, rendering 100 marks at the Exchequer.³⁷ This is more a royal appointment than a grant, but the likely profit from his year's tenure would be a reward for

34. *C.P.R. 1281-92* p.417.

35. *C.P.R. 1292-1301* p.52.

36. *C.Ch.R.* p.254.

37. *C.P.R. 1301-7* p.104.

Beauchamp's services. The former long-serving Justice of the Forest, Roger Le Strange, must have been rewarded for his services. In 1301 Strange, old, infirm and pardoned from any kind of royal service, was experiencing difficulty in enjoying the benefits.³⁸ On 24 February Edward explained to the Treasurer and Barons of the Exchequer that, in a petition, Strange had shown that out of a grant of £100 of land per annum, they had only assigned to him the King's manor of Hicche, Hertfordshire, extended at £62. He marvels that they have not caused the remaining £38 of land to be assigned, and orders them so to do without delay.³⁹ This is another example of an important royal servant being rewarded, but without permanent diminution of royal landholding, the gift being for life.

What arguably appears to be an example of a baron being rewarded for a specific service to the King comes from 1305. Sanders identifies one quarter of the barony of Totnes in Devon being granted to Peter Corbet to be held of the King in chief by the service of one twentieth of a knight's fee.⁴⁰ These, together with the manor of Silpherton, held of Hugh de Courtenay, are his holdings in Devon on his death in 1322, not inherited from his father in 1300.⁴¹ The lands granted to Corbet were from those bequeathed to Edward by the Countess of Albermarle, to which Courtenay had a strong claim. One of the younger barons in the 1300s, Corbet followed his father in

38. A.P. 316 No.E228; A.P. 315 No.E200; *C.P.R.* 1301-7 p.506.

39. *C.C.R.* 1296-1302 p.432.

40. I.J. Sanders *English Baronies* p.90.

41. *C.I.P.M.* VI No.318 pp.183-4; *C.I.P.M.* III No.600 pp.451-2.

being summoned to parliament and served frequently in Scotland. On 10 February 1304 he was, along with Roger de Mortimer, given the task of assisting the attorney of the Count of Savoy in collecting rents, ferms and arrears from the lands of the Earldom of Arundel. The wardship of the minor had been granted to Amadeus in part satisfaction of the 10,000 marks in which the King was bound to him. Problems were being encountered with men of Oswestry rebelling against the Count's bailiffs and refusing to pay.⁴² It seems possible, though out of character, that Edward granted the lands in Devon to Corbet for efficient execution of this remit. No similar grant was made to Mortimer but he had previous grants of land in Wales. Wales, was pardoned in 1301 for his service in Gascony of £363 3s. 1d. of a prest made to him there and in April 1305 was pardoned further sums received as prests both for Gascony and in leading men to beseige Dryslwyn Castle.⁴³ Moreover, on 18 March 1307 Edward granted to Mortimer that if Corbet should die with an heir under age and his lands come into the King's hands as a custody before a debt of £20,000 was paid to Mortimer, the said debt would be levied on the custody to Roger de Mortimer's use.⁴⁴

One final land transaction, whereby a member of the baronage received a manor in England, deserves mention. It was neither a simple grant, nor strictly a reward for service. The baron involved, John de Mohun, holder of the family honour of Dunster in Somerset, is not to be found on royal service

42. *C.C.R.* 1302-7 p.198.

43. *C.P.R.* 1292-1301 p.571; *C.P.R.* 1301-7 p.324.

44. *C.P.R.* 1301-7 p.506.

outwith parliament and major campaigns, especially in Gascony. But he deserves more attention than the dismissive 'the life of this individual affords no incident of the slightest interest; and all which is recorded of him is that he performed the duties attendant upon the rank of a Baron of his times'.⁴⁵ On 10 November 1299, Mohun and his wife were gifted the manor of Long Compton, Warwickshire, worth £40 18s. 6d. per annum to be held by the service of one knight's fee, in exchange for all lands in County Kildare and elsewhere in Ireland, extended by the Justiciar, Wogan, at the same amount, which Mohun granted to the King.⁴⁶ The escheator of Ireland was ordered to take these lands into the King's hands on 15 November and the grant enrolled a day later.⁴⁷ This land exchange represents a reversal of Edward's usual practice. He was normally prepared to grant lands to *maiores barones* in Ireland, Wales and Scotland but not in England itself. He must have had a compelling reason for this departure from the norm. It can be argued that this was in the nature of a reward for service in Gascony. Evidence exists that Mohun incurred sizeable debts in equipping himself and his entourage for service there. Indeed, because of this service he was, in 1300, granted respite of payment of 100 marks, and, in 1304, pardoned that amount.⁴⁸ Nonetheless, an accounting made by Sandale in September 1297 showed Mohun indebted to the King in £315 15s. 6d., a sum which he recognised and bound himself and

45. Nicolas *op.cit*, pp.159-60.

46. *C.Cha.R.* p.480.

The extent made by Wogan survives, though in poor condition E101/233/10 (*C.D.I.* 1293-1301 pp.309-10 No.643).

47. *C.C.R.* 1296-1302 pp.288 and 323-4; *C.D.I.* 1293-1301 p.270 No.566 and p.271 No.567.

48. *C.C.R.* 1296-1302 p.346 and *C.P.R.* 1301-7 p.327.

his heirs to pay.⁴⁹ He was also granted terms to pay his debts at the Exchequer at the low sum of £5 per annum, although his debts had increased since the same terms had been granted in 1293 and had not been kept.⁵⁰ Mohun probably experienced financial difficulties because of his service in Gascony. Although the lands surrendered in Ireland were of the same value as the manor in Warwickshire, it would be more cost effective for him to manage the latter with all his lands now in the Midlands and South West of England. One cannot see how the lands in Ireland were of any greater intrinsic value to the King than Long Compton. The logical conclusion is that the transaction would bring indirect financial benefit to Mohun and ease the burden of his indebtedness to the Crown. This appears the action of a sympathetic King towards a loyal campaigner as a banneret in his armies.

Grants of Land - (ii) Wales

Edward I's policy towards granting lands in conquered territories was in marked contrast to that implemented within England. Prior to 1290, considerable amounts of Welsh territory were granted to magnates by the King. 'The territorial generosity of Edward I to a few great English magnates added vast areas of North West Wales to the category of Marchland in the 1280s.'⁵¹ Prestwich took a similar line 'Edward was generous enough in parcelling out estates in Wales to those who served him in his wars, notably in 1282''⁵² But

49. E101/6/21.

50. *C.C.R. 1296-1302* pp.235-6; *C.F.R. I* p.322.

51. R.R. Davies *Lordship and Society in the March of Wales, 1282-1400* p.19.

52. M. Prestwich *The Three Edwards, War and State in England,*

recently he was more cautious - 'In Scotland, if not Wales, Edward did make some lavish grants.'⁵³ Two of the main beneficiaries were the Earls of Surrey and Lincoln. Edward was perfectly prepared to allow them to extend their wealth and power outwith England, in contrast to his attitude to the Earldoms within England itself. A number of *maiores barones* were also rewarded with lands for service to the Crown, notably John Giffard, Roger de Mortimer, Bogo de Knovill and Reginald de Grey. All four served extensively in the Welsh Wars, in preparations for war, as custodians of royal castles in Wales, as holders of royal appointments and, especially in the case of Knovill and Grey, in the administration of justice. But, many other barons served well in Wales without rewards of land. A number of the Welsh castles and lands entrusted to barons were as custodies, rather than outright grants. Perhaps Prestwich's cautious approach is justified.

Of the four, only Giffard was an established member of the nobility, holder of the barony of Elston in Orcheston St. George, Wiltshire, and a major landholder in Shropshire, Gloucestershire, Oxfordshire and Herefordshire.⁵⁴ He played a major part in all the Welsh Wars, capturing Llewellyn in 1282, being one of the constables deputed to remain in the March against the revolt of Rhys in 1288, and in charge at Builth of one of the three armies in the war of 1294-95.⁵⁵ A trusted adviser, he served on the Council of the Prince of Wales

1272-1377 p.38.

53. M. Prestwich 'Royal Patronage Under Edward I p.41.

54. I.J. Sanders *English Baronies* p.116.

55. Moor *op.cit.* Vol.II pp.113-4; *C.Ch.R.V.* pp.321-2; *Book of Prests of the King's Wardrobe for 1294-5* p. XXIX.

whilst Edward I was in Flanders.⁵⁶ He was appointed to a number of custodies of royal castles in Wales. His most tangible reward for service was the commote of Iscennen, which he held from the King in chief by homage and fealty, granted him in 1283.⁵⁷ But he held other territories of the King in Wales and substantial land at Brenthles, held for the service of five and a half knights' fees of the Earl of Hereford.⁵⁸

Mortimer is an example of a younger brother of an important magnate who, through service to the Crown, became a *maior baro* in his own right. Brother of Edmund de Mortimer of Wigmore, designated in the 1301 letter to the Pope as 'Dominus de Penkeltyn', a manor held of the Earl of Hereford, and described by de Walden as holder of the new Marcher Lordship of Chirk⁵⁹, Roger de Mortimer was regularly summoned to parliament from 1299 for the rest of the reign. His service to the Crown was primarily as a soldier and Lord of Parliament, but he was involved with arraying foot soldiers, served on a few judicial commissions and carried out specific royal instructions.⁶⁰ Major grants of land in Wales date from 1284 when he was still very young.⁶¹ They can be regarded as Edward

56. Rishanger *op.cit.* p.179.

57. Reference to the Charter is made in *Rot. Parl.* p.105.

58. *C.I.P.M.* Vol.III pp.418-22 No.544.

59. De Walden *op.cit.* pp.88-9.

60. e.g. 8 April 1298 to array 600 Welsh foot with William de la Pole for service in Scotland - *C.C.R. 1292-1301* p.343; 24 October 1304 appointed to a commission of oyer et terminer on a complaint of the men and tenants of Edmund, a minor, son and heir of the Earl of Arundel, regarding breaches of liberties - *C.P.R. 1301-7* pp.287-8; 10 February 1304 asked with Peter Corbet to aid and counsel attorneys of the Count of Savoy *ut supra* p.13.

61. *C.Cha.R.* p.281 27 December 1284 - gift of land of Ganeglen.

making provision for an aspiring member of his household in whom he saw potential. Through royal patronage, he established the base from which he became so powerful in the reign of Edward II. It should also be noted that he proved troublesome on occasion, being pardoned for outlawry and, for a short period in 1306-7, his lands were forfeited to the Crown for leaving the royal army in Scotland without licence.⁶² His brother Edmund, who also provided loyal, particularly military, service to Edward, was, through inheritance, a major beneficiary of royal largesse in Wales. He inherited the castle of Dolforwyn with the territories of Keddewy and Kery granted to his father, Roger, by the King in 1279 for the service of three knights' fees.⁶³ In 1301 on the death of his mother he also gained the castle and borough of Radnor.⁶⁴

Knovill and Grey can be compared with Hacche and Grandison as men who rose in status and importance, because of lengthy service to the Crown. Knovill, from his first appointment under Edward I as sheriff of Shropshire and Staffordshire until age and infirmity prevented him, served Edward well. He received one grant of land in the Welsh March from a grateful King, the manor of Marthern, which he held of

62. *C.P.R. 1301-7* p.19 22 January 1302 - pardon by reason of his service in Scotland for robberies etc. and any subsequent outlawry.

C.F.R. I pp.543-4 Order to sheriffs of Gloucestershire, Worcestershire, Hertfordshire, Shropshire and Staffordshire to seize into the King's hands his lands and goods, 18 October 1306, and to take him into custody; *C.C.R. 1302-7* pp.481-2, 23 January 1307 escheators were ordered to restore these lands to him.

63. G.T.C. 'The Castle of Dolforwyn' *Collections relating to Montgomeryshire* - issued by the Powys Land Club Vol.X 1877 pp.327-8.

64. *C.I.P.M. IV* pp.19-20 No.41.

the honour of Strugull by the service of one knight's fee.⁶⁵ Knovill's other rewards for service came largely through the appointments made to him. In Wales and the March, at various times, he had custody of castles and manors, from which he doubtless benefited financially.⁶⁶ But the status he attained was personal to him. His son did not follow him into parliament. Probably because he failed to build up a landholding base, possessing only small estates in Wiltshire and Gloucestershire in England, Knovill did not establish his family as a permanent feature within the ranks of the higher nobility.

Justice of Chester for the best part of thirty years, Grey was almost constantly on royal service, and was heavily involved in Welsh affairs.⁶⁷ His position of trusted servant was demonstrated in 1297 when, like Giffard, he was a key adviser to Prince Edward. He came from a more substantial background than Knovill, his father also having served as Justice of Chester, in the reign of Henry III.⁶⁸ On his death he held substantial lands in nine English counties as well as

65. *C.I.P.M.* IV pp.335-6 No.446.

66. e.g. *C.F.R.* I p.39 10 December 1274 - he was committed during pleasure the castle and manor of Montgomery, with the hundred of Chirbury rendering only 40s. per annum. He was still constable of Montgomery 20 years later, being allowed money out of the ferm for the expense of keeping three Welsh prisoners, in the Liberate Roll (C62/73), dated 4 March 1297.

67. Grey's various appointments as Justice of Chester are to be found in the Fine Rolls. The conditions under which he operated from 1290 onwards, dated 30 June 1290, come from *C.F.R.* I p.280.

68. 'The Court Rolls of the Lordship of Ruthin or Dyffryn -Clwydd of the Reign of Edward I' Ed. R.A. Roberts, *Cymmrodorion Society* 1893 Introduction iii.

Wales.⁶⁹ He obviously benefited from the appointments he held and enjoyed the fruits of office. Already having served Edward I diligently for twelve years, he received a major grant of Welsh land in 1284.⁷⁰ On his death in 1308, he still held the castle of Ruthin, the cantred of Dyffryn-Clwydd and three towns in the cantred of Englefeld in Denbighshire for the service of three knights' fees. This represents one of the major grants made by Edward I to a member of the *maiores barones*, the recipient being one of his most trusted, loyal servants.

Grants of Land - (iii) Scotland

Prestwich implies greater generosity, or at least the intention of such, by Edward I in granting lands in Scotland. There are two main phases of confiscated territories being available for parcelling out to English magnates. The first came in 1298, when considerable estates were transferred, and the second, after Brus's rebellion, when some lands were granted by Edward but the majority remained unallocated. Edward's intention of making grants when he arrived personally in Scotland was thwarted by his death at Burgh-on-Sands and his successor's decision not to proceed with the invasion. There were two important grants outwith these periods to *maiores barones*, whose service in Scotland was crucial to the King, John de St. John and Aymer de Valence.⁷¹

69. *C.I.P.M.* V pp.17-19 No.53.

70. Ed. Roberts *op.cit* Introduction i; *C.A.C. Wales* p.121 XXIII No.118.

71. M. Prestwich 'Colonial Scotland: The English in Scotland Under Edward I', *Scotland and England 1286-1815* Ed. R.A. Mason p.9 also refers to the situation after the capture of Stirling in 1304. It appears that leading magnates were

At a Council in York in April 1298 Edward announced a policy of expropriation of the lands of his Scottish enemies offering the prospect of considerable territorial rewards in Scotland. Geoffrey Barrow identifies the main beneficiaries as the Earls of Lincoln and Warwick, as in Wales English Earls outwith the royal family.⁷² This re-emphasises that Edward was not averse to rewarding Earls active on royal service, nor to their extending their power and prestige, but outwith England. Prestwich observed 'The Earl of Lincoln gained the honour of Denbigh in North Wales and the lands of James the Steward in Scotland. Not surprisingly his loyalty to Edward was unquestioning.'⁷³ But, given the lengthy, varied and regular service of Lacy the grants of land to him were genuine rewards, rather than incentives or bribes to retain his loyalty. In addition to military involvement in Wales, Gascony, as King's Lieutenant, and Scotland, the Earl of Lincoln provided the comital element in most of Edward's important diplomatic embassies of the period. Prestwich perhaps places too much emphasis on the uncorroborated suggestion of the Evesham chronicle that the Earl of Warwick was bribed by Edward to abandon support for Hereford and Norfolk in 1297. If Edward, when necessary, 'was very ready to buy the backing he needed', why is there no evidence of this approach to Bohun and Bigod?⁷⁴ Edward rewarded service when

consulted as to how those who had participated might be best rewarded. No decisions were taken and little progress had been made before Brus rebelled.

72. G.W.S. Barrow 'The Aftermath of War: Scotland and England in the late thirteenth and early fourteenth centuries' *T.R.H.S.* 1978 p.117.

73. M. Prestwich *English Politics in the Thirteenth Century* p.43.

74. *Ibid.*

merited and when over and above normal feudal requirements. No inducements were offered to Richard, Earl of Arundel, whose service was exclusively in fulfilment of his military obligations, even when he pleaded poverty. In undated letters, referring to a summons for service at Berwick, Arundel claimed he was unable to demise even £100 of land 'without a great abasement of my estate'" to finance a suitable retinue for a Scottish expedition.⁷⁵

In addition to the Earls, the Northern baron, Robert de Clifford, extremely active on Edward's behalf in Scotland, received a major grant, that of Caerlaverock Castle, Prestwich having located documentary evidence.⁷⁶ The one *maior baro* specifically mentioned by Barrow as a recipient of sizeable grants of land in Scotland was Robert de Tony. He had just come of age the previous year, when he succeeded his father, the barony of Flamstead in Hertfordshire being within his inheritance.⁷⁷ He was not summoned to parliament till 1299, but regularly thereafter. He served in the household and was in the King's squadron at Falkirk.⁷⁸ The grant of lands, belonging to Sir William Hay, Andrew Murray and Sir William Ramsay, appear to have been specifically mentioned by Barrow because

75. SC1/17/64-65. These letters may date from 1298 when a grant of p[ermission to lease £100 worth of land was made.

76. M. Prestwich 'Colonial Scotland' p.7 footnote 12 (Bodleian Library, Dodsworth MS 70, f.64).

77. *C.C.R. 1296-1302* p.36, 20 June 1297 - the escheator was ordered to cause Tony to have seisin of his father's lands; I.J. Sanders *English Baronies* p.118.

78. e.g. E101/5/23 horses of household valued for Scotland 1296; E101/6/37 horses of household valued in Flanders 1297; E101/6/40 horses of household valued for Scotland 1298.

Gough *op.cit.* p.145.

he located the evidence.⁷⁹ Tony was born in Scotland and married Matilda, daughter of Malise, Earl of Strathearn.⁸⁰ If one considers other evidence of landholding in Scotland by *maiores barones*, namely documents, whereby men-at-arms for various castle garrisons are to be provided for lands granted by the King in Scotland, a sizeable number feature, most of whom are requested to provide at least the same number of men-at-arms, namely two, as Tony.⁸¹ After Falkirk, Edward made extensive grants to *maiores barones*, one of whom was Tony. He is in no way a special case, nor were the lands granted extensive in comparison with other recipients.

Some of the information contained in these documents is found in Bain, described as files of indenture in the original ligature for keeping castles in Scotland at the close of the thirtieth year, dated mainly 15 August and 1 September 1302.⁸² The evidence from two of the documents and Bain is drawn upon by Michael Prestwich showing that it was decided in the July parliament of 1302 that those who had been granted lands in Scotland should provide troops for castle garrisoning. He cites this as evidence for Edward I trying to create a new

79. Barrow 'The Aftermath of War' p.117 quoting B.Lib. M.S. Add.28024 fo.180.

80. *Placita Coram Domino Rege 25 Edward I*, Ed. W.P.W. Phillimore (Index Library Vol.XIX 1898) preface - quotes the Chronicle of the Priory of Westacre, showing that his mother brought him from Scotland aged 12 months and caused the year and day of his birth, 4 April 1276, to be entered in the Chronicle.

Stevenson II pp.394-7 26 April 1293 details the settlement respecting the marriage of Tony to Matilda, daughter of Malise, Earl of Strathearn.

81. E101/13/34/25; E101/10/5; E101/10/10; E101/9/16.

82. *C.D.S. II* No.1321.

form of feudal service in Scotland.⁸³ But there are two further documents which strongly suggest that the decision of July 1302 had been taken earlier. One headed 'Roll of garrisons of Scottish Castles circa 29 Edward I' is virtually identical with that of July 1302. The same barons and knights are mentioned, though minor discrepancies exist in the number of men-at-arms to be supplied.⁸⁴ Moreover, this roll gives far greater detail of the total garrison strength of each castle, with wages to be paid. An undated document, also from the period 1300-2, referring as it does to St. John in charge of Dumfries and Lochmaben, contains fewer names. Omissions are important.⁸⁵ There being no mention of Valence, who was required to provide most men-at-arms, namely twelve, nor fitz Payne, regularly associated with him, suggests this particular list predated his being granted the castle and barony of Bothwell.⁸⁶ But this would not explain the omission of the Earl of Warwick, granted Scottish lands in 1298. Altogether seven *maiores barones* are omitted from this one list. What these documents provide is a list of those holding lands in Scotland 'by the gift of the King' in the period 1300-2.

In addition to the Earls of Warwick and Lincoln, including Tony and Clifford, twenty-six of the *maiores barones*, all of whom sealed the 1301 Lincoln letter to the

83. E101/10/10, E101/10/10, *C.D.S.* II Nos. 1321 and 1324. M. Prestwich 'Colonial Scotland' p.9.

84. E101/9/16. In it William le Latimer is shown as providing three men as opposed to four in E101/10/10, and Walter de Teye three as opposed to two.

85. E101/13/34/25.

86. The King's Charter is dated 10 August 1301, *C.D.S.* II No.1214.

Pope, were gifted lands in Scotland by Edward I. St. John and Valence will be considered separately. What can be said of the others; why were they beneficiaries of royal patronage in Scotland? With the numbers of men-at-arms they were required to provide from their Scottish lands they were :- 4 - John de Botetourte; 3 - Robert de Clifford, William le Latimer, John de Segrave, Hugh le Despenser, Robert fitz Walter, Peter de Mauley, William de Ferrers and Alan la Zouche; 2 - Robert fitz Payne, Henry de Percy, Robert fitz Roger, Walter de Teye, Fulk fitz Warine, Peter de Chaumpvent, Edmund de Eyncourt, William de Cantelupe, Adam de Welles, Walter de Beauchamp and John fitz Marmaduke; 1 - William le Vavassour, Robert de Scales and Walter de Muncy. One should also consider Alexander de Balliol who, in an undated letter to the King, refers to the land of Kilpatrick in Galloway, granted to him after the Battle of Falkirk.⁸⁷ A petition of Henry de Pinkeny refers to the castle of Luffenake, which he had of the King's gift.⁸⁸ Finally, an indenture concluded by the King with Simon de Lindsay in 1302 was for keeping the lands of the late John Wake in Scotland during the minority of the heir.⁸⁹

A number were landholders in Scotland, prior to any post-Falkirk grants. William de Ferrers was summoned on 24 May 1297 for military service in Flanders as a Scottish baron.⁹⁰

87. C47/22/9/43 (C.D.S. II No.1630).

88. A.P. File 143 No.7141 (C.D.S. II No.1968).

89. E101/68/1/4 (C.D.S. II No.1173).

90. P.W. I pp.284-5 Note that another English baron, Ingelram de Gynes was also summoned. But he does not appear in the documents under consideration as one of those required to provide men-at-arms for lands held of the King's gift in Scotland.

Along with Alan la Zouche, he held lands in Dreghorn in Ayrshire. In 1303 they were, according to Dalilegh's account as clerk of escheats, seised into the King's hands because Ferrers and Zouche did not do their service in the King's army.⁹¹ Zouche in 1296 fell heir to lands in the counties of Edinburgh, Berwick, Fife, Ayr and Wigtown.⁹² In March 1304, Abernethy, Keeper between the mountains and the Scottish sea, was ordered to deliver with full seisin to Balliol the lands and tenements of his heritage in royal keeping since the beginning of the Scottish Wars.⁹³ Pinkeny inherited Ballencrieff, half of which he vouchsafed to John de Kingston for life.⁹⁴ It is not surprising that the King granted further territory in Scotland to barons already holding lands there.

It would be tempting to assume that Edward I was rewarding magnates for service undertaken in Scotland. Alternatively, by granting them lands, he might have been creating a group of barons whom he could call upon to serve there at a future date. This is borne out by their being called upon to provide men-at-arms for castle garrisoning. Grants could be inducements for service in Scotland, especially when made before the lands were in English hands, an example being the grant of Bothwell to Valence one month before the castle fell. Certainly, the majority granted lands

91. E101/331/9/3.

92. *Rot.Scot.* p.24 The sheriffs were ordered to take into the King's hands the lands held of the King in chief by Ellen la Zouche, deceased. The nearest heir, Alan, was in Gascony when he should have claimed the lands. The King, by special grace, restores them to him.

93. C47/22/7/7 (*C.D.S.* II No.1478).

94. C47/22/3/90 (*C.D.S.* II No.1199).

performed important roles in Scotland. Clifford, Latimer, Segrave, Percy, fitz Roger, fitz Payne, Wake and Botetourte all held key appointments either as Wardens of the March or within Scotland itself. Teye, a household banneret, was in 1300 appointed Keeper of the Town of Berwick.⁹⁵ Mauley, a major Yorkshire landholder holding the honour of Mulgrave,⁹⁶ was in 1303 one of those enjoined to go to the King's lieutenant, John de Segrave, with horses and arms and all his power to repel the Scotch rebels.⁹⁷ Fitz Marmaduke served in most Scottish campaigns and as a Commissioner of Array for Durham⁹⁸. Fitz Walter, Cantelupe, Eyncourt, Welles and Vavassour were commissioners of array raising troops for Scotland as well as fighting personally in the major campaigns. But one could compile a further list of *maiores barones* who provided stalwart service and undertook royal appointments, not rewarded with grants of lands. This would include Brian fitz Alan, Ralph fitz William, Marmaduke de Twenge and Walter de Huntercombe. Huntercombe can be regarded as hard done by. Sterling service as Keeper of the Isle of Man, Constable of Edinburgh Castle, Warden of the Marches and a regular commissioner of array went unrewarded. It is strange that such a regular participant in affairs Scottish had to petition the King in 1307, detailing fully all his service in Scotland, to seek remission of scutage and obtain a writ to raise scutage

95. e.g. E101/7/11 an accounting shows what was due to Teye for his fee, robes, restitution of horses and wages for service in Flanders in 1298 and in Scotland 1298-1300; *C.P.R. 1292-1301* p.522 30 June 1300 - appointment of Teye to the custody of the town of Berwick.

96. I.J. Sanders *English Baronies* p.67.

97. *Foedera* pp.947-8 and *P.W.* I pp.369-70.

98. Moor *op.cit.* Vol. II pp.45-6.

from his tenants.⁹⁹

Of the others, Hugh le Despenser, though having little active involvement in Scottish affairs outwith major campaigns, was regularly in royal employ in judicial and diplomatic spheres. Beauchamp, Scales, Chaumpvent and Fitz Warine were prominent members of the Household. Beauchamp, as Steward, carried out many duties in Scotland, such as horse valuations, arranging delivery of supplies and paying wages.¹⁰⁰ Chaumpvent became Chamberlain of the Household and served under the King at Falkirk. Scales is to be found as a household banneret in many campaigns, serving in the King's squadron at both Falkirk and Caerlaverock.¹⁰¹ Fitz Warine also served as a household banneret in Scotland¹⁰² but his name does not appear on the extant rolls for Falkirk or Caerlaverock.

It is more difficult to find reasons for grants of land in Scotland to Walter de Muncy. A recipient of eight writs of parliamentary summons between 1299 and 1307, he appears to have held lands in Norfolk, Suffolk and Yorkshire.¹⁰³ He served in Gascony with Hugh Bardolf and in Flanders and Scotland, under the Earls of Surrey and Lincoln.¹⁰⁴ Although he

99. A.P. File 1 No.45 c.f. *Rot. Parl.* I p.194 No.19 and *C.C.R.* 1302-7 p.485.

100. e.g. E101/9/24 roll of horses valued by the Steward a.r. 29 Edward I; E101/7/11 an accounting refers to Beauchamp's organising victualling at Carlisle, and other preparations for the coming of the King.

101. E101/8/23 Scotland 1300; E101/9/24 Scotland 1301; E101/5/23 Scotland 1291; E101/6/37 Flanders 1297; E101/612/11 Scotland 1303; E101/6/40 Scotland 1298.

102. E101/8/23 - 1300; E101/9/24 - 1301.

103. e.g. C67/15 respite of debts in these counties 2 June 1304, staying in Scotland on the King's service.

104. C67/9 Gascony 20 August 1294 - letters of general

died in 1308, he was to serve Edward II both as Chamberlain of the Household and Keeper of Framlingham Castle.¹⁰⁵ His gift of lands in Scotland may tie in with a grant of 25 October 1298 to him for life of all the eyries of gentle falcons in all the King's demesne lands in Scotland, on condition that he render yearly a pair of such falcons, well-trained.¹⁰⁶ His value to Edward may have lain in falconry, the King's most loved pastime. Certainly he was further rewarded for his services in 1304, being granted the custody during the minority of the heirs of lands late of Thomas, son of Richard de Belthus, tenant-in-chief, with the marriage of the heirs.¹⁰⁷

Those holding lands of the King's gift in Scotland in the period after Falkirk cannot be categorised by one simple common denominator. They were *maiores barones* who served the King over a lengthy period of time in a number of capacities as the 'professional' royal servants of the day, had served regularly in the royal household or had specific appointments in relation to the Marches or Scotland. Why this particular group was rewarded, compared with others who also fulfilled one or more of these criteria, is not known. Apart from fitz Warine, they all served at Falkirk. Prestwich argues - 'It was essential for Edward to reward his captains with grants of lands in Scotland, for he was not in a position to satisfy

attorney serving with Bardolf; C67/12 protection and respite of debts, September 1297. He served under Lincoln at Falkirk - Gough *op.cit.* p.133, and Surrey at Caerlaverock - Nicolas *op.cit.* p.17. He was also serving under Surrey in 1303-4, C67/15 - letters of protection 11 September 1303.

