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**The Lord Edward and the County of Chester: Lordship and  
Community, 1254-1272.**

by

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**Thesis submitted  
for the Degree of Doctor of Philosophy**

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## **Abstract**

This thesis analyses the Lord Edward's lordship of the county of Chester between 1254 and 1272 and the impact it had on local inhabitants. The first chapter investigates the general administration of the county, including its financial structure, and the officials and men recruited by Edward to control his Cheshire estates. This chapter shows that Edward, in spite of his father's influence, led an independent policy by relying primarily on the justiciar and on local tenants to govern the county. The second chapter tackles the organisation of justice and the law administered in Cheshire. It demonstrates that the judicial machinery in Cheshire was preserved during Edward's lordship with its distinctive characteristics inherited from the earls of Chester, and that Edward was far more involved in the administration of justice in the county, and in the rest of his apanage, than previously envisaged.

The third chapter considers the relationship Cheshire maintained with Wales in the thirteenth century, and more precisely, how Edward's lordship of the county disrupted the stability that existed in the area. It shows that he was not directly responsible for the tensions that existed, but that his inability to address them eventually led to the outbreak of 1256. It also demonstrates that Edward failed to protect his estates despite multiple attempts, and how he progressively lost interest in his Welsh dominions. The fourth chapter discusses Edward's relationship, and the difficulties he had, with his Cheshire tenants, especially during the baronial movement of reform and rebellion (1258-67). It analyses how problems in the county mirrored those elsewhere in the realm, because of the financial pressure and of the desire of local communities to have their laws and customs preserved, and how Edward's considered approach and political discernment were eventually successful in restoring order in the county.

## Acknowledgments

This thesis has been the labour of years during which I have incurred many debts of gratitude for kindnesses received. I have also benefited massively from the knowledge and skills of historians and fellow research students at the various seminars and conferences I have attended over the years, and through general discussions and conversations by emails. My greatest debt is – by far – to my first supervisor, Professor Louise Wilkinson. Without her extensive knowledge of the period, her advice and suggestions on specific points, and her rigour, this thesis would never have existed. I am forever grateful for her patience, her availability, her kindness, and for the moral support and encouragement she has constantly provided over the years. My thanks also go to my other supervisors, Professors Jackie Eales and Kevin Ruane, for their advice and for their trust during the course of this thesis. I am also grateful to Dr Robin Studd for his help, and for giving me access to the documents issued by the Lord Edward that he has gathered since the completion of his thesis in 1971. Particular thanks are due also to Dr Charles Insley, my former supervisor, to Richard Eales, to Dr Paul Dryburgh and to Dr Sophie Ambler, for their kindness, and for assisting me on specific points along the way.

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## Abbreviations

AC	Annales Cambriae, ed. J. W. Ab Ithel (London: Longman, Green, Longman, and Roberts, 1860).
Ann. Cest.	Annales Cestrienses, ed. R. C. Christie (The Record Society of Lancashire and Cheshire, xiv, 1886).
Ann. Mon.	Annales Monastici, ed. H. R. Luard (5 Vols., Rolls Series, 1864-69).
AWR	The Acts of Welsh Rulers, ed. H. Pryce (Cardiff: University of Wales Press, 2005).
BL	British Library.
Book of Fees	The Book of Fees, Commonly Called Testa de Nevill (3 Vols., H.M.S.O., 1920-31).
Brut	Brut Y Tywysogyon or The Chronicle of the Princes, Red Book of Hergest Version, ed. T. Jones (Cardiff: University of Wales Press, 1955).
CAC	Calendar of Ancient Correspondence Concerning Wales, ed. J. Goronwy Edwards (Cardiff: University Press Board, 1935).
Calendar	Calendar of Court, City Court and Eyre Rolls of Chester, 1259-1297, with an Inquest of Military Service, 1288, ed. R. Stewart-Brown (Chetham Society, N. S., lxxxiv, 1925).
CChR	Calendar of Charter Rolls (H.M.S.O., 1916- ).
Char. St Wer.	The Chartulary or Register of the Abbey of St Werburgh, ed. J. Tait (2 Vols., Chetham Society, N. S., lxxix and lxxxii, 1920-23).
Chs. of Earls of Chester	The Charters of the Anglo-Norman Earls of Chester, c. 1071-1237, ed. G. Barraclough (The Record Society of Lancashire and Cheshire, cxxvi, 1988).
CDI	Calendar of Documents Relating to Ireland, Preserved in Her Majesty's Public Record Office, London, 1171-1307, ed. H. S. Sweetman (5 Vols., London: Longman & Co., 1875-86).

Chron. Maj.	Matthaei Parisiensis, Monachi Sancti Albani, Chronica Majora, ed. H. R. Luard (7 Vols., Rolls Series, 1872-83).
CIPR	Cheshire in the Pipe Rolls, 1158-1301, ed. R. Stewart-Brown (The Record Society of Lancashire and Cheshire, xcii, 1938).
CIM, I,	Calendar of Inquisitions Miscellaneous, I, 1219-1307 (H.M.S.O., 1916).
CLR	Calendar of Liberate Rolls (H.M.S.O., 1916- ).
CPR	Calendar of Patent Rolls (H.M.S.O., 1906- ).
CR	Close Rolls (H.M.S.O., 1902- ).
DBM	Documents of the Baronial Movement of Reform, 1258-67, ed. R. F. Treharne and I. J. Sanders (Oxford: The Clarendon Press, 1973).
DRC	The Domesday Roll of Chester: Some 13 <sup>th</sup> Enrolments, ed. R. Stewart-Brown (Chester: Courant Press, 1924).
EHR	English Historical Review.
Flores Hist.	Flores Historiarum, ed. H. R. Luard (3 Vols., Rolls Series, 1890).
Itinerary	An Itinerary of Lord Edward, ed. R. Studd (List and Index Society, cclxxxiv, 2000).
Rishanger, De Bellis	<i>The Chronicle of William de Rishanger of the Barons' Wars</i> , ed. J. O. Halliwell (London: Camden Society., 1840).
TNA	The National Archives.
WL	The Royal Charter Witness Lists of Henry III (1226-1272), From the Charter Rolls in the Public Record Office, ed. M. Morris (2 Vols., List and Index Society., ccxci-ccxcii, 2001).