105. *G.E.C.* Vol.IX p.428; De Walden *op.cit.* p.174.

106. *C.P.R.* 1292-1301 p.368.

107. *C.P.R.* 1301-7 p.236.

them simply by paying them wages. A substantial proportion of the cavalry troops served voluntarily, as most of the great magnates would not accept pay for summer campaigns. Nor, even when wages were paid, were they set at levels which would do much more than cover expenses.¹⁰⁸ The twenty-six *maiores barones* discussed break down into fifteen who served regularly as household troops at pay, twelve in the King's squadron at Falkirk, and eleven who did not.

Between 1298 and 1306 there were two major grants of land in Scotland aimed at fulfilling the same purpose. The recipients were John de St. John and Aymer de Valence, both of whom had already served the King well, though not specifically in Scotland. The grants of lands in Galloway to St. John and the barony of Bothwell to Valence could be seen as rewards for service, particularly in the case of the former, because of his captivity in France. But, their being granted prior to Edward having physical control over them, the King was creating an incentive for two barons who featured prominently in his plans for the subjugation of the Scots. In granting St. John English lands temporarily, until he could take seisin of the Scottish territories, Edward was, perhaps, yielding to bargaining pressure or providing him with the resources necessary for fulfilment of the terms of the indenture made by him with the King and Council. No such arrangement was necessary for Valence, with vast landholdings in over twenty English counties, Wales and Ireland.¹⁰⁹

108. M. Prestwich 'Colonial Scotland' p.8.

109. *C.I.P.M.* VI pp.314-40 No.518.

Aymer de Valence was a major beneficiary of the King's largesse in Scotland, receiving extensive landholdings forfeited by Scottish rebels in 1301 and again in 1306. A charter of 10 August 1301 granted him £1,000 of land in Scotland, the castle and barony of Bothwell and lands which had belonged to William de Moray, together with the forfeitures of all rebels who had held of him.¹¹⁰ These had been in Edward's hands since 1296. On 4 October 1306 a further charter bestowed on him the castle of Selkirk, the manors and demesne lands of Selkirk and Traquair, the burgh of Peebles and the forest of Selkirk, rendering annually £130 and the service of one knight's fee.¹¹¹ However, the rationale behind these two extensive grants was different. The 1306 charter specifically states the grant to be because of his loyal service and was a reward for four years of activity in Scotland, and for Valence's then current efforts to put down Brus's rebellion. Even prior to his appointment as King's Lieutenant against Brus¹¹², Valence is described as King's Lieutenant both *ultra* and *citra mare Scocie*. Several records exist of accountings made with him during this period for service undertaken and retinues deployed.¹¹³ Prior to 1301 Valence did not serve in Scotland outwith major campaigns such as Falkirk. He had been employed by the King on diplomatic service in negotiations with France. The grant of Bothwell can

110. C.D.S. II No.1214.

111. E39/91/9 (C.D.S. II No.1839); also E39/95/8 informs of the grant to Valence of all rebels who held of these lands.

112. C.P.R. 1301-7 p.426.

113. e.g. C47/22/5/56 (C.D.S. II No.1393) - a letter from Valence to the King reporting, among other things, on talks with the great lords of Scotland; E101/11/15 - an accounting dated July 1303.

be seen in the same light as that made to St. John. In a major effort to extend his power in Scotland, Edward I was looking for trusted, loyal servants prepared to commit themselves virtually full-time. He sought to provide them with a considerable landholding base as an incentive for that service. Indeed, shortly after the charter consigned Bothwell to him, Valence entered into an agreement on 12 February 1302 with the King and Council regarding a retinue to serve at Bothwell, together with additional men at the King's wages.¹¹⁴

In 1306 Edward had lands at his disposal, forfeited to the Crown by the Earl of Carrick and his adherents. Those in England were disposed of in grants by the King. In Scotland in addition to Valence, a major beneficiary was John de Hastings. One of the competitors for the Scottish throne, whose claim was substantial had a decision been taken that the Kingdom could be partitioned, Hastings was primarily a Welsh Marcher Lord. On 22 May 1306 he was gifted the County of Menteith, held by Alan, late Earl of Menteith, forfeited by his rebellion, to be held from the King by the service due therefrom, saving to his brother, Edmund de Hastings, and heirs lands which the King had already granted him.¹¹⁵ Hastings was also given custody of the former Earl, being ordered to imprison him in Abergavenny.¹¹⁶ This grant may have reflected Hastings' Scottish connections but was a reward for services rendered. Having come of age in 1281, he served continuously in the Welsh Wars, in Gascony, in the major Scottish campaigns

114. E101/68/1/21 (C.D.S. II No.1286).

115. *C.Ch.R.* 1300-26 p.8.

116. Palgrave *op.cit.* p.353.

and as a member of the Council. The grant in 1306 may have been in recognition of his service Seneschal of Aquitaine, a position he held for two years from August 1302. Experience there and Scottish connections may explain his appointment as one of the English commissioners to the 1305 assembly to devise a scheme for the governance of Scotland, a role he did not fulfil because of ill-health.¹¹⁷ There may have also been the implication of expected service against Brus. He was present in October 1306 at the Council of Lanercost when James, Steward of Scotland, performed homage¹¹⁸. In mid 1307 Dalilegh was instructed by Valence to supply those serving at Ayr, including Hastings, with victuals.¹¹⁹

His younger brother, Edmund, received his portion of the Earldom of Menteith, the barony of Inchmaholme in Perthshire in 1296. He was described as 'Dominus de Enchimeholmok' as a signatory of the 1301 Lincoln letter to the Pope.¹²⁰ He was to serve Edward frequently in Scotland, being for a time Keeper of the town of Berwick.¹²¹ The grant of Inchmaholme would have been an extension of existing landholdings in Scotland for his remaining loyal when Balliol rebelled. In December 1295, the sheriff of Suffolk was ordered to restore to him lands, goods and chattels, if they were taken into the King's hands by the King's order, solely by reason that he should put into the

117. *P.W.* I. p.161.

118. *Ibid.* p.180.

119. *C.D.S.* II No.1961.

120. De Walden *op.cit.* p.35.

121. E101/9/16 (*C.D.S.* II No.1321) - a roll of garrisons of castles in Scotland a.r.29 lists his retinue in that capacity; E101/68/17 (*C.D.S.* II No.1286) - refers to his appointment 12 February 1302 to remain Warden of the town of Berwick till Pentecost next.

King's hands lands of all the persons of the realm of Scotland dwelling in that realm, and to restore the issues thereof, as it appears to the King that Edmund is of his allegiance and does not dwell in that realm.¹²²

In instructions to his lieutenant, Valence, Edward did order delivery of forfeited lands in addition to those to John de Hastings. The temporalities of the Bishopric of St. Andrews were to go to Henry de Beaumont, and those of Glasgow to John de Menteith, who was also to be given seisin of the Earldom of Lennox.¹²³ But on several occasions, in response to overtures from Valence, he states he will take no action on requests for grants of lands of rebels until he arrives in person in Scotland. He asks Valence to note all petitioners and their requests for his consideration.¹²⁴ Drawing from a roll, printed in Palgrave¹²⁵, Geoffrey Barrow lists the names of Scottish landowners forfeited by Edward I in 1306, with the names of those who petitioned for their lands.¹²⁶ A few loyal Scots, together with the Earls of Gloucester and Hereford, are among the petitioners, the great majority of whom were English knights. A number of *maiores barones* do feature. Henry de Pinkeny sought lands of his own rebellious tenants in Luffness and Ballencrieff. Alexander de Balliol was already a Scottish landholder and Walter de Muncy had been the recipient of a grant in 1298. Valence sought the Earldoms of Lennox and

122. *C.C.R. 1288-1296* p.503.

123. SC1/47/81 (*C.D.S. II* No.1785); SC1/47/83; SC1/47/82 (*C.D.S. II* No.1786).

124. SC1/47/86 (*C.D.S. II* No.1782).

125. Palgrave *op.cit.* pp.301-318.

126. Barrow *Robert Bruce* pp.447-452.

Strathearn unsuccessfully. The former went to John de Menteith and the latter was restored to the Earl. Both Hugh le Despenser and John de la Mare, a household banneret with frequent service in Gascony and Scotland who also served on an embassy to the Papal Curia¹²⁷, sought the lands of Gilbert de la Hay. Another household banneret, Gilbert Pecche, known to have served in Scotland in 1306, petitioned for lands in Perthshire and Aberdeenshire. But Palgrave's list is incomplete. It does not refer to Walter de Beauchamp, the son of the King's late Steward, who also sought Gilbert de Hay's lands. A letter from the King to Valence informs him that he will take no decision on Beauchamp's request till he arrives in Scotland.¹²⁸ This evidence from 1306 demonstrates that Earls, *maiores barones*, knights and loyal Scots, serving against Brus, aspired to rewards of lands in Scotland.

In total, just over forty *maiores barones* have been identified as recipients of grants of land by Edward I, three quarters of which were in Scotland. There Edward spread his largesse among a greater number of barons than in Wales. The Earls of Lincoln and Warwick, John de St. John, Valence and John de Hastings were granted extensive landholdings. Edward provided incentives for support from magnates in his continuing struggles against the Scots. Given the extensive record of military service of the vast majority of recipients of grants of land in Scotland, military ability may have been an important criterion for such grants. His refusal to grant

127. *C.C.R. 1296-1302* p.370 dated 13/10/1300.

128. SC1/47/90 (*C.D.S.* II No.1872).

immediately most lands forfeited in 1306 allowed him to retain the prospect of rewards as an inducement for continued service against Brus. But the promise of lands was not always fulfilled. Although barons must have hoped to benefit financially from their new Scottish lands, the reality must have been different. 'The extensive scale of land grants was not marked by a similar scale of actual occupation.'¹²⁹ Six magnates did have tangible benefits from forfeiture of English lands by Scottish nobles.

The grant of Crown lands within England was rare; for specific service by Peter Corbet; in exchange for land in Ireland in the case of John de Mohun; as rewards for service to long-standing servants of the Crown. The lands involved represented a tiny fraction of royal landholding and loss of revenue to the Crown was miniscule. Moreover grants to le Strange and Grandison were personal to the recipients, with reversion to the Crown on their death. This is in accord with Wolff's view that most royal servants 'had to be content with life grants or with reversionary life grants subject to existing life interests'.¹³⁰

There are few surprises among the *maiores barones* granted lands by the Crown. They fall into the categories of long-standing royal servants, royal favourites, key members of the household, those with heavy involvement in Wales or Scotland and those with meritorious service in Gascony. The grants to

129. M. Prestwich 'Colonial Scotland' p.15.

130. Wolff *op.cit.* p.61.

Hacche and Roger de Mortimer helped to enhance status as new entrants to the ranks of the nobility. Occasionally grants can be attributed to specific service, as in the case of Corbet, or as an incentive for service about to be undertaken, as with Valence in 1301. A significant number of barons benefited, but predominantly in conquered territories. Edward was loath to reduce to any extent the size of royal landholding in England. There is no grant comparable to that of the honour of Skipton in Yorkshire, held by the service of eleven and a half knights' fees, made to Robert de Clifford by Edward II in 1310.¹³¹

Wardships and Marriages

In turning to see how *maiores barones* benefited from another source of patronage, royal feudal incidents, it is important to take account of Scott Waugh's main findings. He points out that grants of wardship and marriage were ideal as 'ministerial patronage given to officials for past service or in expectation of future service to the Crown, and political patronage given to favourites or to political allies for their loyalty and support.'¹³² He takes the view that political patronage was less important than reward for service. 'The King usually allocated most of his feudal patronage to those who served him, and did not routinely honour magnates with grants of wardship.'¹³³ He shows that 'many of the earls and barons were serving the King when they obtained their

131. *C.P.R. 1307-13* p.220; *C.C.R. 1307-13* p.213; *C.I.P.M. V* pp.300-7 No.533.

132. S.L. Waugh *The Lordship of England* p.180.

133. *Ibid.* p.189.

wardships.' 'The King also granted wardships in recognition of past service and escheators paid various sums to compensate individuals for their losses in royal service, to pay their wages, or to honour their service.'¹³⁴ He identifies a distinctive policy in operation between 1279 and 1296, the government using 'major wardships largely as patronage to reward service and to secure the adherence of lords, knights and officials around the King.'¹³⁵ He saw Edward as generous, but forced to alter course from 1296 onwards because of the heavy costs of his wars. 'Royal lordship moreover was swept up into the system of wardrobe fines and used to pay wages, debts and expenses. The Crown had granted wardships for those purposes before but never on the scale that it did in the later years of Edward I's reign.'¹³⁶ Who were the *maiores barones* granted wardships and marriages between 1290 and 1307? Why were they recipients? What terms and conditions were placed upon such grants? Do they fit the pattern identified by Waugh?

Twenty-nine *maiores barones* received a total of thirty-seven grants of wardship and/or marriage in this period. Of these, grants of marriages predominated, twenty in total; there being nine of wardship and eight of both combined. Bearing in mind Waugh's interpretation of Edward I's policies in relation to disposal of feudal incidents, there is little perceptible difference in the frequency of grants to members

134. *Ibid.* p.183.

135. Waugh 'The Fiscal uses of Royal Wardship in the Reign of Edward I' p.56.

136. *Ibid.* p.59.

of the baronage during the last ten years of his reign compared to the period 1290-6, though there is a greater preponderance of marriages.¹³⁷ Counter to Waugh's arguments about disposal of wardships and marriage generally from 1296 to 1307, there is little evidence of Edward being motivated primarily by the requirement of raising money through direct sales rather than grants. Certainly two grants of wardship to Botetourte in 1300 and 1301 were in return for a fine¹³⁸, in contrast to a previous grant to him of a wardship and marriage free of fiscal obligation in 1292.¹³⁹ Also, in 1301, Robert fitz Payne was granted custody of the manor of Warminster during the minority of the heir, rendering yearly at the Exchequer.¹⁴⁰ No fines were involved in the period 1290-6, but in the previous decade at least three *maiores barones*, Geoffrey de Caumville, Eustace de Hacche and Nicholas de Segrave paid fines, though the former was granted £100 out of the £200 fine and allowed to pay the residue at 50 marks per annum.¹⁴¹ There is one example of a grant in lieu of wages. Walter de Teye on 15 April 1306 was granted the marriage of John, son and heir of Simon de Pateshull, in place of £277 17s. 5d. arrears of wages and compensation for horses lost on the King's service in Scotland, Flanders and elsewhere.¹⁴² Moreover, on 10 April 1298 William Martin was granted custodies and marriages to the value of £510 because, lately

137. Between 1290 and 1296 members of the baronage received 4 wardships, 5 marriages and 3 of both. Between 1297 and 1307 the corresponding figures are 5, 15 and 5.

138. *C.P.R. 1292-1301* pp.522 and 581.

139. *C.P.R. 1281-92* p.487.

140. *C.P.R. 1292-1301* p.581.

141. *C.F.R.* I pp.194, 266 and 233.

142. *C.P.R. 1301-7* p.425.

coming with the King from Flanders on the King's service, he lost his horses, armour and other goods to that value through a storm at sea near Sandwich.¹⁴³ But, throughout 1290-1307 Edward's prime motivation in grants to the baronage was of rewards or incentives for service. The proviso made by Waugh that even towards the end of his reign Edward continued some distribution of wardships and marriages as rewards for service is more than justified in relation to the *maiores barones*.¹⁴⁴

In grants of wardship and marriage, the reason for the King's beneficence is not always stated. Where it is, in fifteen cases, the majority relate to service done or about to be undertaken. One case of a grant in lieu of wages and one other for losses incurred in the royal service have been mentioned. Three grants were in respect of previous awards that had not materialised.¹⁴⁵ The remaining ten refer to service undertaken on the King's behalf. Three refer to service already performed.¹⁴⁶ Four were to magnates serving the

143. *C.P.R. 1292-1301* p.340.

144. Waugh 'The Fiscal Uses of Wardship in the Reign of Edward I' p.60.

145. *C.P.R. 1292-1301* p.422 15 June 1299 - grant of a marriage to Fulk fitz Warine in compensation for his being unable, through being engaged on the King's service elsewhere, to follow up a grant of a marriage made to him 4/8/1298.

C.C.R. 1288-96 p.170 30 May 1291 - escheator ordered to deliver custody of lands to Eustace de Hacche in compensation for certain custodies granted to him by the King that he did not receive.

C.P.R. 1281-92 p.485 17 April 1292 - grant to Simon de Montacute to the value of £205 5s. in wardships and marriage in part satisfaction of his obligation to give him land and rent in wards and custodies to the yearly value of £50.

146. *C.P.R. 1292-1301* p.423 24 June 1299 - grant of the marriage of the youngest daughter of John Giffard to William de Geneville by reason of his and his father, Geoffrey's, service.

Ibid. p.304 21 August 1297 - grant of a marriage to Peter

King at the time of the grant, one in Flanders, two in Gascony and to Robert de la Warde as Steward of the King's Household.¹⁴⁷ Two grants were made to barons going to Gascony on the King's service and one, about to go with the King to Scotland.¹⁴⁸ Grants of wardship and marriage were clearly utilised by Edward I in rewarding service performed by *maiores barones*.

A consideration of recipients of wardships and marriages, the grants not specifying reasons behind them, strongly suggest that they too resulted from service to the Crown. Of those involved, ten were also beneficiaries of grants of land - fitz Roger, Clifford, fitz Payne, Vavassour and Muncy, active on royal service in Scotland¹⁴⁹; St. John and Despenser

de Mauley for his service in Gascony.

C.P.R. 1301-7 p.239 18 June 1303 - grant of a marriage to John de Segrave Junior, on account of his and his father's good service.

147. *C.P.R.* 1292-1301 p.223 29 November 1297 - grant of a marriage to William de Rither, staying in the King's service in Flanders.

Ibid. p.194 7 August 1296 - grant of a marriage to William Martin, staying in Gascony on the King's service.

Ibid. p.157 1 January 1297 - grant of a marriage to William le Latimer, staying in Gascony on the King's service.

C.P.R. 1301-7 p.318 25 March 1305 - grant to de la Warde of a wardship and marriage.

148. *C.P.R.* 1292-1301 p.150 3 October 1295 - grant of a wardship to William Martin, going to Gascony on the King's service.

Ibid. p.150 1 October 1295 - grant to William de Morley of custody of a specific manor - Scham, late of Ralph de Tony, in the hands of the King through the minority of the heir - going to Gascony on the King's service. But the grant is limited to as long as he is there.

C.F.R. I p.441 24 May 1301 -wardship to be delivered to Hugh de Vere, about to go with the King to Scotland.

149. Grants of marriage and wardship -

fitz Roger - *C.D.S.* II No.440;

Clifford - *C.P.R.* 1301-7 p.154;

fitz Payne - *C.P.R.* 1292-1301 p.581;

Vavassour - C47/22/9/126 and *C.P.R.* 1301-7 p.349;

who gave lifelong service to Edward¹⁵⁰; Botetourte, Knovill and Hacche, who rose by service to the Crown to magnate status.¹⁵¹ Of the others, Leybourne commanded Edward's navy and Berkeley, appointed constable during the crisis of 1297, served on the Royal Council.¹⁵² William de Rither served prominently as a household banneret.¹⁵³ Hugh Bardolf gave extensive military service, especially in Gascony, where he was, for a brief period in 1297, a prisoner of the French.¹⁵⁴ In one case it is more difficult to attribute a grant as a reward for service. William le Marshall in October 1303 was granted what belonged to the King of the marriage of Eva, late wife of Robert de Tateshale.¹⁵⁵ Holder of the barony of Hockering in Norfolk, a signatory of the Lincoln Letter to the Pope and hereditary marshal of Ireland, though not given livery till 1309, he was not summoned to parliament in Edward I's reign. He did serve regularly in Scotland, particularly under Aymer de Valence.¹⁵⁶

Financial Rewards for Service

Grants of wardship and marriage could bestow considerable

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- Muncy - *C.P.R.* 1301-7 p.236.
 150. St. John - *C.P.R.* 1281-92 p.483;
 Despenser - *C.P.R.* 1292-1301 p.451.
 151. Botetourte - *C.P.R.* 1281-92 p.487; 1292-1301 pp.522 and
 581;
 Knovill - *C.P.R.* 1292-1301 p.28;
 Hacche - *C.C.R.* 1288-96 pp.170 and 372-3.
 152. Leybourne - *C.P.R.* 1292-1301 p.33;
 Berkeley - *C.P.R.* 1292-1301 p.564. This grant of the
 marriage of Thomas, son and heir of Thomas fitz Maurice,
 was made on 7 February 1301, but on 3 November 1302 the
 King (*C.P.R.* 1301-7) accepted the sale of the marriage by
 Berkeley to Edmund de Mortimer.
 153. *C.P.R.* 1292-1301 pp.116 and 168 for feudal incidents
 granted him.
 154. *C.P.R.* 1301-7 p.152 for grant to Bardolf.
 155. *Ibid.* p.162.
 156. C67/13-14.

financial benefits upon recipients, monetary reward for service. Financial rewards form the majority of instances of members of the baronage benefiting from service to the Crown. This does not mean that Edward I was generous in dispensing hard cash. Examples are rare of outright gifts of money. There is one interesting grant in 1304 to Robert fitz Payne, serving the King in Scotland, of all the debts due at the Exchequer by Richard de Bosco, deceased. No indication is given of the reason for the grant, nor the sum involved.¹⁵⁷ There is nothing similar to the £500 paid to Botetourte by Edward II in 1314 for his assistance in the King's evading capture by the Scots after Bannockburn.¹⁵⁸ The only example of a major payment being authorised is the 1,000 marks to John de St. John.¹⁵⁹ John fitz Reginald was paid £100, but for renouncing his right to one third of the fee of the sealers of the chancery of England.¹⁶⁰ The few gifts, identified in the records, are very minor in nature, such as a buck from the King's chace at Bristol in 1290 to Thomas de Berkeley, six bucks to John de Engayne from the forest of Wauberge in the same year and a grant for life in 1305 to Bogo de Knovill of 100 quarters of wheat and 6 tuns of wine by the hands of the Keeper of Bristol Castle.¹⁶¹

A great deal of recorded evidence of relations between

157. *C.P.R. 1301-7* p.215.

158. *Madox History of the Exchequer* Vol.I p.392.

159. C62/75.

160. *P.R.O. Deputy Keeper's Report* Vol.VII p.242 No.1667.

161. *C.C.R. 1288-96* pp. 93 and 100; *C.P.R. 1301-7* p.396 6 November 1305. But note that Knovill was then an old man, not to benefit long, as he died in July 1307 (*C.I.P.M. IV* pp.335-6 No.446).

Crown and baronage pertains to debts - money owed to the King by individual magnates and vice-versa. Whilst serving the Crown, particularly on military campaigns, barons, knights and their entourage expected to be free of hassle, both financial and legal, back home. It was standard practice for them to receive letters of protection, respites of debts and respites of pleas. Instructions as to respites of debts went to the Treasurer and Barons of the Exchequer, to sheriffs in counties where debts might be exacted, and to the Treasurer and Barons of the Exchequer, Dublin, for Irish landholders. Comprehensive lists of protections and respites, with dates when applicable, exist for all the military expeditions of the period.¹⁶² Several individual entries appear in the Close Roll for 1299, granting respites to barons, either going to Scotland or staying there on the King's service.¹⁶³ Robert de Clifford was granted individual respites on three occasions in 1304 and 1305.¹⁶⁴ This may represent a special case. He had petitioned the King for arrears of wages for Scotland and of his fee as Keeper of the Liberty of the Bishopric of Durham.¹⁶⁵ The respite of debts may have been an interim measure until the

162. for Gascony 1294-5, C67/9, *Roles Gascons* III pp.96-139; for Wales 1293-5, *C.Ch.R.V.* 356-8 and C67/10; for Flanders 1297, C67/12; for Scotland 1296-1307, C67/7, 11, 13, 14, 15, 16, *C.Ch.W.* 87ff. and *Rot. Scot.* pp.32-3.

163. These relate to Alexander de Balliol, William de Cantelupe, John de Clayvering, Hugh de Courtenay, Robert fitz Roger, Fulk fitz Warine, John de Lancaster, William de Rither - all in relation to service in Scotland - *C.C.R. 1296-1302*, respectively pp. 253, 286, 244, 285, 244, 282, 318 and 277.

Other respites are recorded for the same year without mentioning Scotland - Thomas de Berkeley, specifically for £45 in Essex and £30 in Gloucester (p.231); Hugh de Mortimer (p.238); Simon de Montacute (p.240); John de Havering, staying on the King's service in Wales (p.272).

164. *C.C.R. 1302-7* pp.311, 324 and 346.

165. A.P. File 279 No.13909.

question of money owed to him was resolved.¹⁶⁶

Barons serving in other aspects of royal service, particularly when going overseas, also had respite of debts. John de Hastings was a recipient in January 1297, setting out for Brabant in the company of the Duchess, the King's daughter, and again in 1302, along with Simon de Montacute, John Paynel and Thomas le Latimer, accompanying him, for two years in taking up office as Seneschal of Gascony.¹⁶⁷ In November 1303 Otto de Grandison had respite in Lancashire, staying in Gascony on the King's business.¹⁶⁸ Likewise, Geoffrey de Geneville had respite of debts, setting out with the King overseas in 1297, attending to the King's business overseas in 1299 and going to the court of Rome on royal business in 1300.¹⁶⁹ Such respites represented standard practice to safeguard royal servants' interests in England whilst abroad. Two examples do not fit the general pattern. Both date from 10 November 1302 and do not refer to specific service. Robert fitz Roger was granted respite of all debts till Whitsun 1303 and for a year thereafter for his good service rendered and to be rendered to the King. At the end of the respite terms would be determined at the King's pleasure for payment of the debts.¹⁷⁰ Postponement of payment of debts in this case represents a reward for service. No reason for

166. *C.C.R. 1302-7* p.359 6 December 1305 - full details of the arrears are given in an instruction to the Treasurer and Barons of the Exchequer to inspect the records, account with Robert and pay him the outstanding amount due.

167. *C.C.R. 1296-1302* pp.80-1 and 561.

168. *C.C.R. 1302-7* p.60.

169. *C.C.R. 1296-1302* pp.109, 256 and 393.

170. *Ibid.* p.566.

the respite granted till Whitsun to John de Sudeley is given¹⁷¹. This may have been till his debts to the King were fully established. In an undated document, the Treasurer and Barons of the Exchequer respond to an order to clarify Sudeley's debts. These are detailed up to 1298, giving a total of £564 8s. 5d..¹⁷²

Whether right or privilege, respite from debts, with respite of pleas and receipt of the King's protection, was valued by barons and indeed deemed a necessity, if they were to depart safely on royal service, even with the additional protection of the right to nominate attorneys to act on their behalf. Requests for respites were made. An undated letter to the Chancellor, Greenfield, from Roger de Mortimer complained that he was being grievously distrained by the sheriffs of Lincolnshire, Northamptonshire, Shropshire, Worcestershire and Herefordshire for various debts. He asks for writs for respite of demands as well as of the debts themselves, as he is on the King's service in Scotland.¹⁷³ Personal financial considerations were also involved. Simon de Montacute asked for respite of debts while he stayed in the war in Scotland 'because he will not have power to serve him if he pays them'. This dates from either 1299 or 1301, respites being granted by the King in Somerset in both these years.¹⁷⁴ In 1307, John de St. John of Halnaker, having made purveyance to go with the

171. *Ibid.*

172. C47/87/4/51.

173. SC1/28/89. This document comes from between 30 September 1302 and 29 December 1304, Greenfield's tenure of the office of Chancellor.

174. A.P. 312 No.E30; *C.C.R. 1296-1302* pp.240 and 480.

King to Scotland, complains that sheriffs had demanded from him debts for Gascony incurred by his father, attached moveables and chattels, threshed and wasted his corn, so that he could not journey to Scotland according to the King's order, nor have any administration of his goods. He requested the King's grace and respite till Easter.¹⁷⁵

Service to the Crown, primarily but not exclusively military, brought exemption from certain taxes. A number of barons were granted respite of the tenth granted by the laity, on the basis either of staying in Wales on royal service in 1294 or going to Gascony in 1295.¹⁷⁶ In January 1303 over forty magnates were granted respite of the aid for the marriage of the King's eldest daughter in return for service undertaken or about to be performed in Scotland, except for Otto de Grandison, setting out for parts beyond sea on affairs of the King and the realm, and Thomas le Latimer, Simon de Montacute and John Paynel, staying in Gascony on the King's service with John de Hastings.¹⁷⁷ Hugh Bardolf specifically requested this respite from the Chancellor 'as the King had recently granted to the Earls and Barons', along with respite of debts generally, 'since he is about to go with the King on his war in Scotland'.¹⁷⁸ He also sought respite for his nephew, Warren de Bassingbourne who has been grievously distrained for the aid although he is going with Bardolf and 'all those going to Scotland are, by the King's order, to be released from

175. A.P. 232 No.11594.

176. *C.Ch.W.* pp.46-52; *P.W.* I. pp.391-2; *C.C.R.* 1288-96 p.422; SC1/27/43.

177. *C.Ch.R.V.* pp.79-94.

178. SC1/28/43.

this'.¹⁷⁹ Barons were also eager to ensure that any voluntary contributions would not prejudice them in future. Between 1291 and 1294 Edward guaranteed to William de Vescy, Theobald de Verdun Sen., John de Hastings, Roger de Monthalt, Edmund de Mortimer and John Giffard that a grant of one fifteenth of moveables and tenants within their liberties in Ireland and Wales would not be to their prejudice nor drawn into a precedent.¹⁸⁰ In 1297 Geoffrey de Caumville received letters patent to the same effect regarding a subsidy provided to promote the King's affairs in parts beyond seas.¹⁸¹

Exemptions in other spheres, with financial implications, were also granted to barons in recompense for service. Between December 1296 and February 1297 orders were sent by the King to takers of corn not to intermeddle with the taking of corn of named magnates. Edward wished to provide for the indemnity of Hugh de Vere, Robert fitz Walter, Simon de Montacute, John de Mohun, Eustace de Hacche, John de la Mare, John le Strange, William le Latimer Sen., William de Grandison, William de Ros, John de L'Isle, Aymer de Valence, William de Cantelupe and Amaury de St.Amand, as they were in his service in Gascony by his order.¹⁸² In June 1297 Adam de Welles was given the same exemption, but the Treasurer and Barons of the Exchequer were also 'to take nothing for the King's use from wool of the present season of washing, so that he may not make his

179. SC1/28/44.

180. *C.P.R. 1281-92* p.446; *Ibid.* p.449; *Ibid.* p.503; *Ibid.* p.511; *C.P.R. 1292-1301* p.52; *Ibid.* p.56; *C.P.R. 1281-92* p.510.

181. *C.D.I. 1293-1301* p.210 No.449.

182. *C.C.R. 1296-1302* pp.6, 7, 9, 81 and 85.

profit thereof as shall seem fit to him, upon payment of the custom thereupon due to the King.'¹⁸³

Throughout Edward I's reign many examples can be found of magnates being allowed terms for repayment of debts, often long-standing, of their ancestors as well as themselves. These specified repayments to be made annually at the Exchequer.¹⁸⁴ Prestwich discerned in Edward I a different approach from his father in that under Henry III 'low instalments were set for repayment and debts were often pardoned'.¹⁸⁵ In 1285 Edward issued a writ to the Treasurer and Barons of the Exchequer to 'try to recover debts in future by setting reasonable terms for payment in instalments'.¹⁸⁶ In actual practice terms were as generous as in the previous reign. Moreover, examples exist of magnates being permitted to recover terms for payment of debts previously agreed, although the terms had not been kept.¹⁸⁷ In 1297 Fulk fitz Warine was allowed to recover terms specifically because of his service in wars in Wales and elsewhere.¹⁸⁸

183. *Ibid.* p.34.

184. e.g. *C.F.R.* I p.287 12 January 1291 - John de Hastings was granted terms of £20 per annum; *Ibid.* p.457 26 April 1302 - Edmund de Mortimer was granted the same terms for his debts and those of his ancestors.

185. M. Prestwich *English Politics in the Thirteenth Century* pp.42-3.

186. M. Prestwich *Edward I* p.243.

187. e.g. *C.C.R.* 1296-1302 p.238, 29 March 1299 - William de Ferrers was allowed to recover terms of 20 marks per annum previously granted four years earlier (*C.F.R.* I pp.357-8) but not kept; *C.F.R.* I p.411 5 April 1299 - Edmund de Stafford was allowed to recover the terms of £10 per annum granted to his father, Nicholas, which had not been observed during his minority.

188. *C.C.R.* 1296-1302 p.27.

In 1296, when financial problems arising from military expenditure were beginning to escalate, Edward further instructed the Exchequer that all possible means should be employed to collect debts.¹⁸⁹ But over the next eleven years little urgency was shown on the Crown's part, despite the financial problems arising out of the Scottish Wars, in seeking to collect the large debts to the Crown accumulated over a lengthy period of time.¹⁹⁰ Amounts specified for annual repayment are often small in relation to the total sums owed.¹⁹¹ This is hardly surprising when the Crown was tardy in repaying its debts. It was not until 1305 that the King ordered clerks in Gascony to pay wages due to Eustace de Hacche for the years 1296 to 1298.¹⁹² Prestwich points out that Aymer de Valence, owed £2,240 for the campaign against Brus in 1307, did not obtain part payment till 1322, and estimates that the total of the Crown's indebtedness when Edward I died to have been in the region of £200,000.¹⁹³ Many of the creditors were members of the baronage, though because of lack of evidence it is not known who went unpaid. No one group or class appears to have been particularly victimised or favoured.

189. M. Prestwich *Edward I* p.405.

190. Prestwich points out that most of the debts of the Earl of Arundel dated back to the relief imposed on his ancestor William fitz Alan by King John - M. Prestwich *English Politics in the Thirteenth Century* p.42.

191. e.g. *C.F.R.* I pp.357-8, 23/8/1295 - William de Ferrers was to pay 20 marks per annum out of debts amounting to £298; *C.C.R. 1296-1302* pp.235-6 - John de Mohun was granted terms of £5 per annum, although he had acknowledged he was bound to the King in £422 13s. 4d. for money and merchandise in Gascony (E101/6/27).

192. A.P. File 115 No.5719; File 311 No.15557; File 311 No.15556.

193. M. Prestwich 'Exchequer and Wardrobe in the Later Years of Edward I' p.5.

What is apparent is a growing desire on the part of members of the baronage to have debts owed to them paid, or at least set against their debts to the Crown. Requests were made by Robert fitz Walter, William de Grandison and Eustace de Hacche in relation to wages in arrears for service in Gascony.¹⁹⁴ John de Hastings, prior to taking up appointment as Seneschal of Gascony, and Simon de Montacute, in 1305, asked for their debts to be scrutinised and terms for repayment fixed.¹⁹⁵ Prestwich points out the sizeable number of petitions for payment submitted to the 1305 parliament.¹⁹⁶ The expectations of magnates in making such requests and the King in granting them were different. Fitz Walter expected to receive money from the Crown, whereas Edward believed that a balance would still be outstanding.¹⁹⁷ All baronial requests to have the rolls of the Exchequer searched, so that wages due might be set against debts, appear to come from the last ten years of Edward I's reign. Faced with continuing demands for service in Scotland, barons encountered financial difficulties, and sought recompense for service already performed, particularly in Gascony, to fund that being requested. Some instructions from the King to the Treasurer and Barons of the Exchequer carry the instruction to allow wages and other payments due against debts owed, as with Hugh Bardolf in 1299, John de la Mare in 1305, William de Grandison and Geoffrey de Geneville at the Dublin Exchequer in 1306.¹⁹⁸

194. A.P. File 111 No.554; File 49 No.2441; File 115 No.5719.

195. A.P. File 199 No.9940; File 275 No.13750.

196. M. Prestwich 'Exchequer and Wardrobe in the Later Years of Edward I' p.5.

197. A.P. File 111 No.554; C.C.R. 1302-7 p.256.

198. C.C.R. 1296-1302 pp. 239 and 429; C.C.R. 1302-7 pp. 389 and 358.

In 1299 Roger le Strange was to be allowed in debts due at the Exchequer arrears of his fee for the time when he was Justice of the Forest South of the Trent.¹⁹⁹ The King often authorised respite of debts whilst a search was instituted to establish their extent.²⁰⁰

During the last ten years of his reign, there is ample evidence of Edward I cancelling sums due to the Crown. He was probably responding to baronial concern and hoping such action would encourage further service in Scotland. These royal grants are couched in terms clearly delineating them as rewards and are most frequently for service in Gascony. On only two occasions is service to the Crown not mentioned. In 1294 William de Ros was pardoned £50 debts of his late father-in-law, £20 for a default and 100 marks fine for taking deer without a licence.²⁰¹ In 1302 Marmaduke de Twenge was pardoned £40 debts to the King.²⁰² Those specifically rewarded for services in Gascony were Henry de Grey, John de Havering, John de la Mare, Peter de Mauley, John de Mohun, Robert de Tony, John de Tregoz and Hugh de Vere.²⁰³ The sums involved range from £50, loaned to John de Tregoz in 1294 and pardoned in 1304, to the considerable sum of £606 16s. pardoned to Peter de Mauley. Mauley had incurred those debts with Bayonne merchants in costs for service in Gascony. Subsequently he was

199. *C.P.R. 1296-1302* p.254.

200. Examples can be found - *C.C.R. 1296-1302* pp.69 and 239; *C.C.R. 1302-7* pp.1, 248 and 256.

201. *C.F.R. I* p.337.

202. *C.C.R. 1296-1302* p.536.

203. *C.P.R. 1301-7* p.408; *C.C.R. 1296-1302* p.431; *Memoranda de Parlamento* No.3 and *Rot. Parl. I* p.159; *C.C.R. 1302-7* p.264; *C.P.R. 1301-7* p.231; *Ibid.* p.302; *C.C.R. 1296-1302* p.151.

required to remain in London as a hostage. The King cleared this debt from the issues of the Bishopric of Lincoln during a vacancy. Mauley made letters patent to repay the sum, but Edward pardoned the whole amount.²⁰⁴ In 1302 Roger de Mortimer was pardoned £120 for service in Wales.²⁰⁵ In 1307, because of the good service of his son, John, in Scotland, Reginald de Grey was pardoned £151 19s. 6d. out of £301 19s. 6d. in which he was bound at the Exchequer, the residue to be repaid at £10 per annum.²⁰⁶ One example is found of debts cancelled as an incentive. In 1294 William le Vavassour was acquitted of 20 marks in arrears of 70 marks in which he was indebted for the houses which belonged to a Jew of York which were sold to him. This sum is pardoned because he is setting out with the Earl of Lincoln on the King's service to Gascony.²⁰⁷

At least three barons were pardoned all debts due to the Crown, though the real extent of the King's beneficence cannot be gauged, no figures being mentioned. In 1306 William de Leybourne, in consideration of his services in Scotland and elsewhere and Robert fitz Walter, described as the King's kinsman, had all outstanding debts cancelled.²⁰⁸ Both were extensively employed on royal service. Earlier, in 1302, Robert fitz Roger was pardoned all debts at the Exchequer in recognition of his services.²⁰⁹ In 1306 the King took the unusual step of formally thanking him for his service in the

204. *C.C.R.* 1296-1302 p.464 and *C.C.R.* 1302-7 p.264.

205. *C.P.R.* 1301-7 p.324.

206. *Ibid.* p.492.

207. *C.C.R.* 1288-96 p.368.

208. *Ibid.* pp.464 and 466.

209. E368/73/10.

March against Brus.²¹⁰ These actions in relation to fitz Roger are particularly interesting in that he was one of those barons threatened with immediate repayment of all debts in 1295 for refusing to serve in Gascony and was one of the known supporters of Bohun and Bigod in 1297. It may be that cancellation of all debts were the generous actions of a grateful King - but why to these particular *barones*? They may have constituted implicit inducements for further service in Scotland. Explicit examples come from Ireland.

Although none of the *maiores barones* were beneficiaries, the Irish expedition to Scotland in 1303, researched by James Lydon, sheds further light on Edward I's willingness to cancel debts as an incentive for service.²¹¹ Geoffrey de Geneville, though not serving personally, had a major role with the Justiciar, Wogan, in organising the expedition which resulted in over 3,400 men serving under the Prince of Wales in the West of Scotland. The major incentive offered to Irish magnates by the King was cancellation of debts. An indenture made with the Earl of Ulster in November 1302 agreed payment by the Crown for 50 men-at-arms, 100 hobelars and 600 foot to serve under him. De Burgh would provide a further 50 men-at-arms at his own expense for 100 days. The condition for this voluntary service, agreed by Wogan on the King's behalf, was that all debts 'which run in demand against him and his ancestors' must be pardoned under the seal of England. An Inquisition at the Exchequer showed these to amount to £11654

210. *C.C.R. 1302-7* pp.432-3.

211. J. Lydon 'Edward I, Ireland and the War in Scotland 1303-4' pp.43-61.

5s. 6d..²¹² Similar agreements were made with other Irish landholders. For example Peter de Bermingham was to receive for his contingent 200 marks and release of a debt of £460; others such as Walter de Lacy and Reginald Russell were to be paid and to have release of debts amounting to treble their pay, £420 in the case of the latter.²¹³ For those who served, a large number of debts were pardoned in a series of royal letters of munificence, most dated 15 August 1304. The Earl of Ulster was pardoned all his debts at the Exchequer, Dublin.²¹⁴ This shows debt cancellation, which did not cost the King hard cash in the short term, used as deliberate policy in the recruitment of forces to effect the final conquest of Scotland. It corroborates the evidence in relation to English *maiores barones* that Edward I used cancellation of debts as an incentive to service in Scotland as well as a means of rewarding previous service, usually performed in Gascony.

Cancellation of debts by the Crown was not totally spontaneous. Royal action sometimes followed baronial requests. In February 1301 Edward pardoned Havering £297 13s. 4d. for his praiseworthy service.²¹⁵ John de Havering had in fact asked that, since he was imprisoned in France whilst Seneschal of Gascony and stayed there for a great time, at which time merchants of Lucca found expenses for him and for his deliverance £297 13s. 4d., and the King demanded this from him for a debt in which these merchants were bound to the King

212. *C.D.I. 1302-1307* pp.59-62 No.151.

213. *Ibid.*

214. *Ibid.* p.118 No. 340.

215. *C.C.R. 1296-1302* p.431.

at the Exchequer, the debt should be pardoned. He also stressed that he did not take anything from the King for his expenses.²¹⁶ Similarly, in 1305 the King responded to a petition from John de la Mare, seeking his grace of 100 marks which he received of the King's ward for the time when he journeyed to Gascony by the King's order.²¹⁷

Debts cancelled related mainly to those incurred serving the King on military expeditions. But other examples relate to cancellation of sums due to the Crown by barons holding office and being rewarded for good stewardship. Thomas de la Roche was acquitted £259, exacted for arrears of his account for the time when he was sheriff of Cork, in consideration of his good service.²¹⁸ Quittance could result from duties not being performed because other royal service intervened. Robert fitz Walter was acquitted of ferm due from la Bere in Merioneth because of his service in Gascony.²¹⁹ The most significant grant of this kind was to Otto de Grandison, who administered the islands of Jersey and Guernsey quit of ferm for life, with a further five years for the executors of his will after his death.²²⁰ Favourable terms could also be granted by the King for payments of arrears by key officials. Reginald de Grey, the long-serving Justice of Chester, was in 1300 granted terms to pay at £20 per annum the £594.19s. due by him from that office.²²¹ The other side of the coin was the accumulated

216. A.P. File 278 No.13854.

217. *Memoranda de Parlamento*, 1305 No.3; *Rot. Parl.* I p.159; *C.C.R.* 1302-7 p.248.

218. *C.C.R.* 1296-1302 p.147; *C.P.R.* 1292-1301 p.334.

219. *C.C.R.* 1296-1302 p.147 and 1302-7 p.33.

220. *C.C.R.* 1288-96 pp.85-6; *C.P.R.* 1292-1301 p.230.

221. *C.F.R.* I p.426.

arrears of fees due to royal appointees. Arrears of his fee as Justice of the Forest were allowed to Roger le Strange against debts owed to the Crown, and John de Havering petitioned to receive payment for being Justice of Wales, his fee being many years in arrears.²²²

The fact that debts to the Crown were sizeable, and that any requirement to pay them off quickly would have had serious repercussions for individual magnates, is borne out by the much discussed incident in 1295 when Edward demanded immediate payment of all debts due to the Crown to force service out of recalcitrant magnates. This situation arose from Edward's contentious demands for service overseas which, in 1297, was to lead to the rift with the Earls of Hereford and Norfolk. A number of magnates apparently refused in 1295 to go to Gascony, hampering Edward's efforts to reinforce his contingents there. On 23 August writs went to sheriffs to levy forthwith all debts owed by the Earl of Arundel and a number of prominent barons - William de Vescy, Edmund de Mortimer, Robert fitz Roger, Walter de Huntercombe, John de Montfort, Henry de Grey, Philip de Kyme, William Martin, Peter de Mauley and Roger de Monthalt. The threatened action proved effective. Huntercombe, Monthalt and Martin had their names struck from a schedule to the memoranda roll because they were reconciled. Most of the others accepted prests in October to pay for their voyaging to Gascony.²²³ The Earl of Arundel, Grey, Kyme, Huntercombe, Martin and Mauley were among nineteen barons and

222. A.P. File 278 No.13854.

223. *Book of Prests* lxviii. Arundel's debts were known to amount to £5232 and those of Vescy £1019.

knights summoned on 3 October to muster at Plymouth, at which muster their horses would be appraised and payments made to them.²²⁴ This episode shows vindictiveness on Edward's part and his preparedness to use long-standing family debts to the Crown as a stick in contrast to the 'carrot' he offered on other occasions.

Edward I granted a number of magnates favourable terms for execution of their wills. These grants cover three categories - an incentive for service and safeguard against death in that service; a reward for services performed; expenses incurred on the royal behalf. Grants could relate to debts as a whole or with regard to specific property. In 1293 John de Hastings, going to Ireland in the company of the Earl of Gloucester, was granted that, in the case of his death, the executors of his will could hold the manors of Brampton, Huntingdonshire, and Blenham, Bedfordshire, for three years to pay his debts.²²⁵ Grants of this kind are most common in relation to serving in Gascony between 1294 and 1296. Richard fitz John, John de St. John and William de Vescy, going there on the King's service, were granted that, in the event of their deaths, debts would be secured from their heirs and their executors would have free administration of their goods.²²⁶ In providing statistics on such grants, Bean points out that 'over half such grants made by Edward I occurred in the period of his difficulties with his subjects between 1294

224. *P.W. I.* p.269.

225. *C.P.R. 1292-1301* p.31.

226. *C.C.R. 1296-1302* p.120; *C.P.R. 1292-1301* p.83; *Ibid.* p.168.

and 1301'. He further argues that such a concession was given 'to those whose services had been of special value to the King'.²²⁷ In the grants made to Roger la Warre and Henry de Grey in the event of their dying in service with heirs under age, their executors were to be allowed to hold specific manors for a fixed term for the execution of their wills.²²⁸ Bean points out that it was exceptionally difficult to get a privilege of this kind, only 26 individual grants being recorded between 1216 and 1485. Six of these, of which 5 specify service about to be performed in Gascony, date from 1293-6. 'Few of the country's landowners benefited from royal bounty of this type.'²²⁹ This demonstrates Edward's willingness to use extraordinary incentives to secure the service of certain barons overseas. Robert fitz Walter had been licenced to lease some of his lands to farm for two years, as he was going to serve the King in Gascony. In the event of his death there, with a minor as heir, the lessees should continue to hold the lands with the executors receiving the ferm.²³⁰ In 1303 a more extensive grant was made to fitz Walter, in consideration of his great expenses in the King's service. In the event of his death, leaving an heir under age, the executors of his will were to hold manors in Norfolk and Suffolk for four years for the payment of his debts and the execution of his will.²³¹ A more limited, but poignant grant, was made to Roger le Strange in 1306, in consideration of his

227. J.M.W. Bean *The Decline of English Feudalism 1215-1540* p.34.

228. *C.P.R. 1292-1301* p.152; *Ibid.* p.87; *P.W. I.* p.269.

229. Bean *op.cit.* pp.37-8.

230. *C.P.R. 1292-1301* pp.84-5 and 88.

231. *C.P.R. 1301-7* p.154.

long service and great expense in the King's service. After his death his executors were not to be impeded by debts to the King from having sufficient resources to bury his body and perform his obsequies in a fitting manner.²³² Grants could be made to executors direct. In 1305 those of William le Latimer were to have administration of goods taken into the King's hands by reason of debts due from him to the Exchequer, upon their finding security. Various sheriffs were also to allow them respite of debts.²³³

An interesting example can be found of the King assisting a *maior baro* to recover debts from others. John de Engayne was helped by Edward in 1297 because he was faithfully and loyally serving him in Gascony. In a letter to his son and Council, from Ghent in November, he relates that certain people have debts to Engayne, and that the relevant obligatory letters should be diligently looked into and action taken to ensure that these debts should be paid to him or his attorney as soon as possible.²³⁴

Barons could look to the King to grant feudal rights and taxes. Many of these represented standard practice and their being due was a matter of record. This is true of the granting of scutage after the examination of relevant rolls to show that service had been provided. However, Edward was keen to keep firm control and requests often had to be made and rigorous investigation carried out for grants of scutage to be

232. *Ibid.* p.472.

233. *C.C.R.* 1302-7 p.267.

234. SC1/45/102.

forthcoming. In 1307 Walter de Huntercombe had to petition for remission of scutage and the right to raise it from his tenants, describing in detail his service in the Scottish Wars from 1296.²³⁵ His petition was granted. In 1305 a number of barons, the King having caused cities, boroughs and demesnes to be tallaged, were granted reasonable tallage, of their tenants in specified boroughs and manors, if they were at any time royal demesne and were wont to be tallaged.²³⁶ Grants are also to be found of weekly markets and annual fairs, free warren and similar rights and privileges, often explicitly granted because the recipient is serving the King. These were marks of royal favour, for example to John ap Adam in 1298.²³⁷ But some followed baronial requests.²³⁸ A few examples can be found of the right to levy local taxes. John de Hastings was granted in 1295 murage for six years to wall his town of Abergavenny.²³⁹ In 1305 Robert de Clifford was granted pontage for Tendebury for five years and, following a petition from him, William le Latimer Jun. received a grant for three years to repair a broken bridge over the Tees.²⁴⁰ In Ireland in 1290

235. A.P. File 1 No.45; *Rot. Parl.* I p.194 No.19; *C.C.R.* 1302-7 p.485.

236. *C.C.R.* 1302-7 pp.350-2 - baronial recipients of tallage were Hugh le Despenser, John de Hastings, Robert fitz Roger, Henry de Lancaster, John Lovel, Henry de Percy, Fulk fitz Warine Jun. and John de Segrave.

237. *C.Cha.R.* Vol.II p.471. Other recipients of weekly markets and annual fairs included John de Beauchamp, J. Batten 'The Barony of Beauchamp of Somerset' *Proceedings of the Somersetshire Archaeological and Natural History Society* Vol.136 1890 p.39; Otto de Grandison *C.D.I.* 1293-1301 p.310 No.646.

238. A.P. File 200 No.9961, *Rot. Parl.* I p.203 No.71 and *C.Cha.R.* 1300-26 p.81 in relation to Hugh le Despenser; A.P. File 53 No.2633 and *C.Cha.R.* 1300-26 p.82, free warren to Henry Huse.

239. *C.P.R.* 1292-1301 p.144.

240. *C.P.R.* 1301-7 p.203; A.P. File 9 No.434, *Rot. Parl.* I p.468 No.45 and *C.P.R.* 1301-7 p.389.

Geoffrey de Geneville was permitted to take customs for seven years to enclose his vill of Trim for the better security of Ireland.²⁴¹

There are also examples of Edward favouring members of the baronage regarding feudal dues, notably relief. Evidence follows the same pattern as that of debts owed to the Crown. In 1290 arrangements were made with Hugh Bardolf for the payment of relief due of £140 in instalments.²⁴² A similar arrangement for relief due, for both his father and himself, with Peter Corbet dates from 1285.²⁴³ Complete pardon of relief or arrears was granted, as with Thomas de Berkeley acquitted of 50 marks arrears in 1291 and the total amount due from Walter de Faucomberge in 1305.²⁴⁴ In the same year, William de Grandison and his wife, the daughter and co-heiress of John de Tregoz, were pardoned what pertained to the King of the relief of their pourparty.²⁴⁵ One grant was specifically in consideration of service in Scotland. In 1304, Henry de Lancaster and his wife were pardoned relief due for lands of Hawisia de London, the aunt, and Payn de Chaworth, uncle, of the wife, whose heir she was.²⁴⁶ Edward was also prepared to urge others to respite relief due by barons on important royal service. In 1298 he requested both the Earl of Norfolk and Robert de Tateshale to respite till Hugh de Vere's return from Rome, where he was going 'for the common benefit of the realm

241. *C.D.I.* 1285-92 pp.277-8 No.560.

242. *C.F.R.* I p.285.

243. *Ibid.* p.221.

244. *C.C.R.* 1288-96 p.171; *C.P.R.* 1301-7 p.308.

245. *C.P.R.* 1301-7 p.200.

246. *Ibid.* p.188. In 1299 they had been respited the relief -
C.C.R. 1296-1302 p.274.

by the King's special order', the demands they made on him and his wife for relief for lands held of them. In the same calendared entry, Vere was acquitted of £600 due for divers imprests made to him in Gascony.²⁴⁷

In summarising this section on financial rewards for service, some general points can be made. Some of the King's largesse was for specific service, particularly in Gascony and Flanders on military expeditions from 1294 onwards. Cancellation of debts, favourable terms for settlement of debts, concessions to executors of wills if magnates died overseas and other financial benefits often relate to that service. The obverse, Edward's crude attempt to bully barons into serving by levying all debts due to the Crown also related to Gascony. This reflected the difficulties the King experienced in persuading sufficient *maiores barones* to serve overseas and was a recognition that he was skating on thin ice in attempts to insist upon such service. His gratitude for performance of that service is seen in the cancellation of debts for expenses incurred in Gascony and Flanders. Of even greater significance are the incentives and concessions offered. Examples of inducements, rarely paralleled in relation to other campaigns, abound. Between 1294 and 1297 seven barons, Amaury de St.Amand, John de la Mare, John de Moeles, Alan de Plucknet, Aymer de Valence, Richard fitz John and William le Latimer, were granted free use of houses belonging to the King for residences for their wives and families whilst they were overseas on the King's service,

247. *Ibid.* p.151.

mainly in royal castles.²⁴⁸ In what may seem a duplication, St.Amand was also in 1294 appointed to the custody of the corpus of Marlborough Castle, so that his wife could dwell there.²⁴⁹ No similar grants relate to any other period in Edward I's reign.

There are examples of licences granted by Edward allowing magnates to make arrangements to assist them, primarily financially, in serving him. Because John de St. John had set out for Gascony in 1294, the Constable of Dover Castle was ordered to supersede the demand upon him for construction of houses in that castle 'or as long as he shall be on the King's service'.²⁵⁰ In 1294, going to Gascony on the King's service, Fulk fitz Warine was licensed to demise the manor of Waneting to Henry Huse. This demise would retain full force if he died leaving an heir under age.²⁵¹ In 1297, going to serve the King overseas, Hugh le Despenser, John de Engayne, John de Beauchamp, John de Hastings, William de Leybourne and Robert de Monthalt were all allowed to demise lands for periods, varying from three years to life.²⁵² In addition, Hastings was licensed to assign for life to his eldest son lands to the value of £60 per annum.²⁵³ In 1294 Robert fitz Walter, John de L'Isle and John Wake were

248. *C.C.R. 1288-96* p.391; *Ibid.* p.471; *C.C.R. 1296-1302* p.63; *Ibid.* p.58; *Ibid.*; *C.P.R. 1292-1301* p.155; *C.C.R. 1288-96* p.391. Whereas the others were granted houses, fitz John was actually granted the the corpus of Rockingham Castle, except for the prison, for this purpose.

249. *C.P.R. 1292-1301* p.77.

250. *C.C.R. 1288-96* p.372.

251. *C.P.R. 1292-1301* p.86.

252. *Ibid.* pp.292, 305-7, and 314.

253. *Ibid.* p.401.

permitted to let lands to ferm for two, three and six years respectively.²⁵⁴ In 1295 de L'Isle's grant was extended to all his lands for five years.²⁵⁵ Two years later, Edmund, Baron of Stafford, received a licence to let his manor of Stafford to whomsoever he will for eight years.²⁵⁶ In a variation on this theme, John de Greystoke was in 1294 allowed to demise for life certain lands to those going to Gascony in his room.²⁵⁷ A licence after the event was afforded to John de Rivers in 1300 to demise for life the park of his manor of Staneford to aid him in acquitting debts incurred by him to divers Gascons.²⁵⁸ In 1294, because of ongoing service to the King overseas, Henry de Urtiaco was allowed to sell 60 acres of wood and Roger de Mowbray to grant 16 acres of waste in fee simple. In 1295 Hugh Bardolf was allowed to sell wood to the value of £100 in Gretham wood within the King's forest of Wolemere and Hugh de Vere in 1298 to sell 100 marks worth of wood.²⁵⁹ Similar licences are to be found later in the reign, but are less numerous. Moreover, justifications for these later licences are rarely specified. Only two are for service about to be undertaken in Scotland. Alexander de Balliol was licensed to sell wood to the value of £100 in 1298, and in 1300 Robert de Monthalt was authorised to demise land and rent to a yearly value of £100 for six years.²⁶⁰

It would appear that, between 1294 and 1297, Edward I was

254. *Ibid.* pp.84-5, 80 and 96.

255. *Ibid.* p.157.

256. *Ibid.* p.288.

257. *Ibid.* pp.84-5.

258. *Ibid.* p.503.

259. *Ibid.* pp. 127, 96, 147 and 345.

260. *Ibid.* pp.389 and 503.

highly sympathetic, at the least, to baronial requests for licences, which would aid them in serving him abroad, or, more positively, welcomed or invited requests in the interests of his Gascon and Flemish exploits. Specifically in relation to licences to alienate, Bean highlights a sudden rise in the number granted from 1294. Although he sees a financial motive, the creation of a new incident of feudal tenure through fines for licences, he also saw licences being granted to encourage or reward service.²⁶¹ Edward was motivated by the need to encourage baronial service overseas. Bean identifies thirty-three licences from 1294 onwards specifically mentioning service, of which thirty were because of service overseas.