## Introduction

Medieval monarchs usually received an extensive education before ascending the throne, but no other king had such a tumultuous apprenticeship as did the Lord Edward prior to his coronation in 1272. For him, it all began on 14 February 1254, at Bazas, in Gascony, when Henry III conferred upon him the first apanage ever granted in English history. This apanage encompassed a vast collection of territories and included, with some exceptions, all the royal lands of Ireland,<sup>1</sup> the county of Chester and the royal conquests in Wales, namely Rhuddlan, Dyserth, Deganwy and all the land of Perfeddwlad. Edward was also endowed with various castles and towns across England and on the Anglo-Welsh border. He received the Monmouthshire castles of Grosmont, Skenfrith and White, the castles of Montgomery, Carmarthen, Cardigan, Builth and Peak (with its honour), the castle and town of Bristol, the towns of Stamford and Grantham with its honour in Lincolnshire, the manor of Freemantle in Hampshire with its possessions, and all the lands that the count of Eu lately held. Also granted to him were Gascony, the Isle of Oléron and the Channel Islands.<sup>2</sup> This apanage was exceptional in size: it was the largest and most valuable ever granted to a member of a royal family. By comparison, those conferred upon the sons of Henry III's French brother-in-law Louis IX appeared ridiculously small: John, the eldest surviving son, was given the Valois, Peter, the second son, had the Perche and Alençon, and Robert, the youngest, was granted Clermont-en-Beauvaisis. These were honours which included only a few manors and were not worth the equivalent value of an English earldom.<sup>3</sup>

The system of apanage originated in France under Louis VIII (1223-26) and initially sought to provide the youngest royal heirs with the means to live independently of the

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<sup>1</sup> The grant of royal lands in Ireland did not include the towns and counties of Dublin, Limerick and Athlone, and the estates promised to Geoffrey de Lusignan and Robert Walerand by Henry III.

<sup>2</sup> TNA C 66/65, m. 8; CPR 1247-58, p. 270.

<sup>3</sup> O. Guillot, A. Rigaudière and Y. Sassier, *Pouvoirs et Institutions dans la France Médiévale*, 3rd edn (2 Vols., Paris: Armand Colin, 2008), II, p. 131.

Crown.<sup>4</sup> In Edward's case, it also offered him an opportunity to exert his lordship and gain experience before ascending the throne. Beyond these practical reasons, however, Henry III's grant to his son was mostly linked to the unstable political situation in Gascony. Alfonso X, king of Castile, had claims to the duchy and was supporting the local rebels against English domination over the region. Worried by the prospect of losing his last French dominions, Henry III negotiated with the Castilian king for several months before obtaining a settlement. In February 1254, Alfonso X finally abandoned his claims over Gascony, but only on the condition that his half-sister, Eleanor of Castile, married Henry III's son, Edward. This alliance, if vital for Henry III, proved to be an expensive one: Alfonso requested that his future brother-in-law be endowed with lands worth £10,000 a year. Left with no other option, the English king had little choice but to comply.<sup>5</sup>

Aged only fourteen at the time of the endowment, Edward became the second largest landholder in the realm after his father. Yet considering his status as heir to the throne and the conditions by which he held his apanage, Edward's position was significantly different from that of other great lords. The terms of the Bazas Charter specified that the estates granted to Edward were never to be separated from the Crown of England. In other words, he could neither grant nor sell parts of his apanage. This was a restriction of his lordship, for it theoretically prevented him from attracting or rewarding his men and supporters with traditional grants of lands as they might have expected.<sup>6</sup> This, in addition, potentially limited his ability to recruit new knights and officials to run his estates. The provisions of the Bazas

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<sup>4</sup> *Ibid.*, p. 130.

<sup>5</sup> J. R. Studd, 'A Catalogue of the Acts of the Lord Edward, 1254-1272' (University of Leeds, unpublished PhD thesis, 1971), pp. 34-5; M. Prestwich, *Edward I* (Berkeley and Los Angeles: University of California Press, 1988), pp. 9-10; M. Morris, *A Great and Terrible King, Edward I and the Forging of Britain* (London: Windmill, 2009), p. 18. As a comparison, in the thirteenth century, a magnate only needed a net income of £400 to sustain his place in society. This included about 80-90 individuals, along with 40-50 ecclesiastical lords, C. M. Woolgar, *The Great Household in Late Medieval England* (New Haven: Yale University Press, 1999), p. 4.

<sup>6</sup> J. R. Studd, 'The Lord Edward's Lordship of Chester, 1254-72', *Transactions of the Historic Society of Lancashire and Cheshire*, 128 (1979), pp. 1-25, at p. 13. As Hilary Wait comments, however, this restriction only seems to have been theoretical, H. Wait, 'The Household and Resources of the Lord Edward, 1239-1272' (University of Oxford, unpublished D.Phil thesis, 1988), p. 172.

Charter, then, left the king free to intrude in his son's affairs whenever he saw fit, and evidence shows that he did so regularly. This suggests, as Robin Studd argues, that Henry III expected to retain ultimate control over the lands he had granted to his son.<sup>7</sup> Despite the considerable size of his territorial possessions, therefore, Edward was far from being as powerful as he appeared.

Nevertheless, the grant of his apanage in 1254 led Edward to play an important role in the affairs of the realm before his accession to the throne in 1272. After the grant, he initially remained in Gascony to deal with local affairs before returning to England in November 1255.<sup>8</sup> His return was followed a year later by an important Welsh rebellion on the border. This event marked the beginning of a war which lasted until 1267. This conflict was the occasion for Edward to demonstrate his military skills. He thus launched various campaigns into Wales in the following years, but none of them proved successful. During this period, he lost various castles and territories he had been granted in February 1254, and when peace was finally sealed at Montgomery in September 1267 and the Welsh conquests confirmed, he suffered some significant territorial losses on his border estates.<sup>9</sup>

The king's son was not only active on the border; domestic affairs also provided him with regular opportunities to test his lordship. In 1258, the English realm experienced a serious crisis when a group of lay lords forcibly imposed some severe restrictions upon the king's and his son's prerogatives for the common good. This inevitably divided the kingdom between two factions: the royalists, who wanted to restore the king's powers, and the reformers, who wanted to maintain the programmes of reforms issued at Oxford in 1258 and Westminster in 1259. Both factions were fuelled by idealism and led by leaders who often

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<sup>7</sup> Studd, 'The Lord Edward's Lordship of Chester', p. 12.

<sup>8</sup> See J. P. Trabut-Cussac, *L'Administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 à 1307* (Genève: Librairie Droz, 1972), pp. 3-15.

<sup>9</sup> A detailed account of the Welsh war (1256-67) can be found in J. Beverley-Smith, *Llywelyn ap Gruffudd, Prince of Wales* (Cardiff: University of Wales Press, 1998), pp. 90-186. During the war, Edward lost control of all the lands he held in North Wales and his former castles there (Degannwy, Dyserth and Rhuddlan), as well as Hawarden in Cheshire, were destroyed, *Ann. Cest.*, pp. 84-5; *Ann. Mon.*, II, p. 366. Due to the Treaty of Montgomery, he also lost possession of Builth in Shropshire, see *AWR*, act 363, pp. 536-42.

confused common and personal interests.<sup>10</sup> Edward was no exception: he sided with either faction depending on circumstances and often with little ambition other than the pursuit of his own interests.<sup>11</sup> Such a short-sighted policy was regularly interrupted by his recurrent travels to France where he focused on his Gascon estates and, occasionally, on pleasurable pursuits such as tournaments.<sup>12</sup> Even though tensions ran high in the realm, armed confrontation only began in the summer of 1263, when reformers attacked royalist properties. The situation took a dramatic turn in May 1264 when these men, led by Simon de Montfort, earl of Leicester, crushed the royalist forces, led by the king and his son, at the Battle of Lewes. Both father and son were captured and Edward remained in Montfort's custody for a little over a year. In May 1265, he escaped and, following a swift campaign, crushed the reformers' forces at the Battle of Evesham in August 1265.<sup>13</sup>

This stunning victory changed Edward's status once for all; after little more than a decade in his father's shadow, he finally emerged as the king-in-waiting. This was notably reflected by the significant role he played in restoring order in the realm. After peace was agreed in July 1267, Edward decided to undertake the greatest enterprise of his time by going on crusade. In August 1270, he embarked on a costly expedition and visited Tunis, Sicily and the Holy Land. Unfortunately, the enemy's resistance proved too powerful and little was achieved. He was, moreover, almost killed in an assassination attempt in June 1272. This event marked the end of his crusade, and in the autumn he left the Holy Land. Crossing Italy to return to England, it was there in January 1273 that he heard the fateful news: Henry III had

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<sup>10</sup> For a discussion of the crisis of 1258, see D. Carpenter, 'What Happened in 1258?' in *The Reign of Henry III* (London: Hambledon Press, 1996), pp. 183-97. The two programmes of reforms as well as various documents issued during this period have been fully edited by R. F. Treharne and I. J. Sanders in *Documents of the Baronial of Reform and Rebellion 1258-1267* (Oxford: Clarendon Press, 1973). For a recent account of the events of 1258-67, see A. Jobson, *The First English Revolution: Simon de Montfort, Henry III and the Barons' War* (London: Bloomsbury, 2012).

<sup>11</sup> See Prestwich, *Edward I*, pp. 24-59.

<sup>12</sup> For an analysis of Edward's lordship of Gascony between 1254 and 1272, see Trabut-Cussac, *L'Administration Anglaise en Gascogne*, pp. 3-40. For Edward's attendance at tournaments, see for example *The Historical Works of Gervase of Canterbury*, ed. W. Stubbs (2 Vols., Rolls Series, 1879-80), II, p. 211.

<sup>13</sup> J. Maddicott, *Simon de Montfort* (Cambridge: Cambridge University Press, 1994), pp. 225-345; Jobson, *The First English Revolution*, pp. 84-147.

died a few weeks earlier. Despite his father's death, Edward did not rush to take possession of the Crown but, instead, travelled through Italy, France and Gascony and only arrived in England in August 1274.<sup>14</sup>

By the time he eventually ascended the throne, Henry III's eldest son thus was an accomplished lord. Such a remarkable life has inevitably attracted the attention of historians. In 1947, Sir Maurice Powicke produced a detailed study of Edward's role during the troubled reign of his father. Invaluable as it is, however, his work mostly focused on the main events that occurred between 1254 and 1272 and said relatively little about Edward's local lordship in the different territories he governed.<sup>15</sup> The first historian to cover this aspect was Jean-Paul Trabut-Cussac in his analysis of the duchy of Gascony during the reigns of Henry III and Edward I. Although it was never completed, his work shed crucial light on Edward's control of Gascony until 1272.<sup>16</sup> Trabut-Cussac specifically emphasised Edward's success in settling the conflicts between local families, his reforms to the administration, such as the creation of the exchequer of Bordeaux, and, more crucially, Henry III's recurrent interferences in his son's policy in the duchy.

In 1971, Robin Studd produced a catalogue of Edward's acts, in which he inventoried, referenced, and partly translated, all the documents issued by the prince before 1272.<sup>17</sup> This study, which included over a thousand original documents, offered a better understanding of the relationship Edward maintained with his dominions, and underlined the role of his household in controlling his apanage. It remains to date the most exhaustive work ever produced concerning Henry III's eldest son. Studd subsequently published two related

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<sup>14</sup> Prestwich, *Edward I*, pp. 72-80 and 82-5. See also S. Lloyd, 'The Lord Edward's Crusade, 1270-2: Its Settings and Significance', in *War and Government in the Middle Ages*, ed. J. Gillingham and J. C. Holt (Woodbridge: Boydell, 1984), pp. 120-33.

<sup>15</sup> F. M. Powicke, *King Henry III and the Lord Edward, the Community of the Realm in the Thirteenth Century* (2 Vols., Oxford: Clarendon Press, 1947).

<sup>16</sup> Trabut-Cussac died in 1969 before completing his PhD. The draft of his thesis was published as it was by the Société de l'École des Chartes in 1972, see *L'Administration Anglaise*.

<sup>17</sup> Studd, 'A Catalogue'. Studd has since continued to gather more documents concerning Edward. Another two hundred have been found since the completion of his thesis in 1971, to which he kindly gave me access during my research.

articles. In the first, in 1977, he investigated the relationship between Edward and his father, and argued that it was tumultuous because Henry III regularly intervened in his son's affairs.<sup>18</sup> In the second, in 1979, Studd tackled Edward's lordship of Chester between 1254 and 1272, and showed that despite having control of the county, Edward was never technically earl of Chester and never used the title.<sup>19</sup>

Studd's contributions paved the way for other historians. In 1988, Michael Prestwich, in his biography of Edward I, demonstrated that the king's actions during his youth were dictated by the unusual and tragic circumstances in which he had to evolve. Prestwich also noted that, regardless of the various events that occurred during these years, Edward still maintained a certain consistency in his behaviour and built a political affinity that proved particularly useful in the 1260s.<sup>20</sup> In 1988, Hilary Wait also analysed in her PhD thesis how Edward handled his finances, and how he recruited, used, and maintained the various men of his household. Her research stressed the international dimension of Edward's retinue, with knights from all over France and Ireland, and she convincingly showed that the provisions of the Bazas charter preventing him from granting lands were, in fact, largely nominal.<sup>21</sup>

Although these studies form the bulk of the historiography on Edward, others do touch on his early career. In 1986, Huw Ridgeway explored the factions surrounding Henry III's eldest son before 1258 and argued that Edward's unexpected allegiance to the Lusignans, the king's hated half-brothers, in the months preceding the revolution of 1258 was mostly due to his financial difficulties.<sup>22</sup> David Carpenter, in investigating Edward's oath to Simon de Montfort in October 1259, suggested that this alliance was a means by which Edward could

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<sup>18</sup> J. R. Studd, 'The Lord Edward and King Henry III', *Bulletin of the Institute of the Historical Research*, 50 (1977), pp. 4-19.

<sup>19</sup> Studd, 'The Lord Edward's Lordship of Chester'.

<sup>20</sup> Prestwich, *Edward I*.

<sup>21</sup> Wait 'The Household and Resources'.