The great majority of licences granted outwith 1294-7 were unrelated to service. They are routine, often granted in return for a fine or after an inquisition *ad quod damnum*. They relate mainly to minor issues of landholding, felling of trees and enclosing of farm land. A few do rise from service to the Crown. One licence was specifically related to a royal appointment. On being made Constable of Castell-y-Bere in 1293, Robert fitz Walter was permitted to hunt stags and all kind of deer within Merioneth and take and carry them away during tenure of that office.²⁶² On 26 April 1298 Roger de Mortimer was licensed to hunt within the King's forests and chaces both sides of the Trent whilst en route to join the King at York at the King's command.²⁶³ Although Gascon service is not mentioned, it is reasonable to assume that the licence

261. Bean *op.cit.* pp. 75-9.

262. *Ibid.* p.28.

263. *Ibid.* p.346.

granted to John Wake's widow, Joan, to demise for six years the manor of Deping in 1302 for the discharge of his debts had the same motivation as that to John de Rivers in 1300.²⁶⁴ Wake setting out for Gascony in 1294 had been licensed to demise land for seven years.

If one includes barons whose financial rewards were for specific services, such as military in Gascony, and considers those favoured for services rendered in a more general context, there are few surprises. The names that appear and re-appear in the records are those who gave loyal service to Edward I for a lengthy period of time. They include the royal favourite, Otto de Grandison; long-serving officials such as Reginald de Grey, Hugh le Despenser and Roger le Strange; those who advanced in status through royal service, Eustace de Hacche and Bogo de Knovill; those employed largely on duties abroad, Geoffrey de Geneville and John de Hastings; and those involved in various aspects of the King's incursions into Scotland, such as Robert de Clifford, Robert fitz Walter, Aymer de Valence and Robert fitz Roger. What will never be explicit, except in a few documented cases, is how tangible financial rewards were. Did the barons receive what was promised? Were some grants merely royal declarations of intent? How meaningful was the setting of debts owed by the Crown against those owed at the Exchequer, many of which stretched back into the mists of time and whose collection was at the best intermittent and in relatively small amounts?

264. *C.P.R.* 1301-7 p.73.

Wages and Fees

The same questions can be asked, without definitive answers in relation to the most direct of rewards for service, payment of wages and fees. On occasion, agreement as to terms were reached between those providing service and the King and Council. These could be the level of fees for specific offices or rates of pay and expenses for undertaking military duties. Evidence as to actual payment is fragmentary. A considerable amount of the estimated £200,000 owed by the Crown on Edward's death must pertain to such duties. Payments due by the Crown were often made after many years had elapsed, and fees owed to royal officials were often considerably in arrears. In such circumstances it was highly convenient for Edward to set sums due against long-standing family debts owed to the Crown.

When the King appointed anyone to an official post under the Crown, the fee, with other terms and conditions, was usually stipulated. This can be seen in appointments as constables of castles, Justices of the Forest, and individual offices such as Justice of Chester. The same is true of some military appointments, in the form of indentured agreements, whereby detailed arrangements were made of the service to be undertaken, its duration, the number and range of men to be provided and the fees and rates of pay applying. The earliest example relates to John de Segrave's safe-keeping of the March in 1286, his account for wages referring to "a certain indenture between the King and the said John, agreed

at Westminster 28 April 1286'.²⁶⁵ A number of such agreements date from November 1300, the most important being between the King and Council and John de St. John as Captain, Guardian and King's Lieutenant in the South-West of Scotland. Full details are given of the number of men involved from men-at-arms through to the blacksmith and his boy, payments to be made and when.²⁶⁶ A similar indenture was with William le Latimer for the guard of the castle and town of Berwick.²⁶⁷ A further document covering the same period gives virtually identical information to that contained in the indentures, but details payments actually made on the Octaves of St. Hillary, including £133 6s. 8d. to St. John personally and £66 13s. 4d. to Latimer.²⁶⁸ On 12 February 1302 the pattern of indentures for service in Scotland was repeated, although clear delineation exists as to what was to be paid for by the King in wages and what at the other party's expense in return for a set fee. The most important was with Aymer de Valence but other *maiores barones* also contracted indentures - Edmund de Hastings as Warden of the town of Berwick; John fitz Marmaduke for the safe keeping of lands of the Earl of Lincoln; Alexander de Balliol for keeping the Forest of Selkirk, but, unlike the others, totally at his own cost.²⁶⁹ Outwith Scotland a similar agreement was made in August 1302 with John de Hastings prior to his taking up appointment as King's Lieutenant and Seneschal in Gascony.²⁷⁰

265. E101/6/12/2.

266. E101/68/1/7 (C.D.S. II No.1170).

267. E101/61/1/8.

268. E101/9/1.

269. E101/68/1/21, 17, 19, 22 and 24 (C.D.S. II Nos.1286, 1287 and 1290).

270. E101/68/1/25.

In attempting to ascertain the overall level of financial reward for serving the Crown, and to assess both the benefits accruing and the certitude of receiving payments due, it is instructive to consider one leading magnate, for whom a significant amount of evidence can be found. Robert de Clifford's service to the Crown covered both appointments for which specific fees were laid down, and appointments in relation to Scotland, where agreed terms for service applied with specified rates of pay. From August 1297 he was Justice of the Forest, North of the Trent, was twice Keeper of the Liberty of the Bishopric of Durham and, in 1298, was appointed Constable of Nottingham Castle.²⁷¹ He was regularly involved from 1296 with Scottish affairs, being described variously as Guardian of the March of Scotland, Captain of the Counties of Cumberland, Westmorland and Lancaster and Keeper of the castles of Lochmaben and Annandale.²⁷² Two documents survive in relation to Clifford's activities in Scotland, the scope of his operations and the size of his retinue receiving wages. The first comes from 2 April 1296, Clifford having been ordered to have 100 men-at-arms and 500 foot, at a fixed sum for the defence of the March of Scotland, in specified areas of the border.²⁷³ The second is described as an indenture of 2 January 1300 for serving under St. John at Lochmaben with 30 covered horses at a fee of 500 marks sterling with compensation for lost horses.²⁷⁴

271. *C.P.R. 1292-1301* p.306; *C.P.R. 1301-7* pp.49 and 423; *C.P.R. 1292-1301* p.355.

272. SC1/25/41, 42 and 180; E101/684/44; *C.P.R. 1292-1301* pp.312, 315 and 387.

273. C47/22/2/2 (*C.D.S. II* No.374 and *Stevenson II* pp.36-7).

274. C47/22/2/51 (*C.D.S. II* No.1124 and *Stevenson II* pp.407-8).

Little can be said of Clifford's tenure of Nottingham Castle, his appointment being on the same conditions as the previous holder.²⁷⁵ With regard to his Justiciarship of the Forest, this post carried an annual fee of 100 marks. In July 1302, the King ordered from the Treasury delivery of 500 marks for his arrears of fee from Michaelmas term 1297 onwards.²⁷⁶ Whether this was actually paid or the fees for 1302-7 is a moot point. However, when Clifford petitioned for arrears of wages and his fee as Keeper of the Liberty of the Bishopric of Durham, he did not mention his fee as Justice of the Forest.²⁷⁷ Clifford was appointed Keeper of the franchise of St. Cuthbert on two occasions. His petition, to which a detailed response in the form of an order to the Treasurer and Barons of the Exchequer was made in December 1305 to account with him for the tenure of the Liberty from July 1302 to July 1303 and to pay arrears of £46 19s. 11d. of his fee of 200 marks, claimed this amount.²⁷⁸ It appears that only part of the fee had been paid following Edward's instructions to the sheriff of Durham to pay him in November 1302.²⁷⁹ Further instructions from 1 January 1305 to the Exchequer to pay him arrears appear not to have been acted upon.²⁸⁰ On 1 May 1306 the sheriff of Durham was authorised to pay a proportion of his fee on the Liberty being re-committed to his keeping.²⁸¹ Clifford's experience with tardy receipt of fees due from an office under the Crown appears to be the norm for the later years of Edward I's

275. *C.P.R. 1292-1301* p.355.

276. C62/78.

277. A.P. File 279 No.13909.

278. *C.C.R. 1302-7* p.359.

279. *C.C.R. 1296-1302* p.567.

280. *C.C.R. 1302-7* p.232.

281. *Ibid.* p.381; *C.P.R. 1301-7* p.423.

reign.

It is possible to put together a partial picture of what Clifford was due for service in the March and Scotland, and how much he received. In addition to entries relating to Clifford in various rolls of payments for the Scottish Wars, two detailed accountings survive. An undated document, which would appear from internal evidence, to come from 1300, gives full details of what is owed to Clifford for service between 1298 and the document being written.²⁸² Payment for his robes and fee as a household knight for 1299 and 1300 totalling £21 6s. 8d. are included, as is a total of £41 6s. 8d. for restitution of five horses lost in the King's service, and £6 13s. 4d. said to be for his good service. The bulk of the money due was for defence of the March. £325 17s. 4d. for Clifford with 60 armed horse covered the period from Michaelmas 1298 to 3 August 1299, when he stayed in Cumbria and adjacent parts by an indenture made with the King. A further £333 6s. 8d. was for similar service, but with 30 men-at-arms, from 12 January to the nativity of St. John the Baptist 1300. A sum of £300 of the King's gift was recompense for damages he suffered and to supplement the sum to cover the period in 1298-9 for which the indenture referred to above was made. The total due came to £1028 10s. 8d. Details are then given of payments made in 1299 and 1300, both in cash and in victuals delivered to him at Carlisle. Cash payments totalled £808 13s. with provisions to the value of £137 4s. 10d..²⁸³

282. E101/7/19.

283. The accounting refers to £137 4s. 10d., but the separate list of victuals delivered by Abingdon gives the amount

These receipts of £945 7s. 10d. left £82 12s. 10d. outstanding.

In a long roll of payments to barons and knights for service in Scotland, there are two entries relating to Clifford. The first details wages due for him and a retinue varying in strength from 4 knights and 18 esquires to 2 knights and 10 esquires for various periods from 6 July to 7 September amounting to £77 16s., and for restoration of lost horses £31 6s. 8d., a total of £109 2s. 8d..²⁸⁴ He received in cash £32, which would seem to be the amount paid in 1300 or 1301 for ten esquires in a list of payments to those serving with John de St. John from Dumfries and Lochmaben, although the 64 days covered are said to be 29 August to 31 October.²⁸⁵ He also received provisions to the value of £57 14s. 4d., leaving a balance outstanding to him of £19 18s. 4d.. The second entry picks up this amount, plus the £82 12s. 10d. for the account made for his stay at Carlisle and the surrounding parts for keeping the Scottish March.²⁸⁶ Additional wages from 18 October to 3 November for himself, 4 knights and 11 esquires amounted to £19 11s., giving a total owed of £121 12s. 2d. Payments made in October and November 1301 left outstanding £2 18s. 10d..

as £117 4s. 10d.. The difference is explained by E101/684/44/4, letters patent acknowledging receipt from Abingdon of £20 of silver in part payment of his wages, 17 July 1299.

Some of the cash receipts can also be confirmed from other rolls. E101/355/10 lists the two payments of £10 each, paid to Clifford's clerk.

284. E101/7/11/7.

285. E101/13/34/11.

286. E101/7/11/5d.

The second document dealing exclusively with Clifford covers service in Scotland in 1303-4. It is an accounting made with his clerk, Henry de Waterfall, and his valet, John de Penrith, at Westminster on 27 March 1305.²⁸⁷ Although fees and robes are again included amounting to £28 10s., and restitution of horses worth £53 6s. 8d., the bulk of the total due, £521 19s. 8d., represents wages for his retinue, which again varied from himself, 16 knights and 18 esquires to a knight and 8 esquires. The period covered is 19 May 1303 to 1 August 1304. The rates of pay were 4s. per day for Clifford, 2s. for each knight and 1s. for each esquire. The accounting reveals that he was paid £32 13s. 4d. in 1303, and £114 in 1304 in cash. Payment in kind through victuals and wine brought his remuneration to £341 19s. 8d., leaving owed to him £180. This accounting is referred to in the Close Rolls.²⁸⁸ The Treasurer and Barons of the Exchequer are informed of the £180 due plus £46 19s. 11d. arrears of his fee for the guardianship of the Liberty of the Bishopric of Durham. They are to inspect the account with Waterfall and Penrith, and to account with Clifford for his keeping of the Liberty. If they find the sums mentioned to be in arrears, they are to allow the £226 19s. 11d. against the £257 9s. 4d., in which Clifford and four others are bound to the King by recognizance made at the Exchequer for Samson de Gretham. Clifford had asked that this be done.²⁸⁹

Apart from an undated list of household forces and

287. C47/3/52/8.

288. *C.C.R. 1302-7* p.359.

289. A.P. File 279 No.3909.

payments made, in which Clifford, with twenty men-at-arms, received 20 marks²⁹⁰, which cannot be tied in with any of the accountings discussed, one further sizeable payment for Scottish service was authorised. From 1306 there is a schedule of advances on account of wages for Valence's expedition against Brus.²⁹¹ Clifford, with forty men-at-arms, serving with Henry de Percy, based at Carlisle, received £100. John de Sandale, Chamberlain of Scotland, was ordered to continue paying wages to those serving, but subtracting the advances from their first wages.

The evidence has obvious gaps. There are no details for payments for Scotland for the years 1296-7, though such there must have been, given the indenture for defence of the March of April 1296. There is reference in one of the accountings to £39 19s. 8d., being the arrears of the account made with Henry de Waterfall for Clifford at Stepney in 1299.²⁹² There is no evidence of payments for service in 1302, nor of further wages after the advance in 1306. Nonetheless, because of the individual accountings, a clearer picture exists of the financial relations between the Crown and Clifford than for most other magnates serving in Scotland. He received payment fairly regularly for the service he had contracted to provide, and meticulous detail is given of the size of his retinue at any given time. What is perhaps significant is that a far greater proportion of the payments in 1303-4 were in provisions than for the earlier period. The balance

290. E101/371/8/18.

291. C47/3/52/9.

292. E101/7/19.

outstanding on accountings was not sizeable in relation to the total due, though significantly greater in 1305 than in 1301, a reflection of Edward's difficulties in continuing to fund his Scottish activities. The growing financial problems of the King are emphasised, as are Clifford's requirements to be paid, by his having to petition for arrears in 1305. Barons leading retinues required funds to pay their men and retain their service. They could not afford to let arrears mount up in the way they did for other duties, as in Clifford's case as Justice of the Forest between 1297 and 1302. The final agreement with Clifford, setting his arrears against money owed to the Crown underlines Edward's growing use of this practice to avoid parting with hard cash. Fairly regular payment for military service was essential if barons were to continue providing it. Such payments were regarded as necessary to meet expenses, rather than rewards for service. It is doubtful if pay motivated baronial involvement in Scotland. The sense of feudal duty and general loyalty to the Crown, the enjoyment of successful campaigning, the prospects of booty and, perhaps, rewards of lands would be of greater import.

Indentured agreements between the King and Council and individual barons and knights are extremely important in demonstrating the relationship between the King and those carrying out specific military duties in Scotland, and in showing the rewards agreed for such service in fees and wages. They demonstrate what was required to maintain retinues for castle garrisoning and forays, and what payments were to be

made. Crucial both to the effectiveness of such retinues and the financial well-being of those making the indentures, was the extent to which agreed terms were adhered to by the Crown. Fortunately some pay roll and accounting evidence survives relating to indentures made in 1300.

By the indented agreements of November 1300 John de St. John became King's Lieutenant in the South West of Scotland and William le Latimer was the Keeper of the castle, town and county of Berwick.²⁹³ St. John died in September 1302 and Latimer's responsibilities at Berwick, certainly for the town, were taken over by Edmund de Hastings, with whom an indenture of November 1302 was for remaining warden of the town of Berwick.²⁹⁴ It is also clear from other evidence that St. John and Latimer took up their duties before the date of the recorded indentures in 1300, St. John as early as January that year.²⁹⁵ Moreover, St. John was still in post when he died, well after the end of the period specified in the indenture.²⁹⁶ This complicates any analysis of payments made. Payments to St. John's executors and difficulties in relation to undated

293. E101/68/1/7-8 (*C.D.S.* II Nos.1170-1) and E101/9/1.

294. E101/68/1/17 (*C.D.S.* II No.1286).

295. e.g. C47/22/9/61 (*C.D.S.* II No.1127), 5 January 1300 - instructions to Abingdon to pay wages to John de St. John fulfilling this role; *C.P.R.* 1292-1301 p.484 - writ of aid to all people for St. John in Annandale, Galloway and the adjacent parts as King's Lieutenant there; E101/9/1 indenture refers to Latimer 'staying as Warden of the castle, town and county of Berwick'.

296. *C.C.R.* 1296-1302 p.545 15 August 1302 - an order went to him as King's Lieutenant in Scotland regarding rents in the shrievalty of Roxburghshire. A document relating to Scottish castles and their garrisons a.r.30 lists the retinues with St. John at Lochmaben and Dumfries, but has no mention of Latimer. Edmund de Hastings has a force for the custody of the town of Berwick, and John Burdon for the custody of the castle and the sheriffdom.

payments, which could have been to his son, must also be taken into account. The agreements with these barons were divided into two parts. They were both to be paid a fee from 9 November 1300 to Pentecost next, St. John 700 marks for himself and his own retinue of forty covered horse; Latimer for himself and thirty covered horse was to receive 400 marks. In addition St. John was to receive wages amounting to £22 4s. 6d. weekly for the troops and tradesmen assigned to him for the castles of Lochmaben and Dumfries. Latimer for Berwick would have £14 11s. 8d. per week to pay those provided for him by the King.²⁹⁷

The nature of the documents relating to Scottish payments to St. John and Latimer vary. A number of individual payments are recorded for the former. In October 1300 Alex de Convers made payments for knights, esquires and one banneret, Edmund de Hastings, in the company of St. John for ten days, totalling £29 15s., plus various sums to foot soldiers and for victuals.²⁹⁸ Some payments appear to be for the retinue of 40 covered horse, provided by him in the indenture of November 1300. Two hundred marks are received in an undated document as his fee from the Octaves of St. Hilary.²⁹⁹ Further payments combine elements of that fee together with additional forces paid for by the King. Arrears of wages from the end of Pentecost to 31 August, along with compensation for lost horses totalled £139 8s.. His knight, Thomas Paynel, was paid

297. E101/9/1.

298. E101/8/17.

299. E101/13/34/18 These would appear to be the same payments as those registered in dorso of the record of the indentures of 9 November 1300 (E101/9/1).

£268 8s. at Roxburgh on 30 August (probably 1302) for St. John, a banneret, 10 knights and 40 esquires, staying in his company to make forays from Dumfries and Lochmaben for 61 days from 1 September (1301).³⁰⁰ It is by no means clear whether this covered a different period or not from the £297 12s. recorded as paid to him for his wages with 3 bannerets, 12 knights and 57 esquires from 29 August to 31 October, a period of 64 days.³⁰¹ There are also records of victuals delivered to him from the King's store at Berwick and elsewhere.³⁰² Payments were also made to Thomas Paynel after St. John's death - from Dalilegh £40 in part payment of £100, witnessed morrow of St. Barnabas 1303.³⁰³ The King had on 25 October 1302 authorised Dalilegh to pay the executors of St. John £100 wages from Pentecost till 31 August 1302 out of the issues of Scotland.³⁰⁴ Again on 20 January 1304, Paynel, as St. John's executor, acknowledged receipt of £40 in part payment of expenses in the Wardrobe due to St. John at his death.³⁰⁵ The above is fragmentary but is supplemented by a detailed accounting made with St. John.³⁰⁶

This shows that the indenture of November 1300 was the second continuation of an earlier agreement. It refers to an agreement of 6 January 1300 to run from then to the feast of St. John the Baptist, with St. John as Captain and Custodian of the March of Cumberland and Annandale for 700 marks. A

300. E101/9/13.

301. E101/13/34/11.

302. e.g. E101/684/42/38; E101/7/13/A1 and A2.

303. E101/684/44/15.

304. E101/684/44/16.

305. E101/684/44/17.

306. E101/7/11/8.

further identical agreement was made on 30 August to run till 9 November and presaged the indenture of that date by adding 'and then staying till Pentecost next'. There is no reference, as in the indenture, to additional forces to be provided by the King at royal wages. But, in addition to his 700 marks fee he was to receive on each occasion £413 12s. for 'certain secret expenses'. This accounting, which covers wages from 28 December 1299 up to the January agreement, then his fees and secret expenses arising out of the January and August agreements with the King and Council, plus wages for his retinues in the period between the agreements, and sums for restitution of horses, appears only to cover the period up to 9 November 1300. The total of this account comes to £2453 8s. 2d., and also incorporates the 1,000 marks which the King had gifted him for acquittance of debts encountered when he was imprisoned by the King of France. Details are provided of all payments made to him, both in cash and provisions, mainly at Carlisle throughout 1300-1, the last recorded payments being in February 1302. This was an accounting for all moneys owed to and paid to him for a.r. 28 Edward I.³⁰⁷ At the end of the year he was still owed £556 19s. 10d. 'which was allocated to him in his account of the year 29 as appears by book of his account of that year and was thus paid.' Unfortunately, the detailed accounting for that year appears not to be extant and it is to it that the various payments identified previously from 1302-4 undoubtedly refer. One cannot, therefore, demonstrate whether St. John received the amounts

307. It incorporates £60 paid on 30 December, contained in a partial roll of payments for a.r.26 - a.r.28 Edward I - E101/355/10.

agreed in indentures for Scottish service in full. In the account for a.r. 28 there was a shortfall amounting to about £100 less than the quittance granted for his imprisonment by the King of France. It can be argued that his Scottish service was paid in full but many of the payments were made months and some over a year after the service was performed. St. John would be considerably out of pocket and those serving under him would be considerably in arrears. Evidence shows that St. John was having difficulty in meeting his commitments. In a letter to Manton, Cofferer of the King's Wardrobe, of 27 August he urges earnestly that he should be paid the arrears due to him at Pentecost last and up till All Saints, and asks that the money be quickly handed over to Sir Thomas Paynel.³⁰⁸

There is no accounting with William le Latimer and documents listing payments made to him are undated. Even utilising internal evidence, it is difficult always to ascribe the correct year. Certainly two detailed entries relate to service before any indenture agreed with him. In 1299 he acknowledged receipt of victuals from the King's store at Berwick on 28 October, and on 2 September he received £60 expenses for his stay there.³⁰⁹ Two documents refer to receipt of his fee, as per the November 1300 indenture, one up to the Octaves of St. Hilary and the other from that date, on each occasion £66 13s. 4d..³¹⁰ The first also records a payment of £122 18s. 4d. as wages for 220 foot, of whom 50 were crossbowmen, for 59 days from 24 December to 20 February. This

308. C47/22/9/133 (C.D.S. II No.1218).

309. E101/684/23/1 and 5.

310. E101/9/1 and E101/13/34/18.

would appear to relate to the indenture, by which he was to receive £2 1s. 8d. per week for 220 foot, composed of 50 crossbowmen, 150 archers and 20 foot in the castle of Berwick.³¹¹ The amount received is exactly equivalent to 59 days at £2 1s. 8d. per day. He also received victuals in 1301 via Peter de Chichester.³¹² The most comprehensive evidence for payments to Latimer comes from John de Weston's account as paymaster for the garrisoning of the town and castle of Berwick and other Scottish castles a.r. 29 Edward I.³¹³ A fee of 200 marks is recorded as paid to Latimer. Along with the two payments of £66 13s 4d. referred to above, this covered his total fee for the period of the indenture. Wages paid to Latimer from 20 November to 21 May of £385 16s. 6d. roughly equates to payments of £2 1s. 8d. per day for that period. This assumes that the payment of £122 18s. 4d. is absorbed into Weston's final account. Further payments are recorded for the garrisoning of Berwick from 21 May to 19 November but are not listed as being made specifically to Latimer. It could be assumed that his service there ended at Pentecost were it not for a further entry in Weston's accounts of £22 paid to Latimer for the custody of the town and castle of Berwick from 12 June. It appears that Latimer was paid in full for the service undertaken by the terms of the November 1300 indenture. A further payment of £99 14s. for himself, a banneret, 5 knights and 14 esquires from 29 August to 31 October apparently relates to later in 1301 when his personal

311. E101/9/1.

312. E101/7/13.

313. E101/9/9.

retinue was no longer covered by an annual fee of 400 marks.³¹⁴ Two payments of £20 in September 1301 by Weston made at Berwick for Latimer, staying at Roxburgh with men-at-arms, was for continued service after he had demitted responsibility for Berwick.³¹⁵ In his account Weston records two receipts of payment made to him by Latimer in May and June totalling £96 but with no reason specified.

In looking at evidence for payments to St. John and Latimer, one is not comparing like with like. Different kinds of records are involved. The detailed information for the former relates to a.r. 28 Edward I, whereas that for the latter primarily covers the following year. Nonetheless it appears that Latimer was paid in full for indentured service for the custody of Berwick. St. John was in arrears for his duties as Lieutenant operating from Dumfries and Lochmaben. A more general view as to how far barons were paid in full for Scottish service can be sought by considering other accountings in the lengthy roll of payments for a.r. 28 Edward I. These were primarily for Scottish service but some entries relate to fees and robes and even service in Flanders in 1298.³¹⁶

Most entries deal with wages for specific numbers of armed men serving for stated periods of time, and compensation for lost horses. It is often not clear how long after the

314. E101/13/34/11.

315. E101/9/13.

316. E101/7/11. One example is the £18 10s. owed to William de Rither of his fee, wages and restoration of horses from a.r. 26.

performance of service payments were made. In some cases, insufficient information precludes an assessment as to whether or not sums were outstanding. Payments received were often in small amounts and a significant proportion in provisions. Of the magnates on the roll, some held significant positions. Walter de Beauchamp was Steward of the Household. St. John, Clifford and Botetourte held appointments in Scotland, where others served as members of the Household. Evidence from this roll shows that the account with William de Leybourne was clear; Hugh de Mortimer was owed £11 12s. 9d. out of £27 3s.; Walter de Beauchamp £133 15s. 11d. out of £219 8s. 3d.; Robert fitz Walter all bar ten marks out of £102 14s. 4d.; William de Grandison £51 9s. 8d., for which he had a bill, out of £62 0s. 2d.; Adam de Welles £26 12s. 4d. out of £57 11s.; John de Botetourte £111 7s. 9d. out of £209 7s. 9d.; Hugh le Despenser £209 15s. out of £381 11s. 2d.; John de la Mare £57 11s. 2d. out of £72 18s. 8d.; Simon de Montacute £94 6s. 8d. out of £106; William de Rither £101 9s. out of £129 19s.; Alan de Plucknet £66 8s. 4d. out of £103 12s. 5d., this balance allocated to him in an accounting at Roxburgh, 12 February 1302; Walter de Teye £93 5s. 6d., for which he had a bill, out of £123 5s. 6d., and which included wages and restitution of a horse for Flanders in 1298; Peter de Chaumpvent £87 4s. 9d. out of £127 18s. 1d.; Gilbert Pecche £15 0s. 8d. out of £18 13s. 4d..³¹⁷ Only one of these fifteen barons had been paid in full, the rest being owed £1156 0s. 6d. out of £1742 2s. 3d.

317. But it is known that Pecche on 4 February 1301 acknowledged receipt of what was owed to him of his summer and winter robes for 28 and 29 Edward I - E101/684/50/4.

or 66% of the money due.

This represents a snapshot during one phase of the Edwardian exploits in Scotland. Other evidence suggests it is not a-typical. A document headed 'Wages of bannerets retained at the King's wages in the Scottish Wars in the present year 29 Edward I' shows that out of £39 owed to William le Latimer Jun, £117 1s. to Hugh Bardolf and £83 8s. to Robert de Scales, only Latimer had received any payment, merely £3 2s. and that in victuals.³¹⁸ However, the accountings for a.r. 28 Edward I do not take account of all payments made. There is no accounting with Robert fitz Roger who was paid £166 13s. 4d. on 24 December for the custody of the town of Berwick and the county of Northumberland.³¹⁹ Other evidence of payments to English magnates for Scottish service sheds little further light on whether or not they received the financial recompense due to them. It is often not clear whether amounts listed refer to what is owed or what was paid. Relevant information is not in the same format as the roll of accounts for 1299-1300 which lists money due followed up by payments actually made.

A number of documents relate to 1302-4 and the activities of John de Weston as paymaster. Four memoranda give details of sums due, witnessed by him. Walter de Huntercombe is owed £64

318. E101/9/20.

319. E101/355/10 It should be noted that an accounting with Hacche does appear in E101/7/11, but it is not included in the evidence listed above because cramped entries, deletions and later additions make it difficult to estimate how much of the total owed him, £111 6s. 1d., had been paid.

13s. 4d. for restitution of lost horses.³²⁰ £33 6s. 8d. was likewise due to John de Segrave, also owed £88 7s. 4d. for the wages of 4 solidarii, 8 balistarii and 8 sagitarii, assigned for the keeping of Berwick castle from 26 December 1303 to 3 August 1304.³²¹ A further memorandum details what he was owed for the garrison of Berwick for a.r. 31 Edward I and to Christmas Day 1303 and for himself, 5 knights and 24 esquires for a.r. 31 up to 16 May 1303. Along with horse restoration this amounts to £371 6s..³²² Taking the three entries relating to Segrave together, he appears to have been due for service at Berwick £493. Also extant is a pay roll headed 'Wages paid at Berwick for the garrisoning of the castle and town and also for the garrisoning of divers castles of Edinburgh, Jedburgh, Roxburgh, Linlithgow and Kirkintilloch, by hands of John de Weston'.³²³ It includes payments for Berwick for a.r. 31 plus 4 esquires with covered horse, 8 ballistarii and 8 sagitarii from 20 November 1303 to August 23 1304. These payments of £411 17s. 6d. do not cover Segrave's personal retinue. The roll also contains details of amounts for retinues for specific periods, plus restitution for lost horses, for John de la Mare, Henry de Grey and Robert fitz Payne, all serving in 1303 in the company of Aymer de Valence, as King's Lieutenant. These are for £105 6s. 8d., £80 8s. and £169 2s. 8d. respectively. There are no dates nor details of payments made by Weston to them. The document as a whole lists total payments of £2,697 10s. 6d. due but total receipts as £73 15s.