<sup>22</sup> H. Ridgeway, 'The Lord Edward and the Provisions of Oxford (1258): A Study in Faction', in *Thirteenth Century England: Proceedings of the Newcastle Upon Tyne Conference*, ed. P. R. Coss and S. D. Lloyd (Woodbridge: Boydell, 1986), pp. 89-99.

assert his independence in the realm.<sup>23</sup> The majority of this research was eventually summarised in the latest biography of Edward I produced by Marc Morris in 2008. Morris' arguments, however, hardly differ from those of Prestwich, and his account merely provides further detail.<sup>24</sup> More recently, Caroline Burt devoted one chapter of her study to Edward I in which she recounted in general terms his life prior to his accession to the throne.<sup>25</sup>

As these various publications show, therefore, quite a lot has been written about Edward and the role he played in English political life between 1254 and 1272. Yet, perhaps surprisingly, there is little mention of his lordship and the administration he exercised locally, even though he controlled Gascony, most of Ireland, and Cheshire; Trabut-Cussac's work on the duchy of Gascony is the exception here. Such a subject remains hard to approach as discussions on estate management are relatively limited. In 1937, Noel Denholm-Young was the first to tackle in detail how great lordships were managed by their lords. His research revealed that the development of private administration followed royal practice, and that a new class of officials emerging during the thirteenth century was used extensively by both great lords and the king to run their estates.<sup>26</sup> Three decades later, in examining the surviving treatises concerned with the administration of estates, Dorothea Oschinsky confirmed Denholm-Young's arguments. More importantly, she showed that the emergence of literature on estate management and accounting in the thirteenth century resulted from the need to have more efficient and better trained officials to deal with the development of private and royal administrations.<sup>27</sup>

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<sup>23</sup> D. Carpenter, 'The Lord Edward's Oath to Aid and Counsel Simon de Montfort, 15 October 1259', *Bulletin of the Institute of the Historical Research*, 58 (1985), pp. 226-37. This article was also fully published in Carpenter, *The Reign of Henry III*, pp. 241-52.

<sup>24</sup> Morris, *A Great and Terrible King*.

<sup>25</sup> See C. Burt, *Edward I and the Governance of England, 1272-1307* (Cambridge: Cambridge University Press, 2013), pp. 75-82.

<sup>26</sup> N. Denholm-Young, *Seigniorial Administration in England* (Oxford: Oxford University Press, 1937).

<sup>27</sup> D. Oschinsky, *Walter of Henley and Other Treatises on Estate Management and Accounting* (Oxford: Clarendon Press, 1971).

There have been other studies based on great honours, which are particularly helpful in addressing Edward's local lordship. Michael Altschul, for example, devoted a significant part of his study on the Clare family to their administration of the earldom of Gloucester. He demonstrated that, as in Edward's apanage, it had no coherent administrative structure and consequently the officials' functions and duties varied from one place to another. His investigations also underlined the importance of the offices and personnel of the household in the control of the earldom.<sup>28</sup> Similarly, Edward Miller, through his examination of the religious honour of the abbey and bishopric of Ely between the tenth and the fourteenth centuries, offered an interesting comparison by showing how the bishops of Ely progressively adjusted their administration to the political and economic shifts of the time.<sup>29</sup>

More recently, Marc Morris in his analysis of the careers of Roger III and Roger IV, earls of Norfolk, shed an interesting light on their retinues. He showed how Roger III, to control his estates, relied on a small but solid group composed mainly of local knights who had previously served his father and grandfather. When Roger IV succeeded his uncle in 1270, this retinue became slightly bigger and was made up of men drawn from various parts of the realm who did not necessarily have experience of local or royal administration.<sup>30</sup> Colin Veach's study of the Lacys' lordship of their estates across Ireland, England, Wales and Normandy between 1166 and 1241 also offered a parallel with Edward's own apanage. Veach notably described how the Lacys' expansion in four different realms through military force, alliances and marital unions, was helped by the Crown's inability to enforce its own authority in these territories. More importantly, his research emphasised how the Lacys' control of their

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<sup>28</sup> M. Altschul, *A Baronial Family in Medieval England: The Clares, 1217-1314* (Baltimore: The John Hopkins Press, 1965), chapters VII-IX, pp. 201-95.

<sup>29</sup> E. Miller, *The Abbey and Bishopric of Ely: The Social History of an Ecclesiastical Estate From the Tenth to the Fourteenth Century* (Cambridge: Cambridge University Press, 1951).

<sup>30</sup> See M. Morris, *The Bigod Earls of Norfolk in the Thirteenth Century* (Woodbridge: Boydell, 2005).

lands progressively evolved from armed intimidation to more formalised means of dominance, through the development of local administration and justice.<sup>31</sup>

All these studies, together with the existing historiography on Edward, provide a starting point to analyse his local lordship in one specific area of his apanage: the county of Chester. As the history of this county is intricately linked to the former great earldom of Chester, it is somewhat difficult to make a distinction between the two. What was granted to Edward in February 1254 through the Bazas charter was the ‘comitatus Cestrie’, that is the county of Chester. These terms are found in all of Edward’s charters that relate to the region and are consistently used, with a few exceptions, in the royal chancery records. Occasionally, the county was referred to as ‘Cestresirie’ or ‘Cestrysiriae’, which can be translated as Cheshire and which were used as synonyms.<sup>32</sup> Beyond the county of Chester, Edward was not conferred any lands or towns in 1254 that were previously part of the great earldom of Chester.

Whether Edward was ever formally belted as earl of Chester when he received lordship of the county is a different matter altogether. As Studd demonstrated, there is no direct evidence that he was belted as earl of Chester, although some later sources regarded him as such. Similarly, his subjects never called him earl, and he never assumed the title for the period of his lordship in any documents he issued.<sup>33</sup> A curious charter preserved in a fourteenth century manuscript, however, indicates the contrary. In this charter, Henry III granted to his son Edward the counties of Chester, Rhuddlan and Flint with all their

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<sup>31</sup> C. Veach, *Lordship in Four Realms: The Lacy Family, 1166-1241* (Manchester: Manchester University Press, 2014). See especially, pp. 237-78.

<sup>32</sup> These terms were found in the *Annales Cestrienses*, see *Ann. Cest.*, p. 60 and in the *Magna Carta of Cheshire*, issued at some point in 1215, TNA C 66/120, m. 22. More specifically on this last document, see G. J. White, *The Magna Carta of Cheshire* (Chester: Cheshire Local History Association, 2015).

<sup>33</sup> Studd, ‘The Lord Edward’s Lordship of Chester’, pp. 3-14. Edward is referred to as earl of Chester in two instances. In the county court session of 28 January 1286-7, while mentioning his captivity at Wallingford in 1265, the records refer to Edward as earl of Chester. Likewise, the Macclesfield eyre roll of 1287 reports that Robert de Stockport had, according to his son Richard, purchased the right to have market and fair at Stockport ‘from the king [Edward I] while he was earl of Chester in the time of king Henry his father’, *Calendar*, case 51, pp. 60 and 230.

possessions. Moreover, the king made Edward and ‘all the eldest sons of the kings of England successively’ earls of Chester.<sup>34</sup>

This charter, exceptional in its contents, raises many questions as to its authenticity. It was copied shortly before 1413 into a manuscript now in Gray’s Inn Library, after a history of the earls of Chester and of Dieulacres Abbey, which was written in the thirteenth century by a monk of that house.<sup>35</sup> It has no date, location or witness list to confirm that it is genuine, although these could have been omitted by the clerk when he copied the charter into the manuscript. More significantly, the charter specifically refers to the counties of Flintshire and Rhuddlan, while the Bazas charter, which granted Edward his whole apanage, mentions the king’s new conquest in North Wales, namely Rhuddlan, Dyserth, Degannwy and all the land of Perfeddwlad.<sup>36</sup> Likewise the Treaty of Woodstock, sealed in 1247 between Henry III and the Welsh princes Owen and Llywelyn ap Gruffudd, and which acknowledged the king’s acquisitions in Perfeddwlad, has a different wording. It does not refer to Rhuddlan or Flintshire in particular, but to the Four Cantreds, which obviously included Rhuddlan.<sup>37</sup>

Could it be that this charter was a later addition by the clerk in the early fourteenth century? It is likely. In 1301, Edward I granted the county of Chester along with Wales and the title of Prince of Wales to his son Edward,<sup>38</sup> and the clerk, copying this document a century later, may have thought that a similar charter giving the title of earl of Chester had been granted by Henry III in 1254. Moreover, it is most surprising to note that Edward, being formally made earl of Chester by his father, did not once use the title before he ascended the throne. Yet this isolated charter casts some doubt on what exactly was granted to Edward in

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<sup>34</sup> Gray’s Inn Library, MS 9, ff. 140 d.-141. This charter and the manuscript are also discussed in Studd, ‘The Lord Edward’s Lordship of Chester’, pp. 6-9.

<sup>35</sup> M. V. Clarke and V. H. Galbraith, ‘The Deposition of Richard II’, *Bulletin of the John Rylands Library*, 14 (1930), pp. 125-81, at p. 127.

<sup>36</sup> TNA C 66/65, m. 8; CPR 1247-58, p. 270.

<sup>37</sup> AWR, act 312, pp. 483-5.

<sup>38</sup> CChR 1300-26, p. 6; Prestwich, *Edward I*, pp. 226.

the Bazas charter, and the possibility that he was formally invested as earl of Chester in 1254 cannot be entirely dismissed.

By 1254, the county of Chester already had a long history. It was formerly part of the earldom of Chester, first created by William I in response to the Welsh threat in North-Wales and whose lordship was originally conferred in 1070 upon a young Norman lord, Hugh d'Avranches, whom William I made earl of Chester.<sup>39</sup> The earl's estates were composed principally of the county of Chester but comprised lands scattered in more than twenty different counties, some of them concentrated around the Midlands (Leicestershire, Lincolnshire and Northamptonshire) and East Anglia (Norfolk and Suffolk).<sup>40</sup> As well as extensive territorial possessions, the earl of Chester was endowed with significant judicial and military rights to help him resist Welsh attacks. Such rights, important as they were, were not uncommon in eleventh-century England; other earls were granted similar powers elsewhere.<sup>41</sup> The main difference was that the earls of Chester managed to retain these rights for more than a century and a half. Furthermore, from 1070 onwards, they constantly increased the size of their estates, while at the same time preventing royal intrusion.<sup>42</sup> At the apogee of his power, in 1217, the earl of Chester was also earl of Lincoln, and held the honours of Richmond, Lancaster, Leicester and Wallingford from the Crown.<sup>43</sup>

The earldom of Chester passed through the hands of seven earls in total, but it was under Ranulf III (1170-1232) that it saw its most dramatic evolution. Ranulf III tried by all means to improve and remodel the earldom's administration by following the development of

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<sup>39</sup> See C. P. Lewis, 'The Formation of the Honor of Chester, 1066-1100', in *The Earldom of Chester, a Tribute to Geoffrey Barraclough*, ed. A. T. Thacker (Chester Archaeological Society, N. S., lxxi, 1991), pp. 37-68, at p. 61.

<sup>40</sup> *Ibid.*, pp. 42 and 63-6. Lewis has listed the different manors which belonged to the earl of Chester beyond the Cheshire limits. The earl possessed lands in Berkshire, Buckinghamshire, Derbyshire, Devonshire, Dorset, Gloucestershire, Hampshire, Huntingdonshire, Leicestershire, Lincolnshire, Norfolk, Northamptonshire, Nottinghamshire, Oxfordshire, Shropshire, Somerset, Suffolk, Warwickshire, Wiltshire and Yorkshire from which derived most of the earl's revenue.

<sup>41</sup> G. Barraclough, *The Earldom and County Palatine of Chester* (Oxford: Basil Blackwell, 1953), pp. 10-1.

<sup>42</sup> The county of Chester, however, did not escape royal wardship during the earl's minority. This occurred twice, under earl Hugh II's minority (1153-62) and under Ranulf III's (1181-87).

<sup>43</sup> See I. Soden, *Ranulf de Blondville: The First English Hero* (Stroud: Amberley, 2009), p. 74.

the English royal government.<sup>44</sup> In the meantime, he also tried to enhance his prestige and his independence as earl of Chester. This policy is witnessed in the charter he issued in the summer of 1215 for his Cheshire barons – now referred to as the Magna Carta of Cheshire – in which he formally acknowledged their local rights.<sup>45</sup> It was also reflected by the construction of Beeston Castle, built in the 1220s to protect the Cheshire border against a potential invasion from the king of England.<sup>46</sup>

Yet Ranulf III's significant achievements did not last for long; without any heir of his body after two marriages, and even though he carefully prepared his succession, the great earldom disintegrated shortly after his death in October 1232. His nephew, John the Scot, succeeded him but died in June 1237, also without any legitimate offspring. The earldom of Chester was then divided between Ranulf's sisters as co-heiresses and Henry III managed to take over the county of Chester intact.<sup>47</sup> The extent of its geographical boundaries in February 1254 is difficult to ascertain as the border always tended to shift depending on political circumstances, but it seems that it was more or less similar to the county of Chester we know today, extending as far as Wirral in the North, Macclesfield in the East and Nantwich in the South.<sup>48</sup>

Preserved from royal intrusion from 1070 to 1237, the Cheshire region developed some distinct characteristics that Henry III's takeover of 1237 and the grant of the county in its entirety to Edward in 1254 helped to maintain. This was especially true with regard to the spirit of independence. Local communities, namely the tenants of the county, saw themselves

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<sup>44</sup> Barraclough, *The Earldom*, pp. 17-8.

<sup>45</sup> See White, *The Magna Carta of Cheshire*. For the other charters of Ranulf III, see *Chs. of Earls of Chester*, acts 202-437, pp. 205-438.

<sup>46</sup> A. T. Thacker, 'The Earls and their Earldom', pp. 7-21, at pp. 16-18. The double gateways of Beeston Castle notably faced towards England, not Wales, R. Swallow, 'Gateways to Power: The Castles of Ranulf III of Chester and Llywelyn the Great of Gwynedd', *Archaeological Journal*, 171 (2014), pp. 289-311, at pp. 297 and 300.