320. E101/11/16/8.

321. E101/11/16/31 and 32.

322. E101/11/16/33.

323. E101/12/18.

2d. for the land of Scotland and £311 11s. 8d. from the Wardrobe, though the latter entry is lightly scored out. This casts doubt on whether these payments were made. It shows Edward's escalating financial difficulties in meeting the costs of his Scottish operations. Weston's other pay roll, already quoted in relation to Latimer, for a.r. 29 has payments of £892 7s. 5d. more than fully met by detailed receipts of £2,467 2s..³²⁴

John de Botetourte was particularly active in Scotland in the last few years of Edward I's reign. From the accounting for a.r. 28 Edward I, he appears to have remained due £111 7s. 9d.³²⁵ Further evidence comes from the period 1303-5. The impression is that his wages were considerably in arrears. On August 14 1303 Dalilegh was ordered to pay Botetourte and a large company of men-at-arms wages from the issues and levies of the lands under his wardenship.³²⁶ This was repeated on 9 November, to pay the wages to allow Botetourte to carry out more forcefully a planned foray.³²⁷ One record of payment shows Botetourte being paid by Dalilegh for being Keeper of Lochmaben and Dumfries castles and Justice of Galloway. He received £65 which came from Sir Donald Campbell, sheriff of Wigtown, from ferm of that county.³²⁸ Two versions of the same memorandum of an account made with Botetourte, dated 7 April 1305 showed him to be in arrears of wages, for his keepership

324. E101/9/9.

325. E101/7/11.

326. E101/10/10/20.

327. *Ibid.*

328. E101/13/36/212.

£385 4s. and £76 13s. 4d. for restoration of horses.³²⁹ In 1307 he was paid 20 marks, but for an expedition against Brus, not earlier service.³³⁰ He did receive a payment of £280 out of £333 6s. 8d. due. This relates to service in Scotland with the King's Lieutenant, Aymer de Valence, but this almost certainly dates from Edward II's reign, Valence being described as Earl of Pembroke.³³¹ Botetourte was another magnate owed significant sums for Scottish service.

Despite the Crown's financial problems and leading barons in Scotland due considerable sums, Edward did put cash up front in 1306. Valence, Percy, Clifford, Latimer, St. John, Henry de Grey and some prominent knights received advances on account of wages for expeditions against Brus.³³² Edward's putting money up front reflected his fury that, just when Scotland seemed conquered, his ambition had been thwarted. In his haste to put together a punitive expedition, comprising some of his magnates most experienced in Scottish campaigns, he was prepared to pay money in advance, as an incentive to decisive action to defeat and, if possible, capture Brus.

Advance payments were not unique to 1306. Edward I was prepared to offer them in exceptional circumstances. Other examples relate to service overseas, when Edward encountered problems in getting barons to serve. On 10 October 1295 the King ordered the Treasurer and Chamberlain to deliver from the

329. E101/684/45/4 and C47/22/3/107 (C.D.S. II No.1659).

330. E101/13/24.

331. E101/14/5.

332. C47/3/52/9 - 'a schedule of advances on account of wages a.r. 34'.

Treasury a total of £1,983 6s. 8d., to be paid to his brother Edmund and a number of barons and knights preparing to go to Gascony on his service. Baronial recipients were Robert fitz Walter and Roger de Monthalt £200; Roger la Warre and Henry de Grey £100; William de Ros and John de Segrave £66 13s. 4d.; Philip de Kyme £50; Peter de Mauley £26 13s. 4d..³³³ Interestingly, Monthalt, Kyme, Grey and Mauley were among those threatened two months earlier with immediate levying of all debts to the Crown for refusing to go to Gascony. Having used threats, Edward was now prepared to offer inducements. A further mutilated document from 1297 headed 'Payments to knights and others going overseas' suggests advance wages paid at Sandwich in September to cover the period up to 1 October. Members of the baronage included were John de Sudeley, John de Beauchamp, Hugh Poinz and Robert fitz Payne.³³⁴ However, as with Scotland, advance payments were the exception rather than the rule.

Some *maiores barones* provided military service in return for pay. This was primarily through service in household contingents in major campaigns and for castle garrisoning, forays and special expeditions in Scotland, sometimes through indentured agreements. Many magnates provided normal feudal contingents, supplemented by voluntary service. Commenting on the contracts agreed for service in December 1297 with the Earls of Surrey, Norfolk, Hereford, Warwick and Gloucester and Henry de Percy for service for three months, Prestwich

333. C62/71/2.

334. C47/22/4/19.

commented 'It was highly unusual for earls to accept pay in this manner, but it may be that they required this inducement in the case of winter campaigns'.³³⁵ He has consistently stressed baronial opposition to innovations in raising cavalry and Edward's reversion to strictly feudal writs of military service after 1300.

Payment of wages was often sporadic, sometimes in kind, and frequently well after the event. On a few occasions wages were never paid but set against debts owed to the Crown. In certain instances wages were in accordance with contractual service for which indentured agreements survive. As to the extent of paid service in Scotland, Michael Prestwich stated 'pay under Edward I was largely confined to the forces permanently or temporarily attached to the royal household'.³³⁶ The evidence discussed supports this view. The comprehensive list of payments for the Scottish Wars to bannerets, which comes from 1300 and covers a two year period, includes two Earls, Hereford and Gloucester, John of Brittany, who was to become Earl of Richmond, two Scottish nobles, Siward and Fraser, and 23 English barons.³³⁷ With the exception of Hereford, Robert fitz Walter and John de Segrave, all of whom were in the squadrons under the Earl of Lincoln, they all served under the King personally at Falkirk and/or Caerlaverock, or under the Prince of Wales in the latter campaign.³³⁸ Payments to Hereford, fitz Walter and Segrave were

335. M. Prestwich *Edward I* pp.478-9.

336. M.Prestwich *English Politics in the Thirteenth Century* p.106.

337. E101/7/11.

338. Gough *op.cit.*; Nicolas *op.cit.*.

purely for provisions. In all other cases, payments included wages, with sizes of retinues and dates of service. Fees and payment for robes as members of the household are frequently incorporated.

Rewards and Inducements in the Judicial Sphere

In discussing the role of the *maiores barones* in the administration of justice, it was acknowledged that securing royal agreement to institute a judicial commission to investigate a baronial complaint was a mark of royal favour. Service to the Crown brought further benefits in the judicial sphere. It could bring exemption from the due processes of law, amelioration of sentences and pardons for crimes, even homicide. One cannot say that barons loyally serving the Crown could break the law with impunity, but such service could, and did, result in offences being condoned. Moreover, baronial agreement to undertake service could result in fines waived and pardons granted, the mediaeval equivalent of community service orders!

Setting out on royal service, barons wished to be immune from legal obligations and problems at home. They required protection in the form of respite of pleas and quittance of summonses for the common eyre. Throughout the period, respite of pleas was granted to those setting out on cavalry service in Edward's armies. Between 16 October and 12 November 1292, the Justices of the Bench were ordered to respite till Easter all pleas before them, except pleas of dower and assizes of novel disseisin and of darrein presentment to provide

indemnity for 7 earls, 15 barons and 5 knights, individually named and setting out for Wales on the King's service.³³⁹ The supplementary patent rolls for service in Scotland in 1296 contain a number of respites of novel disseisin, as do those covering the years 1298-1301.³⁴⁰ Between 9 April 1303 and 28 July 1304, a total of 25 earls, barons and knights were granted respite of pleas of novel disseisin.³⁴¹ A further group of 43 were respited between 27 August 1303 and 4 January 1304.³⁴² Whereas the royal instructions of 1292 exclude assizes of novel disseisin, the later examples deal solely with them. The reason is to be found in the respite to Reginald de Grey of 9 April 1303, which concludes 'notwithstanding the clause in his letters patent of protection that excludes such pleas of assize'.³⁴³ Specific respites of pleas are less common than respites of debts, because such respites, excluding assizes of novel disseisin, became a standard component of letters of protection. The growing number of respites of novel disseisin, especially those for 1303-1304, can be seen as an additional incentive to encourage service in Scotland.

Further evidence of leading magnates being excused from judicial commitments comes from the Close Rolls for 1292-3. At various times, from 28 April 1292 to November 1293, various earls and barons were to have quittance of the common summons of the eyre for Herefordshire, Lancashire, Westmorland, Durham, Cumberland, Northumberland, Staffordshire, Kent,

339. *C.Ch.R.V.* pp.350-1.

340. C67/11 and 14.

341. *C.Ch.R.V.* pp.66-78.

342. *C.Ch.W.* pp.187ff..

343. *C.Ch.R.V.* p.66.

Yorkshire, Middlesex and Surrey.³⁴⁴ The numbers of earls, barons and knights in each list varied from seven in Staffordshire to ninety-seven in Yorkshire. Thirty-two had quittance of pleas of the forest in Essex.³⁴⁵ Some of the individual writs for Staffordshire are extant, including those for Edmund, the King's brother, the Earl of Lincoln and Ralph Basset of Drayton.³⁴⁶ John de Tregoz had his respite continued on 18 June 1292, because he was still on the King's business in Scotland.³⁴⁷ Later in the reign, on 12 December 1298, the Earl of Gloucester, Robert fitz Walter, Reginald de Grey and John le Strange were included in a list of twelve with quittance for Cambridgeshire.³⁴⁸ In September 1302, Robert de Tony was among six quit in Cornwall.³⁴⁹ These were in fact the only two held after 1294, the system of justices on general eyre being all but abandoned in that year.

A significant number of individual barons were exempted from legal obligations because of service to the Crown. Some were general respites as in January 1297 when Hugh Bardolf had respite staying in Gascony on the King's service.³⁵⁰ Also in 1297 for the same reason, Henry de Grey had respite from a specific obligation of providing a man to make presentment in

344. *C.C.R. 1288-96* pp.262, 265, 270, 271, 308, 310-13 and 377-8.

345. *Ibid.* p.274.

346. E163/1/44.

347. *C.C.R. 1288-96* p.266.

348. *C.C.R. 1296-1302* p.293.

349. *Ibid.* p.599.

350. *C.C.R. 1296-1302* p.81. In 1294 Bardolf had previously had respite from a distraint on account of being with the Earl of Lincoln in Gascony on the King's service, *The Pipe Roll for 1295 - Surrey Membrane - Surrey Record Society Vol.VII No.XXI 1924 Ed. Miss M.H. Mills p.37.*

the sheriff court at Derby for his manor of Stak.³⁵¹ In 1293, John de Hastings was exempt for 3 years from common pleas of the forest as he was going to Ireland with the Earl of Gloucester.³⁵² In December 1297 John de la Mare had respite of pleas in Ireland till Easter, as he was going overseas on royal service.³⁵³ In October 1305, the justices in eyre for common pleas in Tipperary were instructed to adjourn all pleas and matters concerning Otto de Grandison, as he was attending to the King's special affairs in parts beyond seas.³⁵⁴

With regard to court cases, examples are to be found of the King authorising respite before the event. This could be where the baron involved might lose out, as in March 1303 when justices were ordered to supercede the plea by Robert de Dytering against John Lovel and his wife for trespass, till Lovel should return from Scotland, where, by the King's order he is on his service, his wife accompanying him.³⁵⁵ In some cases, respite followed a baronial request. In 1304 Edward ordered Botetourte to respite a case before him in the court of Lochmaben as Justice of Galloway 'at the request of our faithful and loyal Sir Alexander de Balliol who is staying with us in our service in the parts where we are'.³⁵⁶ Respites could be authorised with the proviso that service be undertaken. This applied to a suit in the Exchequer by the King against Henry de Urtiaco in 1303, which was to be

351. *C.C.R.* 1296-1302 p.118.

352. *C.P.R.* 1292-1301 p.12.

353. *C.C.R.* 1296-1302 pp.188-9.

354. *C.C.R.* .1302-7 p.298.

355. *Ibid.* p.24.

356. C47/22/7/10 (*C.D.S.* II No.1485).

respited till Michaelmas, provided that Henry set out with the King for Scotland.³⁵⁷

More common were instructions after the event, justices being required not to put someone in default for non-appearance resulting from being on the King's service. Such individual instructions reinforced respites of pleas or protections issued at the outset of service. Standard in format, describing the baron's role whether plaintiff, defendant or witness, they were common during the overseas campaign of 1297 and Scottish expeditions. On 28 January 1301, the Justices of the Bench were ordered not to put Thomas de Berkeley in default for not appearing on Friday, the octaves of St. Hilary in suits before the justices between Nicholas fitz Ralph and him concerning the unjust taking and detaining of Nicholas's cattle and plough-beast, as Thomas was in the King's service by his order on that day.³⁵⁸ Royal officials could act on the King's behalf. In an undated letter to the Chancellor Reginald de Grey, Justice of Chester, vouched for William le Boteler of Warrington being in the King's service in the Octaves of St. Hilary in such a way that he could not possibly be before the Justices of the Bench in the affair between him and William de Charndes. Grey asked that this should account for Boteler's absence and not be to his damage.³⁵⁹ Such respites were equally common for cases brought by the King as in private disputes. John Lovel in August 1298 was not to be put in default in an assize of mort d'ancestor,

357. *C.C.R.* 1302-7 p.62.

358. *C.C.R.* 1296-1302 p.450.

359. SC1/28/128.

because he was on the King's service on the day set for the case.³⁶⁰ In all but two of the cases enrolled in the Close Rolls, being on the King's service on the appointed day is specifically stated. Both entries, where this is not stipulated, come from 1307 in relation to Walter de Fauconberge and Roger de Mortimer.³⁶¹ In all other respects the entries are identical. The omission of reference to royal service has no significance but can be put down to the clerk involved.

There are two interesting variations relating to John de Mohun. In these, delaying court cases was sought from private individuals. One is an order, the other a request, both from 1297. On 24 March, Henry de Urtiaco was informed that the King was bound to provide for Mohun's indemnity as he was staying on the King's service in Gascony. He was ordered, for as long as Mohun was on that service, to supercede the demand made upon him for a suit to Urtiaco's court of Buleston, and to release any distraint made.³⁶² On 18 April, for the same reasons, Juliana de Wyleton was requested to respite the demand upon Mohun for a suit at her court at Gidesham, and to release any distraint.³⁶³ Royal protection against legal action was, in these cases, extended beyond royal courts and justice.

There is some evidence of barons seeking respite of pleas for people serving under them. In a letter to Langton,

360. *C.C.R.* 1302-7 p.24.

361. *Ibid.* pp.501-2.

362. *C.C.R.* 1296-1302 p.22.

363. *Ibid* p.98.

Chancellor, Aymer de Valence witnesses that Etienne de Appeltrefeld is in his company in the King's service in Scotland. Valence urgently requests protection for him 'in the same way as the others who are in the King's service in that country'. Appeltrefeld was being impleaded in England.³⁶⁴ Valence also made representations to Greenfield as Chancellor on behalf of William de Montacute, serving the King with Valence in Scotland and impleaded in his lands by neighbours. Since Montacute cannot be spared, Valence begs a writ to the justices in Hertfordshire to respite pleas of novel disseisin till some day after Easter 'in accordance with the ordinance made by the King at Carlisle with the assent of the great lords.'³⁶⁵

Arguably of greater significance than respite of pleas was the King's willingness to pardon baronial crimes, either because of service rendered or as an incentive to provide service. Some of these were in effect respites, granted when the presiding justices had not been aware that the barons were with the King or information on protections and respites had not filtered through. In February 1292, the Justices Itinerant of common pleas, Dublin, were ordered to quit Theobald de Verdun Sen. of a fine, he having remained by the King's order in the King's service in England.³⁶⁶ A similar category of pardon was a fine for allegedly not having done service. In

364. SC1/27/170 Since Langton's Chancellorship ended in August 1302, and Valence's major involvement in Scotland dates from that year, this letter would seem to come from 1302.

365. C47/22/5/56 (C.D.S. II No.1393) This must come from the period September 1302 to December 1304 when Greenfield was Chancellor.

366. C.D.I. 1285-92 p.463 No.1046.

1307 the Treasurer and Barons of the Exchequer were ordered to release the distraint levied upon Roger la Warre for not having his service with the King in the army of Scotland in 1306. The Earl of Warwick had testified that Warre did provide the required service.³⁶⁷

Some barons had to petition the King to receive what they regarded as justice, even where a small sum of money was involved. Nicholas de Segrave explained that, whilst he was on the King's service in Scotland under his protection, he was impleaded before Henry de Spigurnel in Oxfordshire and was fined £10. He alleged that the protection was given after the indictment. The King, in April 1305, pardoned him the £10.³⁶⁸ A slightly different case involved Simon de Montacute in petitioning the King. He requested, as a result of his long service, a pardon of 100 marks of which William Martin and fellow justices had forejudged him as a fugitive. He claimed that he was at the King's court pursuing his business and did not know that the justices were in his land. He went there and immediately put himself at the law.³⁶⁹ The King notified Martin and his fellow justices that he pardoned Montacute, provided he appears before the justices and does right.³⁷⁰

There are examples of intervention by Edward I to halt grievances against individual barons, whilst they were on his service. Two such instances are contained in letters from the

367. *C.C.R.* 1302-7 p.493.

368. A.P. File 291 No.14539; *C.P.R.* 1301-7 p.324.

369. A.P. File 10 No.490.

370. *Rot. Parl.* I p.477 No.97 and *C.P.R.* 1302-7 p.298.

King to his son and Council from Ghent in 1297. He ordered them to respite grievances being done to William de Leybourne, who was on his service in Gascony.³⁷¹ Secondly, Thomas de la Roche, who was serving the King overseas in the company of Hugh le Despenser, had shown Edward that he has been disseised in all franchises pertaining to his barony of Roche, to his serious loss and disinheritance. The King orders that they should be returned to what they were before Roche left England.³⁷² A third example relates to Scottish service. In October 1301 Edward issued a mandate to make such remedy as the King's court will suffer for the trespasses and grievances committed against Walter de Teye in Bedford, whilst he was in Scotland and to make letters of protection till Easter next for him and Sir John de Geyton, his bachelor, as they were on the King's service there.³⁷³ The King could also seek to prevent such transgressions taking place. In 1295 the Treasurer and Barons of the Exchequer, Dublin, were ordered to maintain and protect William de Vescy, going to Gascony, in the liberties he has by charter of the King's progenitors.³⁷⁴

The types of offence for which Edward I granted pardons, often on account of good service, varied enormously. A number were landholding transgressions, acquiring land held of the King without permission. The pardon, as in the case of Thomas de Furnivall, who acquired in fee the manor of Eyum Derby from Roger de Morteyn, who held it in chief of the King, was often

371. SC1/45/101.

372. SC1/45/93.

373. *C.Ch.W.* p.159.

374. *C.C.R. 1288-96* p.464.

accompanied by the necessary licence for the transaction being granted.³⁷⁵ Surprisingly, on only one occasion was such a pardon granted in return for a fine. In 1300 Hugh le Despenser was pardoned for entering into lands and rents held in chief in Buckinghamshire and Wiltshire without licence. He was given a licence in return for a fine, plus remission to regrant the Wiltshire properties for life to Robert de Kaignes.³⁷⁶ Thomas de Multon was pardoned an amercement for setting up a market without permission to the damage of that of the prior of Spalding in 1293.³⁷⁷ In 1295, by reason of his service in the army in Wales, Geoffrey de Geneville was pardoned his contempt in refusing to execute the King's mandate in favour of Nicholas Bacun, lately in custody in the gaol of Geneville's liberty of Trim. The liberty, which the King had seized, was restored to him.³⁷⁸ Another offence pardoned was hunting in the King's forests and parks, Robert fitz Payne being pardoned in 1298 the £100 fine imposed on him five years earlier for trespass.³⁷⁹ Hugh de Vere's pardon in 1301 was for having taken above the twelve deer for which he had licence in Ryleigh

375. *C.P.R. 1301-7* p.516. Similar cases involved Roger de Mortimer - *C.P.R. 1301-7* p.125; Robert de la Warde when Steward of the Household - *C.P.R. 1301-7* pp.143 and 378-9.

376. *C.P.R. 1292-1301* p.536.

377. *C.C.R. 1288-96* p.291.

378. *C.P.R. 1292-1301* p.135.

379. *Ibid.* p.366; *Ibid.* p.346 deals with a pardon for a similar offence committed by John de Tregoz. In 1292 Henry de Urtiaco paid a fine of £150 to obtain a pardon for all his transgressions committed in royal forests, chaces and parks, with a further amercement for trying to suppress the fine by not having it entered in the Chancery Rolls - Rev. E.H. Bates 'The Family of de Urtiaco' *Proceedings of the Somersetshire Archaeological and Natural History Society* Vol.42 1896 p.40.

Park, Essex.³⁸⁰ Pardons for harbouring felons were granted to Bogo de Knovill, Henry de Lancaster, Roger le Strange and William le Vavassour.³⁸¹ In Vavassour's case, the pardon was specifically granted because he was going to Gascony on the King's service with the Earl of Lincoln. Knovill, as part of a larger acquittance of sums totalling £140 in 1297 was pardoned £20 amerced for dereliction of duty - allowing thieves to escape from his custody when sheriff of Shropshire.³⁸²

Fines could be reduced, as in the case of Walter de Fauconberge in 1293, pardoned £40 arrears of 100 marks fine for service due in the Welsh Wars of 1282, and pursuant to the King's grant that of the £80 arrears of £100 amerced for two disseisins and of £25 amerced for many defaults before Justices of the Bench, he pay £20 per annum.³⁸³ Such fines could be ancestral. In 1297, Aymer de Valence was pardoned £20 exacted for defaults of his late father before justices in Herefordshire in not coming at the common summons of eyre.³⁸⁴ In 1305 Robert de Tony was pardoned a fine of 100 marks incurred by his father, Ralph, for a trespass.³⁸⁵ Fines could be substantial. Thomas de Berkeley, a trusted counsellor but frequently in breach of the law, was pardoned in 1297, because of his services in Flanders, 500 marks amerced for trespass in

380. *C.P.R. 1292-1301* p.568. He had previously been pardoned in 1298 for taking a doe with a fawn within the metes of the forest of Essex - *C.P.R. 1292-1301* p.431.

381. *C.P.R. 1301-7* pp.33 and 495; *C.P.R. 1292-1301* pp.13 and 87.

382. *C.C.R. 1296-1302* p.18.

383. *C.F.R. I* p.324.

384. *C.C.R. 1296-1302* p.47.

385. *C.P.R. 1301-7* p.318.

the King's chace at Bristol.³⁸⁶ Two years later he was pardoned a further £75 due at the Exchequer for default, unjust detention, non-appearance and arrears of debts.³⁸⁷

Where large fines were involved, the King might exact additional service as the price for quittance. It was a minor factor in getting forces for Scottish campaigns, but evidence of his utilising every available method of securing cavalry service. Berkeley again features. In July 1306 he bound himself to find ten men-at-arms with covered horse, led by his son, Thomas, or another suitable captain, to serve in the expedition against Brus from the feast of St. Laurence, 1306, for as long as the King stays in Scotland. This service was in return for a pardon to Berkeley, his son Maurice and his men for all trespasses in Gloucestershire, for which he had been fined 1,000 marks.³⁸⁸ A similar arrangement was made with John Lovel, which developed into a general pardon for all trespasses of the forest. He was pardoned 1,000 marks for previous service with a further 1,000 respited, on condition of his going in person within 12 days of Lent to Scotland at his own expense with twelve barbed horse till Whitsunday. The second 1,000 marks were pardoned as he did service over and above what the condition stipulated.³⁸⁹ A year later, in consideration of his service in Scotland, he and his wife and sons were pardoned all trespasses in forests, parks and

386. *C.P.R. 1292-1301* p.321.

387. *Ibid.* p.400.

388. C47//22/9/110 (*C.D.S.* II No.1801), letters patent by Berkeley; this agreement is enrolled *C.C.R. 1302-7* p.455; the remission of the fine was enrolled *C.P.R. 1301-7* p.453.

389. *C.P.R. 1301-7* pp.145-6 and 166.

chaces.³⁹⁰ In 1303, Henry de Percy, indicted for trespass in the King's warrens and parks in Holderness, had been put in exigent to be outlawed in county court for not coming before the justices. Because Percy had promised to set out for Scotland, the sheriff of York is not to imprison him, nor is he required to find mainprise.³⁹¹ In 1303, Alexander de Balliol was the recipient of a royal pardon for a more general promise of service. He had been arrested 'for certain reasons' and his lands, goods and chattels taken into the King's hands. He swore an oath to serve the King well and safely in time of peace and war with all his power. As additional security, he handed over his son as a hostage at his own cost. The son was released and the lands, goods and chattels restored.³⁹² This was not the first occasion on which Balliol was restored to favour. In July 1297, the sheriff of Kent was instructed to return to Balliol all his lands taken into the King's hands in Kent by reason of trespass against the King. The King was showing favour to Balliol as he was setting out on the King's service in Flanders.³⁹³

Like Berkeley and Lovel, Balliol was often in trouble for lawless behaviour, offences dating back to 1291, when he was pardoned 10 marks for an amercement in Essex.³⁹⁴ In March 1305 he was pardoned all trespasses in Scotland and elsewhere for which he had surrendered his lands and goods. They were restored to him. He was also pardoned the fine imposed for the

390. *Ibid.* p.230.

391. *C.C.R.* 1302-7 p.27.

392. *Ibid.* p.20.

393. *C.C.R.* 1296-1302 pp.45-6.

394. *Stevenson* II p.233.

loss of the peel of Selkirk, whose custody he had undertaken under forfeiture of his body and lands.³⁹⁵ Edward I was generous in his treatment of magnates who transgressed. In January 1302, another lawless baron, Roger de Mortimer was pardoned, by reason of his service in Scotland, for robberies etcetera in the realm and any subsequent outlawry.³⁹⁶ In April 1304, Henry de Percy was, in consideration of his service in Scotland, pardoned all trespasses, breaking of parks, homicides etcetera, and of any subsequent outlawry.³⁹⁷

The ultimate in pardons, namely for homicide, was granted twice by Edward I in relation to *maiores barones*. In September 1302, at the request of the Prince of Wales, Serlo de Nansladron was pardoned 'by reason of his service in the last Scotch War', for the deaths of Andrew le Harpour and William Seriod and of any consequent outlawry.³⁹⁸ In 1306 one of Robert fitz Roger's younger sons, guilty of fratricide, owed Edward's clemency to the service of his father. Alan de Clayvering was pardoned in consideration of the service of Robert fitz Roger, for the death of his brother, Roger.³⁹⁹

Edward I was prepared to adopt a lenient attitude towards felonious members of the baronage, provided he could get, or had received, loyal service from them. This is hardly surprising given Edward I's adoption of a policy 'which made

395. *C.P.R. 1301-7* pp.321-2. Balliol had petitioned for this pardon A.P. File 9 No.449, *Rot. Parl. I* p.470 No.57 (*C.D.S. IV* No.1815).

396. *C.P.R. 1301-7* p.19.

397. *Ibid.* p.218.

398. *C.P.R. 1301-7* p.62.

399. *Ibid.* p.430.

pardon available to every able-bodied male criminal who cared to earn it by military service': so vividly described and censoriously condemned by Naomi Hurnard.⁴⁰⁰

There appears to be no recorded instance between 1290 and 1307 of barons being permanently disgraced through incurring royal disfavour.⁴⁰¹ The King was quick to ire and prepared to use all the power of the law against those who crossed him. But he was swift to forgive if they returned to the fold and made good their trespasses by loyal service, particularly in his armies. This was seen in 1295, when those threatened with immediate payment of all debts to the Crown for refusing to go to Gascony were restored to favour when they capitulated. In January 1307, at the request of the Queen, Edward restored the lands seized in October 1306 for leaving the King's service in Scotland without permission to a number of barons and knights, including Robert de Tony, Roger de Mortimer and Ralph Basset. They had participated in a mass desertion to make jousts at Byfleet in Surrey.⁴⁰² An even more serious desertion was that of Nicholas de Segrave, who tried to cross to France to raise a dispute with his knight, John de Cromwell, in the royal court there. He was arrested and brought before parliament, where the Council, being asked for advice, decreed "that such a deed deserves the penalty of loss of life". But

400. Hurnard *op.cit.* p.247.

401. This is equally true throughout Edward's adult life. Prestwich points out 'he bore few grudges as a result of what took place in the course of the Barons' Wars'. He gives examples of John d'Eyville, Nicholas de Segrave and Norman d'Arcy readmitted into the King's peace and then bannerets in Edward's household. *Edward I* p.58.

402. *P.W. I.* p.379.

the King demurred, demonstrating magnanimity in granting Segrave to find seven mainpernors to deliver him to prison at the King's will where, when and as often as the King wills.⁴⁰³ Segrave suffered no loss of status, continuing to be summoned to parliament. Coupled with the King's continuing appointments to and favours bestowed upon magnates who supported Bohun and Bigod in 1297, such as fitz Roger and John de Segrave, these examples contrast with the exile of Archbishop Winchelsea in Edward's bitter dispute with the clergy.