<sup>47</sup> Both R. Stewart-Brown and R. Eales have analysed the end of the Norman earldom of Chester in separate articles, see R. Stewart-Brown 'The End of the Norman Earldom of Chester', *EHR*, 35 (1920), pp. 26-54, and R. Eales, 'Henry III and the End of the Norman Earldom of Chester', pp. 100-13.

<sup>48</sup> These were the hundreds that had their own courts of justice in 1260, TNA CHES 29/1.

as distinct from those in bordering regions. This was reflected in the terms used in the records; in July 1249, for example, Henry III received a series of complaints from the barons and the community of Cheshire (*querelas baronum et communitatis Cestresir*).<sup>49</sup> Later, in May 1251, the king referred to them as the community of the county of Chester (*communitati comitatus Cestrie*), thus acknowledging their particular identity.<sup>50</sup>

Such a noteworthy region has inevitably attracted the attention of historians. Ronald Stewart-Brown was the first to point out the distinctive status of Cheshire by examining its regional features, such as the system of avowries, which allowed people, including those guilty of crimes, to place themselves under the protection of a local lord, who could be the earl of Chester, in exchange for money and other services.<sup>51</sup> Stewart-Brown subsequently analysed the partitions of the earldom of Chester in 1232 and 1237 and how Henry III managed to preserve Cheshire intact by buying off the different claimants with grants of lands elsewhere in the realm.<sup>52</sup> In 1925, Stewart-Brown emphasised Cheshire's distinctive judicial system by calendaring the extant plea rolls for the county, including the records of various court sessions held there during the thirteenth century.<sup>53</sup> In the same year, he explored the peculiar custom of 'thwertnic', the right an accused person could use in court to deny a criminal charge, and analysed its significance in Chester.<sup>54</sup> In his edition of the surviving pipe rolls for Cheshire (1158-1301), Stewart-Brown showed that the financial administration of the county was essentially different from the rest of the realm: most of the financial functions were not assumed by the local sheriff, but rather by the justiciar of Chester. His research also revealed how Henry III attempted to bring the administrative machinery more into the line

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<sup>49</sup> CR 1247-51, p. 185.

<sup>50</sup> *Ibid.*, p. 442.

<sup>51</sup> R. Stewart-Brown, 'The Avowries of Cheshire', *EHR*, 29 (1914), pp. 41-55.

<sup>52</sup> Stewart-Brown, 'The End of the Norman Earldom'.

<sup>53</sup> *Calendar*.

<sup>54</sup> R. Stewart-Brown, 'Thwert-ut-nay and the Custom of 'Thwertnic' in Cheshire', *EHR*, 40 (1925), pp. 13-21.

with that employed by the Crown elsewhere in the realm by introducing in 1249 a county farm and the office of escheator.<sup>55</sup>

Stewart-Brown was not the only one to highlight the different status held by Cheshire. Also in 1925, Margaret Sharp analysed the evolution and administration of the county of Chester from its takeover in 1237 to the reign of Richard II. Her investigations, however, mostly focused on the Black Prince (1330-77) and the fourteenth century.<sup>56</sup> Later, in 1942, James Tait examined the number of knights' fees and the organisation of knight-service within Cheshire and demonstrated that, as the county could only support a small number of knights, local barons were not allowed to substitute a monetary payment for military service.<sup>57</sup> In 1952, Geoffrey Barraclough specifically dealt with the question of Cheshire's unique character. By retracing the history of the county, he convincingly argued that the former earldom of Chester was not a palatinate, since its distinctive status did not rely on special rights, but on the 'regalities' developed by Ranulf III in the second half of his lordship, and on the extensive size and wealth of the earldom which conferred a significant political influence upon the earl.<sup>58</sup>

The delicate question of Chester's palatinate status was subsequently re-examined by James Alexander in 1970. Yet, like Barraclough before him, he refuted the idea that it was a palatinate, stating that the earliest reference to Cheshire as a palatinate lordship dates from 1293 and that the judicial independence enjoyed by the earls of Chester was very similar to the marcher lords.<sup>59</sup> Alexander wrote the first biography of Ranulf III, published in 1983, although this work left certain matters unexplored. Issues, such as the earl's household, his

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<sup>55</sup> CIPR. See also R. Stewart-Brown, 'The Exchequer of Chester', *EHR*, 57 (1942), pp. 289-97.

<sup>56</sup> M. Sharp, 'Contributions to a History of the Earldom of Chester, 1237-1399' (Unpublished PhD thesis, University of Manchester, 1925).

<sup>57</sup> J. Tait, 'Knight-Service in Cheshire', *EHR*, 57 (1942), pp. 437-59.

<sup>58</sup> Barraclough, *The Earldom*.

<sup>59</sup> J. Alexander, 'New Evidence on the Palatinate of Chester', *EHR*, 85 (1970), pp. 715-29.

affinity, and more importantly, his charters, were largely ignored.<sup>60</sup> Ian Soden covered these subjects more extensively in 2009 in his biography of Ranulf III, but, as in Alexander's account, some important aspects, such as the earl's local lordship, or the ties he maintained with his barons and knights, were overlooked.<sup>61</sup>

Then, in 1991, a new study edited by Alan Thacker shed important light on the origins and evolution of the earldom. Christopher Lewis notably demonstrated that the creation of the earldom originally aimed to protect the northern border of the English realm and endow a promising young Norman viscount. Lewis also explained that the first earl was granted extensive territorial possessions beyond Cheshire because the county had relatively poor resources.<sup>62</sup> In analysing the evolution of the earldom, Thacker described how its centre of gravity shifted back and forth from Cheshire to the Midlands from its creation to Ranulf III's lordship until he decided to enhance its distinctive status.<sup>63</sup> Focusing on the administration of the county, David Crouch showed how its development in the 1140s was partly linked to Ranulf II's ambitions in the Midlands. More specifically, Crouch emphasised how in the last years of the earldom, there coexisted in Cheshire a mixed form of administration which relied on the traditional offices of seneschal and constable, and on the freshly created offices of justiciar and chancellor.<sup>64</sup>

As the current historiography shows, therefore, quite a lot has been written about Cheshire over the last century. Yet important gaps remain. Many of these studies concern the period of the Norman earls and Edward I's reign and after, and say little, if anything, about the control exerted by the Crown after the royal takeover of 1237.<sup>65</sup> Similarly, Edward's lordship of the county from 1254 to 1272 has been largely overlooked in the historiography;

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<sup>60</sup> J. Alexander, *Ranulf of Chester: A Relic of the Conquest* (Athens: University of Georgia Press, 1983).

<sup>61</sup> Soden, *Ranulf*.

<sup>62</sup> Lewis, 'The Formation of the Honor of Chester'.

<sup>63</sup> Thacker, 'The Earls and their Earldom'.

<sup>64</sup> D. Crouch, 'The Administration of the Norman Earldom', pp. 69-95.

<sup>65</sup> See for example H. J. Hewitt, *Cheshire under the Three Edwards* (Chester: Cheshire Community Council, 1967).

as noted above, scholars have preferred to focus on analysing the role he played in English political life before his accession to the throne. Thus the history of the county of Chester between 1237 and 1272 has yet to be analysed. This is the gap in the existing historiography that this study proposes to fill by offering the first, detailed assessment of Edward's lordship of Cheshire.

The grant of Chester from Henry III to his son in February 1254 conferred upon Edward important responsibilities. This inevitably raises many questions about the way he administered the region. One can wonder, first and foremost, how, at just fourteen years of age, he became familiar with and supervised the specific administrative and judicial structure of the county. How did he govern this particular region, how did he handle justice, who were the men whom he recruited to serve him there, what was the extent of their powers, how did he reward them, and how did the local communities respond to his lordship? Hitherto, none of these issues have been addressed and answering such questions will shed light on an important part of Edward's life.

In order to analyse his local lordship, it is crucial to consider what happened in the English realm between 1254 and 1272, as this had important consequences for the county of Chester. This was notably the case with the Welsh revolt of November 1256. It broke the relative peace that had existed between Cheshire and Wales since the early thirteenth century and seriously affected the way Edward subsequently governed the region. Yet hardly anything has been written about the relationship Cheshire maintained with Wales during this period.<sup>66</sup> The ties that existed between the two areas, the importance of Welsh communities in the county, and the potential existence of a Cheshire March are issues that need attention.

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<sup>66</sup> This subject has been analysed more specifically in T. F. Tout, *The Collected Papers of Thomas Frederick Tout* (3 Vols., Manchester: Manchester University Press, 1932-34), II, pp. 1-100, and in A. J. Roderick, 'The Four Cantreds', *Bulletin of the Board of Celtic Studies*, 10 (1941), pp. 246-56. Their works, however, leave many issues unexplored. P. Morgan went further in 2007 by exploring the relationship Cheshire maintained with Wales from the eleventh to the fifteenth century, 'Cheshire and Wales', in *Power and Identity in the Middle Ages, Essays in Memory of Rees Davies*, ed. H. Pryce and J. Watts (Oxford: Oxford University Press, 2007), pp. 195-210, but his article is rather brief.

Furthermore, how Edward exploited the material and human resources of the county to contain the Welsh rebellion, the impact that it had, and how his lordship influenced the war, remain unaddressed in modern scholarship.

This is also true of the baronial revolt of 1258 in England: it witnessed violent confrontations between royalists and reformers, and saw the county itself taken over in 1265 by Simon de Montfort, leader of the reformers. The reasons for local discontent, however, and the level of support for Montfort in the region have never been analysed; neither has the involvement of Cheshire men in the baronial movement of reform, nor how Henry III's son addressed local tensions. By tackling these issues, this study examines the local lordship of Edward in a specific area of his apanage, and considers how the county of Chester evolved under the governance of both Henry III and his son. This study also offers a larger perspective. By comparing Trabut-Cussac's research on the duchy of Gascony in the thirteenth century with the evidence from Cheshire under Edward, it also provides the first detailed assessment of Edward's general control of his apanage.

Investigating these different issues inevitably presents certain challenges. As Studd duly noted four decades ago, it is probably no exaggeration to say that at least eighty-five per cent of all the documents issued by Edward concerning Chester have been lost. More than one thousand three hundred *acta* have survived that were issued by or on behalf of Henry III's eldest son, and only sixty or so of these relate to the county. Such a poor rate of survival (less than five per cent) is hard to explain, as Edward had his own chancery, and as copies of his writs were enrolled.<sup>67</sup> Furthermore, most of the archives linked to the general administration of the county have long since disappeared. This is certainly true of the financial accounts. After the royal takeover of 1237, these were still audited at Chester, as was the custom under the earls, but they were ultimately checked at Westminster by royal officials. These have

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<sup>67</sup> Studd, 'The Lord Edward's Lordship of Chester', p. 1.

survived fully from 1237 to 1254, but when Edward was granted his apanage, part of the administration returned to Chester and escaped direct royal supervision.<sup>68</sup> As a result, the financial accounts for most of Edward's period of lordship have gone missing, thus preventing historians from examining in detail the expenditure and the revenue of the county during this period.

The surviving evidence is not without problems, either. Extant documents, due to their paucity, are somewhat confusing and often contain incomplete information. This is clearly illustrated by Edward's charters concerning the county of Chester. Although more than sixty charters have survived, only eleven relate to Cheshire, and only nine include witness lists. With the exception of a charter (now lost) issued in 1255-56,<sup>69</sup> the earliest extant charter was issued on 21 February 1259, more than five years after Edward was granted his apanage. Two others that have survived were issued on the same day (27 December 1259) and the three final charters were issued between January and August 1270. This means that there are only three charters for the whole period of 1259-70, which witnessed acute political crises and which profoundly affected Edward's lordship. Of these three, one survives in an *inspeximus* and does not include a witness list. Based on charter material, therefore, it can sometimes be hard to reach more than tentative conclusions.

The existing documents, however, can still help us to form an impression of Edward's lordship in Cheshire. His charters concerned with Chester, albeit problematic, concern some of the different grants and donations he made between 1254 and 1272, and reveal, when a witness list is given, who accompanied him when these documents were issued. Similarly, the rest of his charters supply important information on the evolution of his retinue throughout his lordship. In addition to these, the different orders and letters he sent to his officials and

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<sup>68</sup> CIPR, pp. 106-7.

<sup>69</sup> This charter is believed to have been issued by Edward in the fortieth year of his father's reign (28 October 1255-27 October 1256) to Thomas Mainwaring, granting him certain rights, Studd, 'A Catalogue', acta 1032, p. 736. The present whereabouts of this charter are unknown and like Robin Studd, I have been unable to consult this charter.

servants demonstrate which men he recruited and who served him on his different estates, while his instructions to successive justiciars of Chester help us understand how he administered the county through his main officials. To these records should be added surviving memoranda and letters that touch on some exceptional events that occurred during this period. They provide some direct insights into Edward's lordship, particularly on his judicial role in the county and the relationship he maintained with local communities there.

Other sources supply further information about Chester. The most important by far is the surviving plea roll for 1259-60, which includes records of nine sessions of the county court of Chester, from 18 November 1259 to 31 August 1260.<sup>70</sup> Composed of twelve membranes, the plea roll documents both civil and criminal litigation – including pleas of the Crown – and contains various instructions issued by Edward concerning certain cases. Four other county court rolls, dating from the 1280s and dealing exclusively with civil business, have also survived, as well as one plea roll for the city court of Chester for 1287 to 1297, and one eyre roll for Macclesfield, dating from the late 1280s.<sup>71</sup> Although far from complete, these rolls are the earliest – and only – records that survive for a county court anywhere in the realm during the thirteenth century.<sup>72</sup> They provide crucial information on the different aspects of the judicial machinery of the county and on the role played by Edward in litigation.