There is an interesting series of assignment of fines by Edward I to a magnate who held many appointments under the Crown, Hugh le Despenser. These can be seen as compensation for losses incurred through offences committed against him whilst on royal service. In December 1304 the Constable of Wallingford Castle was ordered to release Henry fitz Nigel from prison. Fitz Nigel had been convicted of stealing swans from Despenser, whilst the latter was on the King's service and under his protection. Edward had granted Despenser all amends and punishments for this offence, and he had informed the King that fitz Nigel had satisfied him for the trespass.⁴⁰⁴ This was Despenser's pay-off for a grant a year earlier of all fines and punishments appertaining to the King for trespass by a number, while Despenser was on the King's service under his protection, in carrying away swans, whereof they have been convicted and sentenced to gaol.⁴⁰⁵ In March 1305 he was granted what belonged to the King for John le Harpur's

403. *C.C.R.* 1302-7 pp.333-5.

404. *Ibid.* p.230.

405. *C.P.R.* 1301-7 p.204.

trespass in hunting and stealing deer, and also whatever belongs to the King for fines for trespasses in Hugh's park at Woking.⁴⁰⁶ Finally, in 1307 Despenser was assigned 50 marks, a fine by William de Valeynes, for the theft of a stag from Windsor forest Windsor, in part payment of money due him for the marriage of his eldest son.⁴⁰⁷ Such assignments appear unique to him, evidence of Edward favouring a loyal servant.

An example exists of Edward I relieving a magnate of a major financial obligation relating to a legal process. This commitment had been extant for twelve years, and the King's grant coincided with the baron concerned, John de Hastings, undertaking service for the Crown as Lieutenant and Seneschal of Gascony. Edward granted that neither Hastings, his heirs, nor his executors shall incur any loss by reason of his going bail for the late Earl of Gloucester, who made fine with the King of £10,000 for his contempt in going, contrary to the King's inhibition, with horses and arms against the Earl of Hereford and destroying the lands of the latter in the Welsh March, for which he was condemned to prison.⁴⁰⁸

It is clear that benefits in relation to the law could be obtained from the King in return for service. Legal action against magnates could be delayed or, conversely, they would not lose out in cases where they were complainants because they were serving the King. Benefits could be financial, through remission of fines. Even more serious penalties, such

406. *Ibid.* pp.317 and 366.

407. *Ibid.* p.536.

408. *C.P.R. 1301-7* p.101.

as imprisonment, outlawry and forfeiture of land, goods and chattels could be cancelled. Edward I was quite prepared to condone lawless behaviour, even if directed against the Crown, on the part of barons, provided they continued to serve him loyally. He was prepared to offer pardons and quittance of fines in return for military service. Edward, for his activities in the 1270s and 1280s, is often regarded as one of England's great lawmakers. But he was quite prepared to see the law bent or broken, if such breaches could be turned to his advantage. It is perhaps not surprising that there appears to have been a general break-down in law and order in the realm in the closing years of his reign, which necessitated the appointment of justices of trailbaston, when leading nobles were transgressors and their crimes were condoned.

Miscellaneous 'Rewards'

There remain a few rewards for service of a miscellaneous nature. John Giffard, one of the King's most trusted advisers, was in 1292 granted whatever pertained to the King touching the life and members of three Welsh adherents of Rhys ap Meredith, who surrendered to Giffard, saving to the King their goods and chattels.⁴⁰⁹ Earlier, in 1280, Giffard had the unusual favour of a licence to hunt wolves, wherever he came across them in England.⁴¹⁰ The King also acknowledged the rights of Gilbert de Ghent and Richard de Malebisse to claim a whale caught in the port of Fovely, except for the head and the tail which pertained to the King.⁴¹¹ In similar vein,

409. *C.P.R. 1281-92* p.510.

410. *Foedera* p.587.

411. *Calendarium Genealogicum* p.273 No.81.

William de Rither was granted in 1305 the liberty of hunting with his own dogs in the forest of Knaresborough the fox, the hare, the badger and the cat 'except during the fence month'.⁴¹² More seriously, Henry de Percy, when Keeper of Galloway and Ayr, was granted in 1296 the right of presentation to churches and other benefices there in the King's gift to the value of 30 marks, to people suitable to the King.⁴¹³

Two examples of barons seeking what they thought due to them, are worthy of consideration. It has already been suggested that Walter de Huntercombe was ill-rewarded for loyal service. He appears to have received nothing over and above wages due. In an undated letter to the King and Council as Warden of the March of Northumberland, an office he held in 1298 and again in 1302-3, he requested allowance from the King of the corn and cattle which he was forced to take in Northumberland for the sustenance of his men-at-arms and foot as his own resources were exhausted. If he had left his post, the county, which was in the greatest danger of being attacked and destroyed by the Scots, would have been ruined. But the letter was endorsed 'the King is not able to do what is asked'.⁴¹⁴ Huntercombe had little to show for lengthy, loyal service to the Crown.

The second is a petition relating to a baron who was well-rewarded. Eustace de Hacche died in 1306. His executors

412. *C.P.R. 1301-7* p.389.

413. *Rot. Scot.* p.35.

414. C47/22/11/57 (*C.D.S.* IV No.1773).

requested that outstanding debts to Hacche for fees, robes, wages and restitution of horses for service in Gascony and Scotland be met, since Hacche has bequeathed it both for the Holy Land and to his men in whom he was greatly bound. As a result of the petition, Droxford, Keeper of the Wardrobe, is to make a bill of the debts which are owed so that the King can pronounce his will. Other than showing a baron seeking recompense for service, this again demonstrates that barons could wait for years for payment. It shows the King's outstanding debts to a loyal baron towards the end of his reign. Finally, it proves that royal agreement to make payments in response to requests were not necessarily implemented. In 1301 Hacche had asked for wages due to him in Gascony to be set against debts to the Crown and the King had concurred.⁴¹⁵ Moreover, in 1305 the King had ordered Sandale to provide full details of what was owed to Hacche for Gascon service.⁴¹⁶ A return from Sandale and other clerks, who were paymasters in Gascony, showed Hacche to be owed £299 2s. 6d. for service from 1296-8, vouched for by the King's Lieutenant the Earl of Lincoln. But how much of this had been paid on his return to England is not known.⁴¹⁷

There is an interesting example of Edward's special favour being advocated by the Pope. In a Bull, dated 9 January 1307, on behalf of John de Havering, Seneschal of Gascony, Clement V relates the service of Havering whom the King had frequently sent to him on his business. The Pope

415. *C.C.R. 1296-1302* p.432.

416. A.P. File 311 No.15556.

417. A.P. File 311 No.15557.

comments at length on Havering's diligence and loyalty and commends him to the King if Edward is thinking of rewarding his faithful and loyal service.⁴¹⁸ The Pope's dealings with Havering relate to his seneschalcy from 1304-7. In 1305 Edward wrote to Havering expressing much pleasure at his good news regarding the Pope. He is much pleased with Havering and exhorts him to persevere in his behaviour and 'his affairs here should be carefully attended to'.⁴¹⁹ The Pope in 1305 and 1306 showed favour to Havering with appointments to his sons John and Richard, both of whom were in Holy Orders.⁴²⁰ John de Havering served Edward I long and faithfully, particularly in Wales and Gascony. Edward does not appear to have been especially generous towards him. His petition to be acquitted of £297 13s. 4d., due for payment to merchants of Lucca who found expenses for him and for his deliverance when he was a prisoner in France, was granted.⁴²¹ He appears from the same petition also to have been considerably in arrears of his fee as Justice of Wales, Edward ordering the Treasurer and Barons of the Exchequer to account with him and satisfy him for what is due.

Without going extensively over ground covered in the preceding chapter, some consideration is appropriate to the proposition that royal appointments were in themselves rewards. Some of the appointments undertaken were real jobs of

418. SC7/10/39.

419. P.R.O. Deputy Keeper's Report IX p.248.

420. *Calendar of Papal Registers* pp. 2, 15, 17, 19 and 20. Further details of Clement V's relationship with Havering can be found in M.W. Labarge *Gascony, England's First Colony* pp.94-5.

421. A.P. File 278 No.13854 and *C.C.R. 1296-1302* p.431.

work. These could carry some element of recompense in terms of wages or expenses, but required considerable personal involvement on the part of the appointee. Performance of such service held out the prospect of reward at some point in the future. But other appointments, among them constables of royal castles, Warden of the Channel Islands, and even Justice of the Forest, were, if not exactly sinecures and involving responsibility and accountability, jobs which could be done through deputies, whilst producing tangible benefits through farms or fees.

If we look at the Justices of the Forest, it must be stressed that Roger le Strange, William de Vescy, Hugh le Despenser and Robert de Clifford, carried out other extensive duties for the Crown in tandem. They must have operated through deputies, doing a modicum of the actual work themselves, though being ultimately accountable to the King. This is seen in the terms of appointment, as on 12 February 1297 when Despenser had committed to him during pleasure the office of Justice of the Forest this side Trent 'so that bailiffs, ministers and others whom he will charge with the issues and other things belonging to the King answer at the Exchequer and so that he brings his rolls to the Exchequer at the end of each year'.⁴²² Although it is known that their fees were often in arrears, they received in all cases 100 marks per annum.⁴²³ This was an annual income for magnates who

422. *C.F.R.* I p.382.

423. e.g. C62/78 - the Treasurer and Chamberlain were ordered in July 1302 to deliver to both Despenser and Clifford 500 marks for arrears of their fee as Justiciars of the Forest.

provided extensive service for the King in other spheres.

In appointments as constables of castles, it is necessary to differentiate between those in sensitive military areas such as Wales, the Welsh March, Scotland and the Northern counties and those elsewhere in England. Appointments in Wales in the 1280s and early 1290s were almost exclusively of important magnates from the Marches, such as Edmund de Mortimer, Alan de Plucknet and John Giffard, whose role was primarily military. Otherwise the Welsh constables were loyal, royal servants who rose in status and prominence and who were extensively involved in Welsh affairs, such as Botetourte, Havering, Knovill and Leybourne. Appointments in Scotland during the period of the Great Cause were an integral part of English involvement at that time in the governance of Scotland. Salaries were paid and it is clear that at least some appointments were nominal and work undertaken by deputies, given that evidence can be found of magnates appointed not being in Scotland or holding a number of appointments in scattered locations contiguously. During the actual Wars of Independence, keeperships of Scottish castles were military roles, where appointees received wages for themselves and their men for defence of their local area and organising forays against the Scots.

Two grants of occupancy of castles were specific rewards for agreeing to service overseas, those to St.Amand of Marlborough Castle and Richard fitz John of Rockingham, as residences for their wives and families, whilst they went to

Gascony. As regards other custodies of castles between 1290 and 1307 within England, Edward mainly appointed barons with local knowledge and connections to administer royal property efficiently and account at the Exchequer. If such custodies were managed efficiently, probably through deputies, they provided financial benefits through income exceeding ferm due at the Exchequer. The same can be said for keeperships of royal forests granted to Ralph Basset (Cannock); John de Botetourte (the Forest of Dean); John de L'Isle (Chute); Matthew fitz John (the forests of Melksham and Chippenham); Adam de Welles (the forest between the bridges of Oxford and Stamford).⁴²⁴ As with castles, responsible execution of remits was required. In 1301, Matthew fitz John was granted restitution of the forest and custody of Milkesham and Chippenham, pertaining to Devizes Castle, previously granted for life and now taken into the King's hands for waste committed in the forest. A condition of the restitution was that he commit no waste or destruction.⁴²⁵

It is dangerous to generalise when dealing with the disparate group of about twenty *maiores barones* appointed to keeperships of royal castles or forests in England, between 1290 and 1307. But a significant number of appointees were not major landholders from long-standing baronial families inheriting widespread estates. They were men of lesser background who served Edward in many capacities, were for lengthy periods members of the Household and rose in status

424. *C.P.R. 1292-1301* p.17; *C.P.R. 1281-92* p.412; *C.C.R. 1288-96* p.66; *C.F.R. I* pp.236 and 409.

425. *C.C.R. 1296-1302* p.430.

and prominence through service to the Crown. The most obvious of these were Walter de Beauchamp, John de Botetourte, Robert de Burghersh, Eustace de Hacche, Bogo de Knovill, William de Leybourne and John de Havering. Of those with baronial antecedents, regular service in the Household and the performance of other duties for the King were common features, as with Robert fitz Payne, Robert fitz Walter, Ralph fitz William, Simon de Montacute and Adam de Welles. Three of the Justices of the Forest were constables of royal castles, Robert de Clifford (Nottingham), William de Vescy (Scarborough), Hugh le Despenser (Odiham). In making appointments within England, Edward turned in the main to reliable, regular servants of the Crown who could be trusted to provide competent stewardship. The appointments were in themselves rewards for service and would confer some financial benefits on those in receipt of them.

None of these appointments compares with the one notable example of an office under the Crown being patronage on a considerable scale. This was the appointment of the King's favourite, the Savoyard, Otto de Grandison, as Warden of the Channel Islands, ultimately free of ferm for life and for the benefit of the executors of his will for five years after his death. One of the regrants specifically stated that it was in consideration of the King's friendship and Grandison's long service.⁴²⁶ Grandison rarely visited the islands, governing Jersey and Guernsey through deputies. Edward largely overlooked the inadequacies of his stewardship which brought a

426. *C.P.R. 1292-1301* p.230, dated 25 January 1297.

deluge of complaints of maladministration from the islanders. His principal objective had been to provide his great favourite with a lucrative sinecure. Grandison was a close, personal friend of the King, serving him loyally throughout his reign, particularly as a permanent envoy on all the main overseas embassies of the period. The Savoyard was well-rewarded. But Grandison's pre-eminence was not a source of contention as the favoured status of other foreigners had been under Henry III, nor that of Gaveston was to be in his son's reign. Edward intelligently utilised Grandison primarily on foreign affairs, not within the realm of England. Moreover, the major rewards for his service, being in Ireland and the Channel Islands, were not seen in any way as a threat to leading English magnates. Grandison was not regarded as usurping any of the functions of nor receiving honours thought due to native English magnates.

Conclusion

Having reviewed rewards bestowed upon members of the *maiores barones* by Edward I, can we arrive at any definite conclusions? Having analysed the types of reward provided, and the extent to which royal appointments were in themselves rewards, is it possible to answer the remaining questions posed at the outset?

In appointments made by the King, details of the duties to be undertaken are not always spelled out. The financial reward is usually specified, such as the annual fee of 200 marks to be paid to Robert de Clifford as Guardian of the

Liberty of the Bishopric of Durham.⁴²⁷ But, often, especially in relation to keeperships of castles, the records merely confirm an appointment on the same terms and conditions as the previous holder.⁴²⁸ There is no indication of consultation or negotiation with the appointees, though this might be assumed. However, some service resulted from agreements arrived at between the *maior baro* concerned and the King. This is true where a magnate agreed to provide specific military service in return for a pardon or remission of a fine.⁴²⁹ Of growing importance in Edward's reign were indentured agreements - contracts negotiated for military service in which the duration of the agreement, the duties to be undertaken and emolument were all spelled out. These were not solely agreements between the King and individual barons, but are also to be found between barons. A number of such indentures survive such as those between Peter de Mauley and Edmund de Stafford; John de Segrave and the Earl of Norfolk; Thomas de Berkeley and Aymer de Valence; Robert fitz Payne and Aymer de Valence.⁴³⁰ It is likely that others existed, given the close association of certain barons with others. John Paynel, Simon de Montacute and Thomas le Latimer all served under John de Hastings in Scotland and went to Gascony with him when he became Lieutenant and Seneschal. Edward I adopted this method

427. *C.P.R. 1301-7* p.169.

428. e.g. the appointment of William de Vescy 22 August 1289 to the keepership of Scarborough Castle 'so that he take and answer for the keeping as John de Vescy, sometime constable, took and answered'. (*C.F.R. I* p.264).

429. as with Thomas de Berkeley, *supra* p.97.

430. Details of the first two are to be found in *M. Prestwich War, Politics and Finance under Edward I* p.67; Valence's agreements with Berkeley E101/68/1,2 and 3 (*C.D.S. II* Nos. 905, 1004 and 981); that with fitz Payne E101/27/11 (*C.D.S. II* No.1407).

of obtaining retinues to serve him for specific purposes, particularly in Scotland. It is not known whether this practice was developed within baronial ranks and adopted by the King or vice-versa. Bean does instance the contract in 1270 when Adam of Jesmond agreed to accompany the Lord Edward to the Holy Land with four knights for one year for 600 marks plus transport.⁴³¹

Edward I made most use of such agreements in Scotland from 1300-2. In attempting to consolidate his hold of the south of Scotland, Edward sought stability through guaranteed garrisons and contingents for forays under experienced leaders. But, evidence exists of earlier indentures for Scottish related service. The earliest appears to have been Segrave's involvement in the safe-keeping of the March in 1286. The schedule, containing the names of the bannerets and knights with him talks of an indenture.⁴³² Though framed as a royal order, the 1296 document listing the number of men to serve with Robert de Clifford at pay for the defence of the March, is headed 'Indenture of military service, Edward I and Robert de Clifford'.⁴³³ The indentures with St. John and Latimer in 1300 and that with Valence in 1302 represent the most important of a number of such contracts entered into by the King in these years. They were concluded when he was encountering some baronial resistance to major campaigning in Scotland, with continued controversy over the Charters. In 1300 agreements were made with Richard Siward and Richard le

431. Bean *op.cit.* p.308.

432. E101/612/2.

433. C47/22/2/2 (C.D.S. II No.734; *Stevenson* II pp.36-7).

Mareschall, serving under John de St. John; John de Kingstone for the keeping of Edinburgh Castle; Robert de Hastang for being captain, sheriff and warden of the castle and county of Roxburgh; Richard de Hastang as constable of Jedburgh Castle.⁴³⁴ A further document relates to Clifford remaining in St. John's company at Lochmaben with 30 covered horses. Though not framed as the other agreements were, the document concludes 'this indenture was made at Charlton 2 January 1300'.⁴³⁵ In addition to the indenture with Valence in 1302, a further agreement was made with Kingstone for Edinburgh Castle.⁴³⁶ Indentures were also concluded with Edmund de Hastings to remain Warden of the town of Berwick; John fitz Marmaduke to safeguard the Scottish lands of the Earl of Lincoln; the Earl of Dunbar for keeping the castle and sheriffdom of Ayr; the Hastang brothers for the same responsibilities as two years earlier; Archibald de Livingstone, sheriff of Linlithgow; Simon de Lindsay for keeping Hermitage Castle and the lands of the late John Wake, in the King's hands during the minority of the heir.⁴³⁷ There is also an indentured remembrance with Alexander de Balliol, but this relates to Balliol's promising to serve at his own cost for the Keeping of the Forest of Selkirk.⁴³⁸

434. E101/68/1/9 and 10 (*C.D.S.* II No.1171); E101/68/1/12; E101/68/1/6 (*C.D.S.* II No.1174); E101/68/1/5 (*C.D.S.* II No.1172).

435. C47/22/2/51 (*C.D.S.* II No.1124; *Stevenson* II pp.407-8).

436. E101/68/1/14 and 15 (*C.D.S.* II No.1286).

437. E101/68/1/17 (*C.D.S.* II No.1286); E101/68/1/19 (*C.D.S.* II No.1290); E101/68/1/22 (*C.D.S.* II No.1286); E101/68/1/16 and 18 (*C.D.S.* II No.1286); E101/68/1/20 (*C.D.S.* II No.1286); E101/68/1/14 (*C.D.S.* II No.1173).

438. E101/68/1/24 (*C.D.S.* II No.1287). It was for failure to keep the area according to the terms of this agreement that Balliol had his lands declared forfeit to the King.

The advantages to Edward in such arrangements are obvious. He could always appoint trusted followers to key posts. But through indentures, prescribing duties to be undertaken and the number of men to be involved at all levels, personal royal direction of policy was strengthened. Paid service for the indentured appointments in Scotland ensured men in place for a specified period of time. The King did not have the problems of 'volunteers' withdrawing or the size of retinues altering materially. He had people on royal business who were fully accountable. Barons also benefited from indentures. They had specific responsibilities for a given period of time and the opportunity to enhance their status and importance through successful execution of their remits. In addition to daily pay for each member of their entourage they received a lump sum for their own service and that of their personal retinue. Additional incentives went along with indentured service in the cases of St. John and Valence. The lands they were granted in Scotland would only be obtained if they were successful in carrying out the duties laid down by the King. The evidence from payments made in Scotland and accountings with individual barons is that for the period of the indenture, they were paid regularly and, probably, in full. Valence was certainly owed considerable sums at the end of the reign, but primarily for later service not covered by indentures. In contrast, most barons serving at pay without indentured agreements appear to have been seriously in arrears. It was, perhaps, easier for the King's paymasters in Scotland to monitor service provided and money due under

indentured agreements. If this is the explanation, then it was beneficial to magnates, willing to serve at pay, to enter into such contracts.

Edward concluded a further contract for an important but primarily non-military appointment. An indentured agreement was made with John de Hastings on 20 August 1302 for his tenure of office as King's Lieutenant and Seneschal in Gascony.⁴³⁹ This specified the size and content of his retinue, and wages to be paid, in two instalments at Michaelmas and at Easter, for all expenses. Hastings was also to receive £40 for the passage of his entourage to Gascony. Horses were to be valued and restitution made for any lost. In format this was akin to the indentures for Scotland. It is unlikely that Hastings would have entered into such an agreement had he not deemed it in his own best interests.

In the normal course of events, Edward I had little need of inducements to obtain the service of *maiores barones*. Appointments to offices under the Crown contained inbuilt rewards of fees and the opportunity, through good management, of financial benefits. Service in the Household carried with it annual fees and robes and military service at pay. Enhanced status leading to parliamentary summonses and similar recognition could result, with the prospect of further rewards for loyal service efficiently performed. Military service in Wales and Scotland held out the prospect of spoils of war and the possibility of grants of land. Magnates saw most of the

service they were called upon to provide as both a duty and a right. Writs of military service for the major Edwardian campaigns often stressed the faith and homage owed to the King and the element of service to protect the interests of the realm. One particular writ, that of 26 September 1298 to muster at Carlisle also appealed to baronial self-interest. The King intended to be there at Whitsun eve 'to deal with Scottish affairs and quash the rebellion and to place people in the lands he has committed to them in Scotland'.⁴⁴⁰ Neither were threats normally required. Barons were well aware of their obligations and, unless circumstances were out of the ordinary, as in 1295 and 1297 for military service overseas, they were willing to fulfil them.

Some of what might be thought of as inducements were regarded by those serving as their due entitlement. This is true of letters of protection, respites of debts and respites of pleas. Without these many who served the King would have been more reluctant so to do. They relied heavily on the King to provide redress if any legal or financial action was taken against them whilst on his service. The King usually acted swiftly to make his protection and respites effective. Barons also interceded with the King and his officials to ensure similar protection was available to others serving in their retinues.

However, the evidence strongly suggests that the King required inducements to provide sufficient cavalry to serve

440. *Foedera* p.899 and *P.W. I.* pp.317-8.

overseas from 1294-8. He met resistance to his proposition that service was due overseas in defence of royal territory and interests. It was for Gascon service from 1294 onwards that additional incentives, not to be found for campaigns in Wales and Scotland, were provided. These included provision for barons killed on active service with regard to execution of their wills, licences to demise lands, licences to fell and sell trees and accommodation in royal property for wives and families. Moreover, Lewis has shown that the majority of retinues in Flanders in 1297 comprised household bannerets and their men, serving at pay.⁴⁴¹ This contrasts with Prestwich's findings that in Scottish campaigns about two-thirds of the cavalry service was provided voluntarily.⁴⁴² There is also evidence that advances on wages were made available, the only parallel for this being for the force under Valence in 1306 to deal with Brus's rebellion. Such measures may have been tacit recognition by the King that the service he sought was outwith the norm. They can be regarded as additional incentives to serve, or rewards for agreeing to serve. The expedition to Gascony also provides the only example of threats being used, in the calling in of all debts due to the Crown from barons who were threatening refusal of such service. Unusual circumstances dictated unusual action on the part of the Crown.

There is no evidence to suggest that there was baronial opposition to the added incentives provided by the King. Nor,

441. Lewis *op.cit.* pp.310-7.

442. M. Prestwich *English Politics in the Thirteenth Century* p.106.

given later service to, and appointments held of, the Crown, did the barons threatened with immediate repayment of debts in 1295 appear to have harboured lasting resentment. The opposition to the King led by Bohun and Bigod in 1297 appears unrelated to patronage but in principle to service overseas. Harriss further argues that the barons saw the 1297 Flanders expedition as an unjust war. 'The justification of any war started from the need to safeguard the community, but in the baronial view Edward's expedition jeopardised his person and endangered the realm'.⁴⁴³ It is difficult to gauge the actual level of opposition among the *maiores barones* to Edward I in 1297. Very few of the supporters of Bohun and Bigod are named in extant evidence. Those definitely known of are Robert fitz Roger, Alan la Zouche, John de Segrave, John de Ferrers, Henry le Tyeis and John Lovel.⁴⁴⁴ The Earl of Warwick, John de Hastings and Edmund de Mortimer are known to have been present at a baronial assembly near Montgomery in the early stages of opposition, though they may have transferred their allegiance back to the King.⁴⁴⁵ Their involvement as Welsh Marcher Lords may have arisen from a fear that their liberties and rights were under threat rather than with personal opposition to overseas service.⁴⁴⁶ It is also interesting that the three barons appointed by Edward to the Prince's Council in 1297 had

443. G.L. Harriss *King, Parliament and Public Finance in Mediaeval England to 1369* p.62.

444. Vincent *Lancashire Lay Subsidies* pp.203 and 218.

445. J.H. Denton 'The Crisis of 1297 from the Evesham Chronicle', *E.H.R.* 1978 p.565 and 576.

446. Indeed Lewis suggests from evidence of protections from the Supplementary Patent Roll C/12 that Hastings did serve voluntarily in Flanders in 1297, there being no entry for him in the pay book he analysed - *op.cit.* p.312 Note 4.

a long record of service in Wales and the March, Plucknet, Grey and Giffard. Baronial opposition in 1297 was certainly strong enough to disrupt execution of Edward's policy objectives. In Flanders he had to rely largely on paid service and none of the Earls participated. The continuing discontent over Edward's methods of raising cavalry troops, prises and breaches of the Charter, particularly that of the Forest, prevented an effective follow-up of the 1298 victory at Falkirk. Relations between the King and some elements of the baronage were strained. Unlike in other reigns, however, where King and baronage came into conflict, patronage was not a live issue.

Is it possible to discern any significant changes in the type, nature, extent or frequency of rewards for service provided by the Crown between 1290 and 1307? Was royal patronage affected by the growing financial problems of the King in continuing the unremitting struggle to subjugate the Scots? It has been shown that unusual circumstances, namely those arising out of Edward's need for service overseas, brought new incentives and rewards. Otherwise, the pattern does not vary markedly, though minor differences in approach and emphasis can be perceived.

Edward's attitude to granting land remained little changed, grants within England from being infrequent becoming well-nigh non-existent, except for those of Scots rebels. It is significant that, whereas in the 1270s and 1280s he granted a limited number of lands in England and Ireland to favourites

like Grandison and those promoted through royal service such as Knovill and Hacche, he did not make similar provision for any of the new generation of younger, loyal servants from similar backgrounds such as Leybourne and Botetourte. On his death in 1324 Botetourte held manors and other lands in five counties.⁴⁴⁷ But these were held jointly with his wife of her inheritance, including one third of the barony of Bedford, or by gift from other parties not the Crown. As regards lands in conquered territories, Edward's actions in Scotland largely mirrored those earlier in Wales, though a greater number of individual barons benefited. But in comparing the two periods when such lands were at his disposal in quantity a change of approach is discerned. In 1298 Edward granted lands fairly lavishly and immediately, even when not yet in his hands and seisin could not be guaranteed. In 1306 he was generous in rewarding Percy and Clifford with forfeited lands in England, but refused many requests for lands in Scotland, intending to deal with them once he came to Scotland and presumably once Brus was vanquished. He may have wished to encourage barons to ensure Brus's defeat before bestowing largesse.

Scott Waugh's arguments that Edward's policy in relation to grants of wardship and marriage altered during the Scottish War to ensure greater financial return to the Crown may be correct as a general statement. But the evidence of grants to *maiores barones* both in frequency and method of award shows no perceptible change. His use of wardship and marriage as patronage for baronial service was consistent throughout the

447. *C.I.P.M.* VI pp.367-8.

period under review. His willingness to respite feudal dues in return for military service is also demonstrated in the period when he was under the most severe financial pressure. When he eventually levied the aid, granted by parliament in 1290 for the marriage of his eldest daughter, thirteen years later, to help meet the costs of the Scottish Wars, the vast majority of barons had respite because of military service being provided.⁴⁴⁸ The period of the Scottish Wars was also when Edward was most prepared to cancel debts owed to the Crown.⁴⁴⁹ He may well have recognised the financial pressure faced by magnates in continuing to provide retinues for Scotland. The other side of the coin was his willingness to set baronial debts to the Crown, often of long standing, against money he owed to avoid paying out hard cash. But he made no special effort to secure payment of outstanding debts. In agreements made with barons to pay these in instalments, the annual repayments fixed were small in relation to the total outstanding debt. It was also between 1300 and 1302 that indentured agreements were contracted on a significant scale, implying additional expenditure and better rewards for those entering into them than normal methods of paid service. The impression is clearly given that Edward did not see the deteriorating financial position of the Crown as a reason for reducing cash incentives or rewards for service. His obsession with the conquest of Scotland relegated fiscal probity to a secondary position. A demonstration of this was the provision

448. *C.Ch.R.V.* pp.79-94.

449. M. Prestwich, *War, Politics and Finance under Edward I* p.239, highlights one major act of generosity, the cancellation of all Robert fitz Roger's debts at the Exchequer in 1302.

of advances on wages for the barons under Valence sent to crush Brus's revolt in 1306.

In the judicial sphere Edward I became more prepared to grant concessions which would secure the service of baronial retinues in Scotland. The most general example of this is the large number of respites of assizes of novel disseisin in 1303,⁴⁵⁰ over and above the usual legal exemptions contained in letters of protection. There was also an increase in the number of pardons granted in return for service or the promise of service. He was increasingly prepared to forego substantial sums due in fines, as from Thomas de Berkeley and John Lovel, in return for retinues to serve in Scotland. The successful implementation of his Scottish policies was paramount.

Were the rewards given related to the nature of the service provided? The answer must be a qualified 'yes'. Grants of lands in Wales and Scotland were predominantly to those who contributed to Edward's victories. The disposal of the English lands of Brus and other Scots rebels in 1306 benefited two of Edward's prominent younger lieutenants in Scotland, Percy and Clifford. The cancellation of debts because of service provided usually specified the reason as being for service where the debts were incurred, more often than not, Gascony. Pardons for crimes or remission of fines were again for good service, usually in Scotland. Letters of protection, the right to nominate attorneys, respites of debts and respites of pleas were granted when service was being provided outwith England,

450. *C.Ch.W.* p.87ff..

primarily on military service but also for serving on diplomatic missions. There were in addition local, geographical considerations. Appointments, which can be regarded as rewards in themselves, especially to keeperships of castles in England were frequently made of barons often with a record of service in the Household, but also in areas where their main landholdings were. On the other hand, grants of wardship and marriage were made for a variety of reasons, often to magnates who had loyally served the King, but in a wide variety of spheres.

It is difficult to argue convincingly that the best rewarded magnates were those who served Edward most frequently. Equally, one cannot say with confidence that any specific type of service was better rewarded than any other. It is not feasible to try to estimate the relative value to individual barons in different circumstances of, for example, the grant of a wardship as against cancellation of debts. Where a magnate served the Crown in a number of different spheres it is not always possible to identify which specific service any reward bestowed was for. Rewards could be for regular loyal service over a period, rather than for any one task successfully accomplished. It is necessary to be somewhat subjective in seeking to answer the question 'is there a correlation between the nature and extent of rewards given with both the amount and type of service performed by members of the baronage'?

A considerable majority of the forty or so *maiores*

barones who received grants of land from Edward I served the King regularly in many capacities. In the previous chapter, thirty-one lords of parliament were identified as the magnates most active on royal service from 1290 to 1307. Twenty-two of them received grants of land, fourteen exclusively in Scotland. Of the other recipients, Walter de Beauchamp became Steward and Peter de Chaumpvent, Chamberlain of the Household. Fitz Walter was fairly active on royal service and a kinsman of Edward I. Hacche and Giffard were long serving members of the baronage. Teye, Wake, Balliol, Ros and Cantelupe all performed important roles in relation to Scotland. The overwhelming majority carried out important duties for the King and grants of land were rewards for that service. Of the nine not granted land, Alan de Plucknet had had previous rewards for service in Wales and William de Leybourne and Thomas de Berkeley were granted valuable marriages.

Those who appear to have gone somewhat unrewarded for the amount of service performed were Walter de Huntercombe, Robert de Burghersh, Thomas de Furnivall, Brian fitz Alan and John de Havering. Burghersh's only reward for service was his fee as Warden of the Cinque Ports and Constable of Dover Castle, but this was substantial, plus expenses on royal business in France.⁴⁵¹ His period of service, 1298-1306 was in one capacity. His summons to parliament in 1306, the year of his death, implied enhanced status. Further rewards might have followed. Furnivall was active in Scottish affairs, especially in arraying troops to serve there and might have expected

451. C62/82 and *C.C.R.* 1302-7 p.451.

rewards. Respites of debts and pleas, together with a pardon for acquiring the manor of Eyram Derby from Roger de Mortheyn with a licence to retain it provide the only evidence in respect of rewards for service.⁴⁵² Fitz Alan and Huntercombe performed extensive service in relation to Scotland. Brian fitz Alan received payments as keeper of various Scottish castles in 1291-2, as Guardian of Scotland and for his role in keeping the realm in 1297.⁴⁵³ He had respites of debts and pleas and respite of the tenth for staying in Wales in 1294-5.⁴⁵⁴ His prominent role in Scotland would appear to have merited greater consideration by Edward. It is tempting to suggest that his initial refusal, for understandable financial reasons, to succeed the Earl of Surrey as Lieutenant in Scotland in 1297 prejudiced Edward against granting him further material rewards. One can make comparisons with Huntercombe in that the latter had refused initially to serve in Gascony in 1295. However, others who had incurred the King's displeasure, as with Robert fitz Roger in refusing Gascon service, were among those well-rewarded by the King. Many with a lesser record of service in Scottish affairs were more amply rewarded than Huntercombe. There is an inexplicable gap in his summonses to parliament. He attended in 1290 and 1295 but was not again summoned till December 1299 for the March 1300 parliament. This could suggest he was out of favour but during this period he held a number of important appointments both in Scotland, as Keeper of Edinburgh Castle,

452. *C.P.R.* 1301-7 p.516.

453. *Stevenson II* pp.204-27; *Rot.Scot.* pp.4,9 and 46.

454. C67/11, 13 and 14; *C.C.R.* 1288-96 pp.310-1; *C.Ch.W.* pp.46-52.

and for the defence of the March.⁴⁵⁵ Havering benefited from cancellation of debts incurred in Gascony but received little tangible reward for extensive service, especially in Wales and Gascony.

Grants of wardship and marriage went primarily to barons with records of considerable service. Twenty-seven *maiores barones* were recipients between 1290 and 1307. Thirteen are to be found in the thirty-one recorded as most frequently on royal service. Of the remainder, reasons are usually specified, clearly showing them to be rewards for service. William de Braose, William Martin and Peter de Mauley were recipients whilst serving in Gascony, and William de Morley was about to go there. The grant to Robert de la Warde was when he was Steward of the Household and Eustace de Hacche was prominent in many aspects of royal service. Hugh de Vere was about to go to Scotland in 1301 when he was granted the wardship of the manor of Bukton, Kent.⁴⁵⁶ Walter de Teye's wardship in 1306 was in place of £277 17s. 5d. owed to him, the only example in the period of Edward granting a wardship to a *maior baro* instead of hard cash, rather than as patronage.⁴⁵⁷ Fulk fitz Warine, a prominent household banneret, received in 1299 a marriage as compensation for being unable to benefit from a similar grant made eleven years previously.⁴⁵⁸ William de Rither and Simon de Montacute were

455. e.g. *C.P.R. 1292-1301*, 25 November 1298, appointed as Captain in Northumberland; *Rot. Scot.* p.36, 5 October 1296, appointed as Keeper of Edinburgh Castle; *C.D.S. II* No.997, 24 July 1298, described as Keeper of Edinburgh Castle.

456. *C.F.R. I* p.441.

457. *C.P.R. 1301-7* p.425.

458. *C.P.R. 1292-1301* p.422.

both relatively active on royal service. This leaves Hugh Bardolf, Walter de Muncy and William le Marshall. Bardolf served regularly and prominently in major campaigns in Scotland and Gascony, but in no other sphere. Muncy was favoured by the King for his services in relation to falconry. Although he held the barony of Hocking and was hereditary marshal of Ireland, William le Marshall was neither summoned to parliament nor active in royal service other than in Scottish campaigns, during Edward I's reign. Overall, however, as with grants of land, Edward I, with wardships and marriages, can clearly be seen to have rewarded either specific service or a lengthy record of service on the part of recipients. There were exceptions, both in those omitted from royal recognition and in those included, but service of value to the King either in a specific context or, more often, of long duration, was tangibly rewarded.

The question of 'favouritism' need not detain us long. It was not a problem in the reign unlike those of other monarchs, notably that of his son. Otto de Grandison had a special place in Edward's affections, but the rewards of lands, particularly in Ireland, and the Wardenship of the Channel Islands, to the Savoyard were neither excessive in relation to service performed nor a threat to the English baronage. The grant of the Channel Islands for life was a sinecure. Some members of the household, who rose from humble origins, such as Hacche and Knovill, were well rewarded but the benefits received were merited. Their loyal service and some element of favouritism by the King, as with others such as Leybourne and Muncy,

showed that a rise in status to the rank of Lord of Parliament could be achieved. Edward was also prepared to overlook breaches of the law by trusted counsellors, notably Thomas de Berkeley. The few instances commented upon of barons with good records of service receiving scant rewards and likewise rewards being bestowed on some who hardly seem to have merited them, can be attributed to personal prejudice. But Edward was remarkably even-handed in his distribution of patronage, limited though it may have been in comparison with other English rulers in the Middle Ages.

The prospect of being rewarded was a motivating factor in the provision of service by at least some *maiores barones*. This is particularly true in respect of military service, where spoils of war were sought. Evidence comes from the numerous requests received by the King for the lands of Scots rebels in 1306. This is possibly why, despite the drain on their resources, the wars in Scotland remained popular with the barons and 'Edward could rely on the military support of many of the magnates even though he could not offer prompt and satisfactory financial recompense for their services'.⁴⁵⁹ But magnates also regarded such service as a duty and, indeed, a right, albeit within well established feudal parameters. This explains why those outwith the household continued to serve at their own expense, why there was opposition to service overseas and why many barons opposed Edward's efforts to obtain non-feudal cavalry service, through expedients such as

459. M. Prestwich *War, Politics and Finance under Edward I* p.271.

the summoning of £40 landholders in 1300. Those involved outwith the major campaigns, in serving the King in Scotland and in the northern counties of England, hoped for recognition of their efforts by a grateful King. But the majority, being northern landholders, were active in defence of their own interests and war was still a normal occupation for the aristocracy. It offered them an opportunity of leaving the domestic cares of estate management behind them, with their interests safeguarded through letters of protection, respites of debts and respites of pleas.

Membership of the household opened up the prospect of employment by the Crown, which could be rewarded through in-built fees, rewards from the King and enhanced status. Many of the barons who served Edward were thus motivated, but some were careerists who wished to be involved in the governance of the realm. Service to the Crown was also provided because of loyalty to Edward personally. Many of those most active in his service were companions of his youth who became trusted counsellors. Those who served on judicial commissions may have done so out of self-interest; by serving in this way, they were more likely to get commissions appointed, if they were transgressed against. This is more likely than respect for the law as a motive. Thomas de Berkeley, a frequent lawbreaker, served as a justice on three occasions. Baronial service to the Crown derived from a variety of motives, the desire to benefit personally from royal patronage playing its part. Many barons served the Crown willingly and undoubtedly saw service as a way in to patronage for the benefit of themselves and

their families.

There is little evidence available from letters and petitions as to what barons sought from the Crown in the way of rewards for service performed, other than in the specific instance of lands in Scotland in 1306. Simon de Montacute did seek and was granted a pardon 'because of his long service' in 1306 for a 100 mark fine imposed on him.⁴⁶⁰ Huntercombe sought unsuccessfully an allowance for corn taken in the defence of the March. Requests of this nature are exceptional. Much more common are petitions seeking payment of wages due, particularly for Gascony, or the setting against wages of debts owed to the Crown. Such requests were made by Hugh Bardolf, Robert de Clifford, Robert fitz Walter, William de Grandison, Eustace de Hacche, John de Havering and Roger le Strange.⁴⁶¹ Requests for favours from the King are to be found. Hugh le Despenser, in 1307, sought a Monday market and three day fair at his manor of Aberford; Henry Huse free warren in manors in Surrey the same year; William le Latimer Jun. pontage in Jarrow in 1305; Henry de Pinkeny in 1300 compensation for expenses in fitting out Luffenake Castle.⁴⁶² Wardships were also requested. William le Vavassour sought a re-grant of the wardship of Scottish lands of the Lascelles family, because the heir was an idiot.⁴⁶³ What magnates

460. A.P. File 10 No.490; *Rot. Parl.* I p.477 No.97; *C.C.R.* 1302-7 p.298.

461. A.P. File 323 No.E574; A.P. File 279 No.13709; A.P. File 111 No.554; A.P. File 49 No.2441; A.P. File 115 No.5719; A.P. File 278 No.13854; SC1/48/69.

462. A.P. File 200 No.9961; A.P. File 53 No.2633; A.P. File 9 No.434, *Rot.Parl.* I p.468 No.45; A.P. File 143 No.7141.

463. C47/22/9/126 (*C.D.S.* II No.1869).

requested frequently were protections and respites to enable them to perform effective service for the Crown. A few examples show the general tenor of such requests. In 1299, Marmaduke de Twenge sought and obtained protection for himself and a retinue of eight going to Scotland.⁴⁶⁴ Hugh Bardolf requested respite of aid for marrying the King's daughter and for debts going to the King's war in Scotland.⁴⁶⁵ Roger de Mortimer complained to the Chancellor that, being in the King's service in Scotland, he is being distrained by five sheriffs for various debts. Great damage will be done if he does not have respite.⁴⁶⁶

There is little evidence of barons specifically seeking rewards for service. They sought what they regarded as their rights whilst undertaking service for the Crown, and, occasionally, various licences and privileges, such as establishing of markets and fairs, which were of the King's gift. On petitioning the King they hoped that their service would be taken into account. There is also little evidence of barons actively seeking rewards for their retainers, for the knights and esquires who formed their retinues in providing military service. But, frequent examples are found of protections, respites of debts and pleas being asked for to ensure that they would continue to serve. Where barons were serving at pay there are examples of urgent requests to the King that wages be paid.

464. A.P. File 270 No.13492 and *C.P.R.* 1292-1301 p.456.

465. SC1/28/43.

466. SC1/28/89.

There is no substantive evidence of baronial dissatisfaction with Edward I's distribution of patronage. Such considerations played no part in the opposition to service abroad, the major crisis of 1297 or the reluctance of certain magnates to go to Scotland in 1300 for a winter campaign. Nor did inadequacy of remuneration or rewards appear to feature in the few cases of desertion from Edward's campaigns. There was annoyance at his banning of tournaments during the Scottish Wars, and it was a desire to participate in such events that led to a significant number of barons and knights leaving Scotland in 1306. Jousting with their fellows provided greater pleasure, sport and, perhaps even military accomplishment than campaigning in the inhospitable northern climes. There are complaints of lack of resources to serve the King in Scotland. Barons, especially those serving voluntarily, must have encountered financial difficulties in providing retinues with monotonous regularity. Even those serving at pay had problems in meeting their obligations when wages were in substantial arrears. This explains the growth in baronial requests for arrears of pay, for having debts due to the Crown cancelled or at least set against moneys owed to them by the King and paid off in small instalments.

Where baronial complaints did arise were in instances when rewards promised them had not materialised or not been honoured in full. The King was invariably supportive in authorising necessary follow-up action. The royal response either implied, or openly stated, criticism of officials for not implementing the King's decision. Robert fitz Payne

experienced difficulty in getting income from lands granted him within the sheriffdom of Ayr. In 1304 Edward ordered the sheriff to assist him to raise arrears of ferms due in his bailiwick.⁴⁶⁷ Robert fitz Roger petitioned for expenses, costs and works undertaken in war, claiming he had the King's charter of 500 marks of land of which he had nothing yet.⁴⁶⁸ Unfortunately the endorsement is undecipherable, but it is conceivable that Edward's pardoning of all debts due by fitz Roger at the Exchequer is related. Concern over such matters is mirrored in the requests by a number of barons for payment of arrears of fees, as with Clifford for the Liberty of the Bishopric of Durham, and Havering as Justice of Wales.⁴⁶⁹ To such petitions Edward responded promptly with orders to the Barons of the Exchequer to carry out the necessary accountings and make payment.⁴⁷⁰ Whether payments were in fact made promptly remains a matter of conjecture. Edward was also willing to substitute a new grant in the case of wardships where an original grant had not come to fruition. The escheator this side Trent was ordered on 30 May 1291 to deliver to Eustace de Hacche custody of lands that belonged to Baldwin de Aldham in compensation for certain custodies granted that he had not received. This order was repeated on 17 September with the issues to be backdated to May because the escheator had not executed the original mandate.⁴⁷¹

467. C47/2/13/9.

468. A.P. File 322 No.E505.

469. A.P. File 279 No.13709; A.P. File 278 No.13854.

470. *C.C.R.* 1302-7 pp.359, 376 and 381; *C.C.R.* 1296-1301 p.431.

471. *C.C.R.* 1288-96 pp.170 and 179.

Did Edward I, therefore, have a policy in relation to patronage and does he deserve his reputation for being niggardly? He was intent on retaining and, indeed, extending landholdings within the royal family to protect the position of himself and his dependants. The inevitable corollary was an unwillingness to make grants of land within England itself, even given that in the normal course of events, through forfeitures and families dying out, additional land would become available to him. It can be argued that he had a clear policy that patronage would largely exclude granting lands within England. On the few occasions that grants were made, the majority were for life as a reward personal to the recipient, with no permanent diminution of royal landholding. The one significant exception was English land of forfeited Scottish rebels. He appeared to regard such estates as adjuncts to Scottish landholdings, which he was willing to dispose of to those who had played a significant part in successful campaigns. Given that the amount of land in Wales and Scotland available to him was significant and that he did grant it out to barons and others who had served him well, his overall generosity in this sphere was not markedly less than that of other Kings, who did not have these additional sources of land to call upon.

Waugh has argued that Edward I was one of England's more generous Kings in grants of wardship and marriage. Writing of the period 1283-92, he said 'royal lordship in these years did not generate greater revenues because Edward I distributed most of his feudal incidents as patronage to strengthen the

solidarity of his court and administration'.⁴⁷² Even, thereafter, when Waugh detected a greater use of wardships as income to pay wages, debts and expenses, there is no evidence of a reduction in grants to members of the baronage. They remained as frequent and predominantly distributed as rewards for service. The main beneficiaries were barons, giving valuable service or with a lengthy record of service behind them. The largest number of grants to an individual was to Eustace de Hacche. They represented rewards for faithful service and constituted an integral part of the process whereby Hacche's status and personal assets were increased as he rose through the ranks to become a Lord of Parliament. Other beneficiaries in a similar situation were John de Botetourte, Bogo de Knovill, Walter de Muncy and William de Leybourne. Edward I was prepared to use royal lordship as a source of patronage to a greater extent than his father. Moreover the beneficiaries were English magnates, rather than foreign favourites, Savoyards and Lusignans, as with Henry III.

Still on matters financial, Edward I made no lavish grants of money. But, increasingly, he rewarded service through cancellation of debts due to the Crown or arrangements whereby debts owed to the Crown were set against those owed by the King. Arrangements made for payments of debts in instalments were generous and Edward was quite prepared to renew such arrangements, even although terms had not been

472. Waugh 'The Fiscal Uses of Royal Wardship in the Reign of Edward I' p.56.

kept. No attempt was made to claw in arrears. In the closing years of his reign, Edward I gives the picture of a King who appreciated the financial difficulties that barons, like the monarch himself, were experiencing in continuing to serve in Scotland. He attempted to assist those who had provided valuable service in the past to continue to do so through favourable financial dealings. It is true that many were in arrears of receipt of fees and wages. Nonetheless, a King with the financial difficulties of Edward might have been tempted to maximise income by taking measures to call in a significant proportion of baronial debt. Edward was, however, obsessed with his ambition to conquer Scotland and all his actions were designed to secure that aim, including maximum support from the *maiores barones*, on whose service in Scotland he was dependant.

Edward I appears to have been particularly amenable to providing the conditions in which the *maiores barones* would feel happy to provide service. He was assiduous in providing protections, and respites of debts, pleas and aids. Complaints by barons of distraint whilst serving the King were quickly dealt with. The scope of respites was extended, particularly in cases of novel disseisin. Considerations of this kind were very important to barons. They had to feel that in providing service their interests were being safeguarded and that serving the King would not create problems elsewhere. Such matters concerned the *maiores barones* more than potential rewards.

Whether or not Edward I had specific policies on political patronage is less important than the attitude of potential recipients. There is no evidence of consequence that Edward's magnates were dissatisfied with the level or nature of royal rewards for service. It does not seem that their expectations were disappointed. Those who served the King, whether in specific capacities or in a wide sphere of activities were rewarded. The situation in the period 1290-1307 was little different from that prevailing throughout most of the mediaeval period in England. The King had need of barons to undertake service on his behalf. That service was willingly given; rewards were bestowed and were gratefully accepted. Many historians, in discussing patronage, have concentrated too heavily on Edward's policy towards the earldoms, and placed too great an emphasis on his failure to grant sizeable landholdings in England. Edward had the luxury of additional major territory to parcel out in Scotland and Wales. The Earls of Surrey, Lincoln, and Warwick, together with the putative Earl of Pembroke, Aymer de Valence, were all well-rewarded as were many other magnates. His use of wardships and marriages for political patronage was generous in comparison with others, as were the financial arrangements made with many magnates. Evidence from the period 1290-1307 as a whole makes the judgement 'Edward did not use the techniques of persuasion and patronage with any real ease; his preferred style was one of confrontation and compulsion' seem somewhat harsh.⁴⁷³ Prudent and sensible would be more appropriate adjectives to apply to Edward I's approach to

473. M. Prestwich *Edward I* p.562.

patronage than niggardly.

CONCLUSION

Although far from defined rigidly, it is justified to talk of the *maiores barones* as a distinct, prominent group in English society in the first decade of the fourteenth century. They ranked below the Earls but were differentiated from the lesser nobility, predominantly knights of the shire.

The *maiores barones* received individual writs of summons to parliament and to serve in the major Scottish campaigns of the closing years of Edward I's reign. They did not constitute an hereditary peerage. There was no guarantee that eldest son would follow father into parliament, nor attain the same prominence. The King summoned individuals both for parliament and major military expeditions rather than a specific social group. Indeed, father and son and brothers were sometimes summoned to the same parliament or muster. But by the end of his reign Edward I was summoning the same individuals time and again rather than a random selection as appeared the case earlier in the reign. Such a group coming together in parliament may have become aware of a greater social cohesiveness. They may have recognised that they formed a specific group, with the earls, brought together to resolve major issues in parliament and achieve Edward's prime policy objective, the conquest of Scotland. The idea was germinating that they had a major role acting in a specific setting - a 'peerage' and 'that in parliament' which was to be defined by the Ordainers in the next reign.

A landholding base was important. The King sought

involvement in national government, through provision of advice and counsel, of men prominent in their communities, whose own standing locally would be beneficial to the monarch they served. As Powis argued 'the large-scale ownership of land carried with it powerful traditional associations with command and lordship'.¹ Although tenure *per baroniam* had ceased to have practical meaning, the vast majority of holders of baronies rank among the greater magnates, because they had substantial landholdings.

Others were also summoned to parliament and individually to major campaigns, some of whom did not even hold of the King in chief. A significant number rose in prominence and status through service to the Crown, primarily through the Household, some of fairly humble origin. Moreover in Edward I's reign there was an imbalance in the geographical spread of those selected for parliamentary summonses. The Welsh Marches and the Northern counties provided a disproportionate share of *maiores barones*, a reflection of the predominant political concerns of the period.

Contrary to the views expressed by many historians, notably Powell and Wallis, a strong case can be argued for the proposition that the origins of a parliamentary peerage are to be found in the reign of Edward I, between 1300 and 1307.² The criteria and arguments they advance for placing this development in the reign of Edward II are equally applicable

1. Powis *op.cit.* p.38.

2. Powell and Wallis *op.cit.* p.315.

to his father's fourteenth century parliaments.³ The writs of individual summons to parliament for Carlisle in 1307 were, apart from deaths, to virtually the same *barones* as for the parliament of 1300. In the period 1300-7 barons were as likely to be re-summoned and their sons to follow them to parliament on their death as during the next reign. As Powell and Wallis admit, those summoned by Edward II in the early years of his reign were basically those summoned by his father.⁴ Of those listed in Appendix A as a snapshot of the *maiores barones* in 1307, 85 in total, only 11 were not summoned to parliament by Edward II.⁵ Moreover, the magnates summoned to parliament from 1300-7 were, with few exceptions, those who received individual writs of military summons to muster against the Scots between 1298 and 1303. This was no coincidence. Edward I was summoning to parliament those he depended upon to provide cavalry service to effect the final conquest of Scotland. The parliamentary list for 1300 was based on the military list, not vice-versa. This appears to have been a deliberate act of policy. Edward was prevented from following-up his victory at Falkirk by continuing discontent shown by some magnates, particularly over the Charters. It was only by summoning those people, crucial to military success in Scotland, to parliament

3. *Ibid* p.303ff. Ch.16 - 'Summons to Parliament 1307-30 - A Phase of Stabilisation'.

4. *Ibid.* p.309.

5. Of these, Robert de la Warde died before Edward I, Bogo de Knovill in 1307 and Walter de Muncy in 1308. Grendon, Sampson and Nansladron have been discussed in detail, it being difficult to ascertain why they were summoned to parliament in the first place. Otto de Grandison and Geoffrey de Geneville were both 'foreign favourites' of Edward I whose service was personal to him and not continued into the next reign. The three whom one might have expected to continue to receive summonses were William Touchet, Alexander de Balliol and Thomas de la Roche.

and resolving problems that Edward could hope to mount the size of expedition necessary to complete the subjugation of the Scots.

Albeit reluctantly, Edward made concessions in parliament, particularly in relation to the Forests, to secure baronial support in Scotland.⁶ It is significant that parliament was not summoned between 1302 and 1305. It can be argued that tension between King and baronage made Edward unwilling to provide a forum for further discontent. More tenable is the argument that, having arrived at an accommodation with the baronial malcontents and secured their service in Scotland, Edward saw no need for parliament to meet again until the conquest of Scotland had been achieved.⁷ There is no direct evidence of baronial disquiet that parliament was not summoned either in 1303 or 1304, other than the desire to see its judicial function proceed, given the large number of petitions presented by barons to the 1305 parliament. Nor is there evidence of conflict between Crown and baronage in the 1305 parliament. What is significant is that Edward I had

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6. There has been controversy among historians as to whether Edward I did make concessions. I accept the view of Rothwell in relation to the Lincoln Parliament of 1301, - 'Edward I and the Struggle for the Charters 1297-1305,' *Studies Presented to Powicke* pp.329-30 - 'The King had to make concessions. He needed parliament's backing in the matter of the pope's claim to Scotland and money'. 'In granting that statutes contrary to the Charters should be null and void, he added to all his previous concessions. And he gave way...on the question of disafforestments.'
7. In the autumn parliament of 1302 preparations to renew the Scottish War were high on the agenda. For example, the King instructed Langton 'to think about our Scottish business, so that our interests may prosper there'. Among other things he was to deal with were payment of wages and victualling of castles. Sayles *op.cit.* pp.257-8.

identified those *barones* he felt it necessary to call upon to provide advice and counsel and deal with the 'grosses buisoignes' of the realm. He saw no need for any major changes between 1300 and 1307.

Those who constituted an embryonic parliamentary peerage were also to spearhead Edward's efforts to complete the conquest of Scotland. They received individual writs of summons to muster for cavalry service in the major campaigns in the belated follow-up to Edward's victory at Falkirk. Military service was, of course, incumbent upon all tenants-in-chief and the King attempted innovative measures to increase his cavalry forces. But it was from the ranks of the Earls and the *maiores barones* that Edward I obtained his largest contingents. They were the main bannerets in his armies, as in the four squadrons at Falkirk in 1298 and Caerlaverock in 1301. The service they provided varied, sometimes in direct relationship to the wealth of the individual concerned. Strictly feudal service, often through men rather than actual personal service, was provided.⁸ Because feudal quotas had been 're-negotiated' and no longer met the King's needs, campaigns extending well beyond the stipulated forty days, this required to be supplemented. A significant number of *maiores barones*, principally those with

8. The common phenomenon of magnates being present on campaigns but serving voluntarily, whilst they provided men to meet their feudal obligations is discussed by M. Prestwich 'Cavalry Service in Fourteenth Century England' pp.148-9 and *Edward I* p.484. This practice is somewhat at odds with baronial opposition to Edward I's innovations in raising cavalry because they wished to assert their feudal rights.

lesser landholdings served at pay as members of the Household, extended for war. There were also, especially between 1300 and 1302, outwith the major campaigns a number of important indentures, some with prominent magnates, such as St. John, Latimer and Valence, for specific paid service in Scotland. But Prestwich has shown that about two-thirds of the cavalry service in the Scottish campaigns was unpaid, many magnates serving voluntarily beyond the forty days required.⁹ There is some evidence that voluntary service was more prevalent when the King was campaigning in person, magnates being more willing to accept pay when this was not the case. A clear example comes from 1303. A memorandum drawn up the next year showed John de Segrave owed £239 in wages from 20 November 1302 to 16 May 1303 for himself and his retinue in the garrison of Berwick. From that date, when the King arrived at Roxburgh, payments up to Christmas were for Segrave's retinue, nothing being paid for his personal service.¹⁰ Prestwich's assessment - 'There is no simple way of describing the cavalry forces of the armies of Edward I's reign; they cannot with justice be termed mercenary, feudal or contractual' - remains wholly valid.¹¹ The *maiores barones* on whom Edward relied so heavily, especially in Scotland, provided service under all three categories.

If one turns to service provided by the *maiores barones* outwith parliament and the major military campaigns,

9. M. Prestwich *War, Politics and Finance Under Edward I* pp.71

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10. *C.D.S.* V. p.383.

11. M. Prestwich *War, Politics and Finance Under Edward I* p.91.

involvement was not as widespread as many historians have implied.¹² A small minority served Edward I in relation to national government or on the international stage as diplomats. This is equally true of royal appointments in Gascony, Wales, Ireland and Scotland. Where Edward did call upon magnates more extensively was in what may be termed 'local government'. He utilised barons prominent in their local areas to implement royal policy as in taking recognizances from the clergy in 1297, assisting sheriffs with commissions of array and purveyance, certain aspects of administration of justice and in appointments to custodies of royal castles. In defence of the Marches against the Scots he called upon prominent Northern landholders, just as he had Welsh Marcher Lords in Wales. But a large number of *maiores barones* were rarely called upon outwith parliament or major military campaigns.

The versatility often attributed to the baronage is not borne out by detailed examination of the evidence of baronial service to Edward I.¹³ A few magnates were 'jack of all trades' and undertook royal appointments in a wide range of different spheres. A significant number, however, served the King in one particular area, examples being Otto de Grandison and Hugh de Vere in diplomacy. Others served in specific geographical areas, Huntercombe being one whose extensive service was in

12. This view is most strongly expressed by Rosenthal *op.cit.* p.41 - "The nobles actively participated in almost all levels of lay government and bore a disproportionate share of high office."
13. Again Rosenthal expresses this view e.g. *op.cit.* p.42 - 'As a group there was little they could not be expected to perform'.

the March and Scotland. Service, though extensive, could be confined to one specific appointment, Robert de Burghersh being Warden of the Cinque Ports. It is also significant that barons who had served over a range of activities, once engaged in Scotland, its conquest being Edward's prime objective, became exclusively involved there for the rest of their lives or the remainder of the reign. Good examples are provided by John de St. John, William le Latimer and Aymer de Valence.

The greater baronage had two component parts, although the dividing line is blurred. A number of *maiores barones* owed their position to inherited landed wealth, often being tenants-in-chief per baroniam. Within this group are to be found most of the barons who were not the subject of royal appointments. Conversely, it is largely among those who rose in prominence and social status, culminating in individual writs of summons to parliament and musters, from relatively obscure backgrounds, that the virtual full-time professional servants of the Crown are to be found. Their position as *maiores barones* derived from and was justified by that service. Such service often started in the royal household, which Edward I used as a testing ground from which he drew men who could efficiently and reliably undertake duties assigned by him. But baronial status was attained through other routes. Bogo de Knovill had as his starting-point tenure of the sheriffdom of Staffordshire and Shropshire. William le Vavassour came to prominence through service in the household of the Earl of Lincoln. As with most generalisations there were exceptions. Aymer de Valence, de facto Earl of Pembroke

Wales, Ireland, Scotland and Gascony, served the King on major embassies and from 1300 was well-nigh continuously in Scotland in royal service. What both groups had in common was performance of local service in areas where they held land, whether of long-standing, or, in the case of the 'new' men, recently acquired.

There were spheres of Edward's rule where baronial appointments constituted the norm. All four justices of the forest from 1290-1307 were *maiores barones*. All lieutenants and seneschals in Gascony were earls or barons and the same is true of appointments in Scotland, primarily military in nature, though not Wales or Ireland, where the successful Justiciar, Wogan, was an English knight of the shire. Very few aspects of service to the Crown were baronial preserves. Appointments made by Edward I were on the basis of merit and benefit to the Crown. Local connection was important, but some of the tasks allocated to barons were entrusted in some counties to prominent knights, who were not summoned to parliament in their own right. This held true for custodies of royal castles and forests, service on commissions of array or purveyance of victuals for the army. Some appointments were in conjunction with sheriffs, as with the recognizances of the clergy in 1297. In the judicial sphere, commissions of oyer et terminer were undertaken along with professional justices. The one unique feature was the appointment of a baron to a commission in his local area, when the complainant or defendant was the King, an earl or another *maior baro*. There were areas where there was always baronial involvement. This

were areas where there was always baronial involvement. This is true of membership of the King's Council. Edward also had a structured approach to embassies abroad, when their function was to engage in actual negotiations. On such occasions there was always a comital, baronial, clerical, judicial and administrative element. The baronial usually came from Otto de Grandison, Hugh de Vere, Aymer de Valence or Hugh le Despenser. But various ranks of society were equally involved by Edward I in his selection of advisers and royal appointees. The earls and barons only provided part of the counsel and service required by the King.

Much of what has been written over the years in relation to patronage under Edward I, particularly his reputation for niggardliness, has been coloured by comparisons with other reigns. Too much emphasis has been placed on his dealings with the earls, particularly the deprivation of their rightful inheritance of John de Ferrers and Hugh de Courtenay, and Edward's failure to elevate loyal *maiores barones* to comital status. But he was generous to the Earls of Surrey, Warwick and Lincoln in territorial grants in Wales and Scotland. Moreover, undue generosity and elevations to earldoms in other reigns, particularly of favourites, caused resentment amongst others and consequential challenges to royal authority. The outstanding feature of Edward I's reign in relation to patronage was that his distribution of largesse did not bring political problems, like that of Edward III. Patronage was not an issue in the 1297 crisis nor in the continuing dispute with Bohun and Bigod over the Charters. Edward was neither guilty

of favouritism nor lavish grants of land. Had other English monarchs adopted his cautious approach to patronage, they would have encountered fewer problems of baronial jealousy or overmighty subjects. Edward I deserves to be praised not chided for his approach to patronage. Moreover, his system of patronage did not attract criticism from those who might have aspired to benefit. Although barons did petition for arrears of pay and cancellation of debts, they did not complain of inadequate rewards for service. Nor is there evidence of unwillingness to undertake service for the Crown. What is significant is the growing use of indentures, particularly in Scotland, but also when John de Hastings became Seneschal of Gascony. They were beneficial to both King and appointee, spelling out duties to be performed and remuneration provided.

Edward I's system of patronage was prudent. It can be argued that some barons, for example Walter de Huntercombe and Brian fitz Alan, went poorly rewarded for sterling service in Scotland. However, others did benefit substantially from grants of land in conquered territories, grants of wardship and marriage and cancellation of debts in particular. Some rewards were less tangible; but enhanced social status and prominence in the realm, resulting in becoming Lords of parliament, was open to a significant number of men of modest landholding backgrounds. Edward was extremely cautious in granting lands in England outwith the royal family and most of the few grants he did make did not permanently diminish royal resources, being for life. This can be seen as the action of a prudent king. Moreover he had the luxury of lands in conquered

territories at his disposal. These he freely granted out, both as rewards for service performed and as an incentive to future service. He was also generous in rewarding leading baronial servants in Scotland with lands of Scottish rebels forfeited in England. Detailed consideration of grants of wardship and marriage to members of the baronage between 1290 and 1307 corroborate Waugh's findings, based on a study of the reigns of Henry III and Edward I, that he was more generous than his father. Indeed grants to barons, even after 1296 were on the same basis as rewards for service and cast some doubts on Waugh's view that policy changed and Edward became more intent on using feudal incidents to raise money. Although Edward did instruct the Exchequer to do its utmost to collect baronial debts, there is no concrete evidence of any real change in policy compared with his father. Terms for repayment were generous. Debts of significant amounts were cancelled in the last decade of the reign as rewards for service. Particularly generous was the cancellation of debts of over £11,000 of the Earl of Ulster in return for service in Scotland in 1303-4.

The provision of financial rewards and incentives was far more prevalent than the use of threats to enforce compliance with the royal will. Even when such an approach was adopted in 1295, when he ordered redemption of debts due to the Crown immediately from a group of barons who initially refused military service at pay in Gascony, Edward was quick to restore those involved to favour when they capitulated. They were not debarred from future rewards for service. One of the barons best rewarded, certainly financially, by Edward I was

Robert fitz Roger, not only one of the recalcitrant magnates in 1295 but a supporter of the Earls of Norfolk and Hereford in 1297. Nor did disputes with the Crown deter barons from serving the King in future, again Robert fitz Roger, active in the Marches and in Scotland, providing a far from unique example.¹⁴ Indeed, between 1294 and 1297, recognising that what he was asking in the way of military service overseas was a departure from the norm, Edward made much greater use of additional rewards and incentives than threats. It was during these years that he allowed special terms in relation to execution of wills, licences to demise land and the use of property as residences for wives and families of barons serving overseas. Later in the reign it was debts incurred on such service that were the subject of many grants of cancellation.

It may be thought that some of the findings summarised here suggest a more harmonious relationship between Edward I and his leading lay subjects than that portrayed by most historians dealing with the closing years of his reign. The general period 1294 to 1305, and specifically 1297-1301, are depicted as years of crisis and constitutional conflict, when King and magnates were in serious dispute. A great deal has been written about the events surrounding the refusal of Bohun and Bigod and their supporters to serve overseas, and also what was seen as the continuing struggle for the Charters into

14. Of those threatened in 1295, Walter de Huntercombe and William Martin were active on royal service as were Alan la Zouche and John de Segrave of those known to have supported Bohun and Bigod.

the fourteenth century. But these events, even when analysed in meticulous detail, are often discussed in isolation. They have not been related to the extensive evidence of the overall relationship of Edward I and his *maiores barones* between 1290 and 1307.

What bedevils this issue and makes definitive conclusions difficult is the lack of evidence as to how many *maiores barones* were associated with Bohun and Bigod and who they were.¹⁵ Evidence points in two different directions as to the seriousness of the threat posed to Edward I and the implementation of his policies. On the one hand, Edward's decision to sail to Flanders with many leading supporters in 1297 at the height of Bohun and Bigod's opposition, leaving the realm in charge of the young heir to the throne, albeit with a Council of experienced advisers, is hardly the action of a monarch at odds with the majority of his powerful subjects or faced with a serious threat. On the other hand, it is a proven fact that continuing baronial dissatisfaction and demands in relation to the Charters did prevent Edward from putting together the scale of expedition required to follow up his victory at Falkirk. Musters for his planned campaign were prorogued time and time again. It may well be that the

15. From documents noted by Vincent - *Lancashire Lay Subsidies* - pp.203 and 221 one can name Robert fitz Roger, John and Nicholas de Segrave, Alan la Zouche, Henry le Tyeis, John Lovel and John de Ferrers. From Denton *op.cit.* p.576 one can add Edmund de Mortimer and John de Hastings as having been present at the baronial gathering in Montgomery. Mortimer's involvement was also noted by E. Rowley Morris 'History of the Parish of Kerry'. *Collections Relating to Montgomery - Powys-land Club Vol.XXIV 1890 p.372*, but the reference he gives does not correspond with any Bodleian Library MS. shelfmark.

strength of baronial discontent with the Crown was greater in the period after 1298 through to the Lincoln Parliament of 1301 than in 1297 when the earls and their supporters refused to go to Flanders. There may have been greater resentment that the King was reneging on promises made in 1297 than actual opposition to service overseas.

Edward, however reluctantly, showed astuteness in resolving this problem and re-establishing a degree of cooperation with the *maiores barones* for the remainder of the reign. Though he would have preferred not to make further concessions in relation to the Charters, and prevaricated through the parliaments of 1299-1301, Edward compromised in such a way as to ensure prosecution of his major policy objective, the conquest of Scotland. He deliberately summoned to the crucial parliaments of 1300 and 1301 those barons he had identified as essential for cavalry service in Scotland. He was prepared to make concessions in order to secure their continuing service there. Relations between the Crown and a proportion of the baronage may have been strained but there was never any real prospect of a serious baronial revolt. The *maiores barones* could prove difficult, withdraw cooperation and force concessions from a reluctant king, but their loyalty to the Crown was never seriously in question.

Even in these difficult years relations between Crown and baronage never approached complete break-down, Edward adopted a magnanimous approach towards those with whom he crossed swords on individual issues. Barons threatened in order to

provide military service in 1295 and those associated with Bohun and Bigod continued to serve the Crown in many capacities. They were not excluded from Edward's system of patronage. It is true that by 1300 Edward had been deprived, through illness and death, of the service of a number of magnates who had been associated with and served him since his youth. But there is no evidence that the newer group of younger barons, upon whom he came to rely for service, were any less loyal to him. What is true is that some of the growing problems towards the end of the reign, particularly the mounting financial difficulties caused by the Scottish Wars, were to create problems for Edward II and were a contributory factor in deteriorating relations between Crown and baronage in his reign.

A coherent group of *maiores barones*, regularly summoned to parliament and recipients of individual writs of military summons existed by the end of Edward I's reign. They constituted the embryonic beginnings of the parliamentary peerage in England. They came from two distinct and different backgrounds. There were wealthy landowners, tenants-in-chief of substance, the majority holding lands per baroniam. There were the 'new' men, lesser landholders, some of obscure origin, who rose in prominence through service to the Crown, careers often starting in the Household. The nature and extent of service the *maiores barones* gave to the Crown varied enormously. The majority of the *maiores barones* serving the King outwith parliament and major campaigns were adequately recompensed by a prudent monarch. Though somewhat strained

between 1297 and 1302, relations between Crown and baronage were essentially harmonious in marked contrast with other periods in English Mediaeval history. As Michael Prestwich forcefully points out none of his English subjects took up arms against him. This cannot be said of any of his predecessors since the Norman Conquest.¹⁶

16. M. Prestwich *Edward I* p.565.

APPENDIX A

This appendix lists, in alphabetic order, the 84 *maiores barones* summoned by individual writs to parliament in 1300, plus Alan la Zouche, summoned in 1301 and regularly thereafter, or sons who had succeeded them by 1307 in receipt of parliamentary summonses. Dates of birth and death are drawn from the *Calendar of Inquisitions Post Mortem*, supplemented by information from *G.E.C.*

Below each name is indicated the following :-

- (1) number of parliaments summoned to between 1295 and 1307;
- (2) whether or not the *baro* continued to be summoned to parliament in the reign of Edward II;
- (3) the number of writs of military summons received of the seven issued between September 1298 and mid 1302 to muster for the Scottish Wars;
- (4) whether or not the *baro* held land *per baroniam* in 1307, per the findings of I.J. Sanders *English Baronies*, and if so its nature - 'I' by inheritance, 'M' by marriage or 'G' through a grant by the King or previous holder;
- (5) lists the type of service undertaken for the King between 1290 and 1307 outwith parliament or major military campaigns -
 - A - Scotland, including the Marches,
 - B - Wales and the Welsh Marches,
 - C - Gascony,
 - D - preparations for war e.g. commissions of array etc.,
 - E - administration of justice,
 - F - appointments to custodies of castles, forests etc.,
 - G - diplomatic service overseas,

H - recognizances of the clergy 1297,

I - miscellaneous, not covered by the above.

(6) under each entry are listed the counties in which each *baro* had major landholdings. The information comes from the *Calendar of Inquisitions Post Mortem*, supplemented from sources such as respites of debts and pleas to individual sheriffs.

	(1)	(2)	(3)	(4)	(5)	(6)
AP ADAM, John (bef. 1267 - 1309)	10	Yes	7	M	D	Glos.
D'ARCY, Philip (c. 1256 - 1333)	8	Yes	7	I	F	Lincs.
BALLIOL, Alexander de (? - 1311)	6	No	7	I,M	A	Kent, Herts.
BASSET of Drayton, Ralph (c. 1279 - 1342)	7	Yes	6	No	D	N'ants., Staffs.
BEAUCHAMP, John de (c. 1274 - 1336)	10	Yes	7	I		S'set.
BERKELEY, Thomas de (c. 1251 - 1321)	13	Yes	7	I	D,E,G,H	Glos., S'set.
BROOSE, William de (? - 1326)	8	Yes	7	I,M	B,D,E,H	Sussex.
CANTELUPE, William de (1262 - 1308)	7	Yes	7	No	A,D	Yorks.
CAUMVILLE, Geoffrey de (? - 1308)	7	Yes	7	M	B,H	Devon, S'set.
CLAYVERING, John de (1266 - c. 1331/2)	7	Yes	7	No	A	Suff. N'land.
CLIFFORD, Robert de (c. 1274 - 1314)	7	Yes	7	I,G	A,D,E, F,G	W'land, C'land, Yorks.
CORBET, Peter (c. 1270 - 1322)	6	Yes	1	I	I	Salop., Devon.
COURTENAY, Hugh de (c. 1276 - 1340)	9	Yes	7	I		Devon, S'set.

	(1)	(2)	(3)	(4)	(5)	(6)
DESPENSER, Hugh le, (1261 - 1326)	13	Yes	7	No	A,D,E,F G,I	N'nts.
EASTLEIGH, Nicholas de (c. 1277 - 1325)	3	Yes	1	No		Leics., Warwick.
ENGAYNE, John de (? - 1322)	9	Yes	7	I	H	N'nts., Hunts., Essex
EYNCOURT, Edmund de (c. 1251 - 1327)	9	Yes	3	I	A,D,E	Notts., Lincs.
FAUCOMBERGE, Walter de (1264 - 1318)	3	Yes	0	I		Yorks.
FERRERS, John de (c. 1271 - 1312)	8	Yes	7	I	G	Derby, Leics.
FERRERS, William de (1272- 1325)	8	Yes	7	No	A,G	N'nts., Lancs.
FITZ PAYNE, Robert (c. 1255 - 1315)	10	Yes	7	I,G	A,D,E,F H	Devon, S'set Wilts. Dorset
FITZ REGINALD, John (c. 1256 - 1310)	8	Yes	6	No	B,D	S'ton. Berks.
FITZ ROGER, Robert (?- 1310)	11	Yes	7	I	A,D,E,G, H,I	Suff., Essex, N'land.
FITZ WALTER, Robert (1247 - 1325)	13	Yes	7	I,M	A,D,E,F	Essex
FITZ WARINE, Fulk (1251 - 1315)	13	Yes	7	No	A,B	Glos., Salop., Cams.
FITZ WILLIAM, Ralph (? - 1317)	12	Yes	7	I,M,G	A,D,E,F	Yorks., C'land, N'land.
FURNIVALL, Thomas de (? - 1332)	11	Yes	2	No	A,D,H	Notts., Derby, Yorks.
GENEVILLE, Geoffrey de (c. 1226 - 1314)	5	No	0	M	D,E,G,I	Heref'd.
GRANDISON, Otto de (? - 1328)	2	No	3	No	B,C,F, G,I	Bucks., Herts.

	(1)	(2)	(3)	(4)	(5)	(6)
GRANDISON, William de (? - 1335)	8	Yes	7	M	A,B,E,F	Heref'd. Wilts.
GRENDON, Ralph (? - 1331)	3	No	7	No		Staffs.
GREY, Reginald de (c. 1243 - 1308)	13	Yes	7	No	B,D,E,F, H	Bucks, Hunts.
HASTINGS, Edmund de (? - 1314)	6	Yes	7	No	A	Suff.
HASTINGS, John de (1262 - 1313)	12	Yes	6	I,M	A,B,C,D, G	Leics. Suff.
HUNTERCOMBE, Walter de (? - 1313)	7	Yes	7	I,M	A,D,F	N'land.
HUSE, Henry de (c. 1235 - 1332)	6	Yes	4	No	E,F	Sussex.
L'ISLE, John de (c. 1281 - 1331)	3	Yes	0	No	E	Isle of Wight.
KNOVILL, Bogo de (? - 1307)	11	No	7	No	B,D,E,F, H,I	Wilts.
KYME, Philip de (? - 1323)	10	Yes	7	I		Lincs.
LANCASTER, Henry de (1281 - 1345)	9	Yes	7	G	A,E	Lancs.
LANCASTER, John de (1266 - 1324)	7	Yes	7	I	A,H	W'land, N'land.
LATIMER, Thomas le (c. 1270 - 1334)	6	Yes	7	I		N'nts., Beds.
LATIMER, William le Jun. (? - 1327)	6	Yes	7	I,M	A,I	C'land Yorks.
LEYBOURNE, William de (c. 1250 - 1310)	9	Yes	7	No	D,E,F,G	Kent.
LOVEL, John (1255 - 1310)	9	Yes	7	No	H	Oxon., Wilts., N'nts.
MARE, John de la (? - 1313)	6	Yes	7	M	A,G	Wilts., Sussex.
MARTIN, William (1257 - 1324)	11	Yes	7	No	B,E,I	S'set., Devon.

	(1)	(2)	(3)	(4)	(5)	(6)
MAULEY, Peter de (1249 - 1308)	7	Yes	7	I, M	A, E	Yorks.
MOHUN, John de (? - 1330)	8	Yes	7	I		W'wick, S'set.
MONTACUTE, Simon de (? - 1316)	7	Yes	6	No	A, C, F	S'set., Devon
MONTHALT, Robert de (1274 - 1329)	6	Yes	7	I	A, F	Sussex, Chester.
MORTIMER, Roger de (? - 1326)	9	Yes	7	No	B, D, E, I	Heref'd. Worcs., Salop.
MULTON, Thomas de (1276 - 1322)	9	Yes	7	I	A, D, E, I	C'land.
MUNCY, Walter de (? - 1308)	8	No	7	No	A	Norf., Suff.
NANSLADRON Serlo de (? - bef. 1315)	3	No	4	No		C'wall.
PAYNEL, John (? - 1319)	7	Yes	6	No	F, G	Sussex, Wilts.
PECHE, Gilbert de (c. 1265 - 1322)	7	Yes	7	I		Suff.
PERCY, Henry de (1273 - 1314)	8	Yes	7	I, G	A, E, I	Yorks.
POINTZ, Hugh (? - 1308)	12	Yes	7	I	E	S'set., Dorset.
RITHER, William de (? - 1309)	7	Yes	7	No	A, I	Yorks.
RIVERS, John de (? - 1316)	7	Yes	7	I	G	Essex.
ROCHE, Thomas de la (c. 1250 - 1313/14)	7	No	7	No	B, E, F, I	None - Wales/ Ireland.
ST.AMAND, Amaury de (1269 - 1310)	7	Yes	3	I	C, F	Bucks., Beds., Berks.
ST.JOHN, John de Jun. (c. 1272 - 1309)	3	Yes	7	I	A	S'ton.
ST.JOHN. John de of Lageham (? - 1316)	6	Yes	0	No	D, E	Berks., Oxon.

	(1)	(2)	(3)	(4)	(5)	(6)
SAMPSON, William (?)	3	No	7	No		Notts.
SCALES, Robert de (? - c. 1322)	1	Yes	0	No		Norf., Suff.
SEGRAVE, John de (1256 - 1325)	10	Yes	7	No	A,D,H,I	Derby, Leics.
SEGRAVE, Nich. de Jun. (? - 1321)	12	Yes	7	No	D	N'nts., Essex.
STAFFORD, Edmund, Baron (1273 - 1308)	9	Yes	7	I	G	W'wick, Staffs.
STRANGE, John le (c. 1254 - 1309)	7	Yes	7	No	A,B	Salop.
SUDELEY, John de (c. 1258 - 1336)	7	Yes	7	I	A	Glos.
TEYE, Walter de la (? - 1324)	5	Yes	7	M	A	Beds.
TONY, Robert de (1276 - 1309)	9	Yes	7	I	A,D	Herts., Norf.
TOUCHET, William (c. 1275 - 1322)	6	No	7	No		Lincs. Cams.
TYEIS, Henry le (? - 1307)	8	Yes	7	M	A,H	Wilts., S'ton.
VALENCE, Aymer de (c. 1270 - 1324)	10	Yes	7	I,G	A,C,D,E, G	Through -out England
VAVASSOUR, William le (? - 1313)	8	Yes	7	No	A,B,D,E, I	Yorks., Lincs.
VERDUN, Theobald de Sen. (c. 1248 - 1309)	6	Yes	7	I	D,I	Heref'd, W'wick, Leics.
VERDUN, Theobald de Jun. (1278 - 1316)	3	Yes	7	No		Heref'd, W'wick, Leics.
VERE, Hugh de (c. 1257 - 1319)	9	Yes	7	M	A,E,G,I	Essex, Bucks.
WARDE, Robert de la (? - 1307)	7	No	7	No	A,G	Leics.
WARRE, Roger la (? - 1320)	9	Yes	6	M	G	Sussex, Heref'd.

	(1)	(2)	(3)	(4)	(5)	(6)
WELLES, Adam de (? - 1311)	9	Yes	7	G	A,D,E,F, G,H,I	Lincs.
ZOUSCHE, Alan la (1267 - 1314)	9	Yes	7	I	A,G	Leics.

APPENDIX B

This appendix lists, in alphabetic order, those *barones* not included in appendix 'A' but taken into consideration when discussing the nature and extent of baronial service to the Crown between 1290 and 1307. A case can be made out for their meeting the criteria for *maiores barones* status as explained in Chapter II.

For each *baro* listed details of dates are given, the type of service provided for the Crown, using the same classification as in Appendix 'A', and the counties in which each *baro* had major landholdings.

D'ARCY, Norman (c. 1236 - 1296)	A	Lincs.
D'AUBENY, Elys (c. 1286 - 1305)	A,I	S'set.
BARDOLF, Hugh (? - 1304)	D	Norf., Notts., Sussex.
BASSET of Drayton, Ralph (? - 1300)	A,E,F	N'thants. Staffs.
BASSET of Weldon, Richard (1273 - 1314)		N'thants.
BEAUCHAMP, Walter de (? - 1303)	A,E,F,G	Warwick.
BOTETOURTE, John de (? - 1324)	A,D,E,F, G,I	Suff., Essex.
BOTILLER, William le (1231 - 1303)		Lancs.
BROOSE, William de (? - 1291)	B	Sussex.
BURGHERSH, Robert de (? - 1306)	E,F,G	Kent, Sussex.

CHAUMPVENT, Peter de (? - 1303)	A	Sussex.
CORBET, Peter (? - 1300)	B,D	Salop.
DYNAUNT, Oliver de (c. 1232 - 1299)		Devon.
EASTLEIGH, Andrew de (? - 1300)	D	Leics., Warwick.
ENGAYNE, John de (? - 1297)		Hunts., Essex.
FAUCOMBERGE, Walter de (? - 1304)	A,I	Yorks.
FITZ ALAN, Brian (? - 1306)	A,D,E	Yorks, N'land, Lincs.
FITZ JOHN, Richard (? - 1296)	F	Bucks.
FITZ MARMADUKE, John (? - 1310)	D,I	Durham.
FOLIOT, Jordan (? - 1299)	A	Norf., Notts.
GHENT, Gilbert de (c. 1250 - 1298)		Lincs.
GIFFARD, John (? - 1299)	B,D,F,I	Glos., Wilts.
GREY, Henry de (? - 1308)	A,D	Derby.
GREYSTOKE, John de (c. 1262 - 1304)	A	C'land, N'land.
GYNES, Ingelram de (? - 1323)	A	Lancs., W'land.
HACCHE, Eustace de (? - 1306)	D,F,G	Dorset, Wilts.
HAVINGING, John de (? - 1309)	B,C,D,E, F,H	Wilts., Beds.
HILTON, Robert de (? - c. 1309 - 11)	A	Durham.
HUNTINGFIELD, Roger de (? - 1302)		Cambs., Leics.
L'ISLE, John de (? - 1304)	D,E,F	Isle of Wight.
LASCELLES, Roger de (c. 1232 - 1300)		Lincs.
LATIMER, William le Sen. (? - 1304)	A,C,D,E, G,I	Yorks., N'thants.
MARSHALL, William le (c. 1277 - 1314)		Norf.

MEYNILL, Nicholas de (? - 1299)	A	Yorks.
MOELES, John de (1269 - 1310)		S'set, S'ton.
MONTFORT, John de (? - 1296)	G	Warwick.
MONTHALT, Roger de (1257 - 1297)		Chester, Sussex.
MORLEY, William de (? - 1302)		Not known.
MORTIMER, Edmund de (c. 1252 - 1304)	B,D,F	Hereford, Salop.
MORTIMER, Hugh de (c. 1274 - 1304)		Hereford.
MOWBRAY, Roger de (1257 - 1297)	A	Yorks.
NEVILLE, Randolph de (1262 - 1331)		Yorks, Lincs., Durham.
PAYNEL, William (c. 1254 - 1317)	A,D	Wilts., Sussex.
PEYVRE, John (? - 1315)	G	Bucks.
PINKENY, Henry de (1256 - 1315)	A	N'thants.
PIPARD, Ralph (? - 1303)	E,H,I	Derby.
PLUCKNET, Alan de (? - 1298)	B,D,E,F,H	S'set, Dorset.
ROS, Robert de (? - ?1296)	A	N'land.
ROS, William de (c. 1261 - 1310)	A	N'land, Yorks.
ST. JOHN, John de Sen. (? - 1302)	A,B,C,E,F, G,I	S'ton.
SCALES, Robert de (? - 1305)	A,B,G	Norf.
SEGRAVE, Nicholas de Sen. (? - 1295)	A,B,E	Leics., Hunts.
STRANGE, Roger le (? - 1311)	B,D,E,G	Bucks., Beds.
TATESHALE, Robert de (1248 - 1298)	A	Norf., Lincs., Yorks.
TATESHALE, Robert de (c. 1274 - 1303)	A	Norf., Lincs., Yorks.

TREGOZ, Henry de (? - 1323)	D, E, H	Sussex.
TREGOZ (John de)	B, D, H	Hereford, Wilts.
TWENGE, Marmaduke de (? - 1323)	A, D, I	Yorks.
URTIACO, Henry de (c. 1260 - 1321)	G	S' set.
VESCY, William de (1245 - 1297)	A, E, F, I	Yorks., N' land.
WAKE, John (1269 - 1300)	A	C' land. N' land.

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- E30 (Diplomatic Documents)
- E39 (Transcripts Concerning Knights' Fees)
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