The Domesday roll of Chester complements these plea rolls. Even though its origin remains unclear, this specific roll is likely to have appeared under Ranulf III's lordship and was used as a central record for charters and other legal documents in the county in the thirteenth century.<sup>73</sup> Unfortunately, the roll did not survive intact and only two original

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<sup>70</sup> TNA CHES 29/1. This roll, as with the rest of those existing for Cheshire, has been fully calendared by Stewart-Brown in *Calendar*.

<sup>71</sup> TNA CHES 29/2, CHES 29/3, CHES 29/3, CHES 29/4, CHES 29/5, CHES 29/6 and CHES 12/12.

<sup>72</sup> M. T. Clanchy, *From Memory to Written Records, England 1066-1307*, 3rd edn (Chichester: Wiley-Blackwell, 2013), pp. 99-100.

<sup>73</sup> It has been fully edited in DRC. Stewart-Brown also published an article about it, 'The 'Domesday' Roll of Chester', *EHR*, 37 (1922), pp. 481-500.

membranes exist today,<sup>74</sup> while the rest are scattered in the form of later transcriptions in various sixteenth- and seventeenth-century manuscripts. Yet the Domesday roll allows the historian to trace the appearance of certain procedures in Cheshire and to consider how they evolved over the decades.

Similarly, the cartulary of the abbey of St Werburgh is an important source for this study.<sup>75</sup> The abbey owed its origins to Hugh d'Avranches, first earl of Chester (d. 1101), who re-founded the existing secular canons to establish an important Benedictine monastery in Cheshire. Created to reflect Hugh's power and to provide for the spiritual wellbeing of his kin, the abbey retained the patronage of the earls of Chester and their barons.<sup>76</sup> It preserves in its cartulary about nine hundred documents, extending from the end of the eleventh century to the early fourteenth century. Most of these are charters, many with witness lists, issued in Cheshire by various people, such as abbots, tenants and officials there, along with a few documents from judicial cases. All these provide important details about the different landholders of the county and the tenurial ties and other connections that existed between them, and complement the meagre list of tenants drawn up by Stewart-Brown in 1925.<sup>77</sup> In addition to these principal sources, the surviving documents of the earls of Chester include many charters with witness lists which allow the historian to track down the affinities of the successive earls and to trace whether these families were still active in the county under Edward.<sup>78</sup>

Moreover, although there are no financial accounts for Chester for most of Edward's lordship, the surviving pipe rolls are nonetheless relatively informative, revealing as they do how the county was administered financially and which officials ran it. The pipe rolls also

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<sup>74</sup> The existing membranes are preserved in the National Archives at Kew: TNA CHES 38/47/1 and CHES 38/47/2.

<sup>75</sup> Char. St Wer.

<sup>76</sup> C. P. Lewis, 'Avranches, Hugh d', first earl of Chester (d. 1101)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/14056>, accessed 12 Feb 2016].

<sup>77</sup> This list is available in *Calendar*, pp. xlvi-xlvii.

<sup>78</sup> See *Chs. of Earls of Chester*.

indicate the various sources of revenue that Edward enjoyed there, and his main items of local expenditure before Easter 1254 and after 1270.<sup>79</sup> It is also possible to turn to the plentiful records of the English royal chancery. Although these are primarily concerned with Henry III's administration, they reveal some interesting details about his son's lordship and often complement the information provided by his own *acta*, touching upon the decisions he made and the travels he undertook through his apanage. The English royal records offer significant insights into the degree of influence the king had over his son, and often illuminate the careers of the men Edward used to administer his estates, especially when they also served Henry III.

Contemporary chronicles and annals shed further light on Cheshire affairs in the mid-to late thirteenth century. The *Annales Cestrienses*, for example, are another interesting source to study the region. They cover history from the birth of Christ to Edward I's campaign in Flanders in 1297, and were probably composed by Simon de Whitchurch, abbot of Chester, or under his direction, during the last third of the thirteenth century. Although sympathetic towards Simon de Montfort, the annals recount in a fair amount of detail, some otherwise unknown episodes that occurred in the county under Edward's lordship. More importantly, the annals offer a local point of view of the events.<sup>80</sup> This is also true for certain Welsh chronicles, such as the *Annales Cambriae* and the *Brut*, which relate various events that occurred on the Cheshire border during the war between England and Wales (1256-67).<sup>81</sup> Similarly, Welsh records, notably the *Littere Wallie* and the *Acts of the Welsh Rulers*, provide a great deal of information about Welsh communities within the Cheshire region, as well as about any links the Welsh rulers maintained with the county.<sup>82</sup>

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<sup>79</sup> These pipe rolls are preserved in the National Archives at Kew, TNA E 372/97, m. 9 d., E 352/46, m. 3, E 372/120, m. 22 and E 352/69, m. 3, and fully edited in CIPR, pp. 96-103 and 108-10.

<sup>80</sup> Simon de Whitchurch was elected abbot of Chester in April 1265 and died in 1289 or 1290, *Ann. Cest.*, pp. xvi and 116.

<sup>81</sup> *AC*; *Brut*.

<sup>82</sup> *Littere Wallie*: Preserved in Liber A in the Public Record Office, ed. J. Goronwy (Cardiff: University Press Board, 1940). See also AWR.

The surviving documents and their diverse nature, therefore, provide sufficient evidence to explore Edward's lordship of Chester. In addressing the subject, this study is divided into four chapters. The first examines Edward's general administration of the county by analysing the roles and careers of the main officials who comprised his personnel there. His affinity in Cheshire is studied, as well as the financial structure of the county, and its different sources of revenue and forms of expenditure. The second chapter tackles Edward's administration of justice in Cheshire, focusing on the surviving plea rolls of the county court. Both the functioning of the judicial machinery and the operation of legal procedures are investigated, with particular emphasis placed on the role played by Edward in delivering justice in Cheshire and also elsewhere in his apanage. The aim of these two chapters is to examine how the administrative structure of the county evolved after the royal takeover of 1237.

The third chapter considers how relations between Cheshire and Wales evolved and adapted to changes in the political climate of the thirteenth century. More specifically, it looks at the economic, social and political ties, such as trade, marriages, and other alliances which existed between the local communities in Cheshire and the Welsh population in the county. It also examines Edward's involvement in the war between England and Wales from 1256 to 1267 and the consequences it had for Chester. The fourth chapter assesses the effects of the baronial movement of reform (1258-67) on the county and on Edward's authority there. It analyses how tensions steadily increased in Cheshire in the years leading up to the rebellion of 1258, and why the different measures advocated by the reformers only had a limited impact on the county. It also considers the struggles between royalists and baronial forces in the region, and how Edward sought to address recurrent local discontent. Following on from the information provided on the general administration of the county, these two chapters aim to

show how Edward's local lordship was affected by the various events that occurred in the kingdom.

## Chapter 1: The Lord Edward's Administration of the County of Chester, 1254-72

While studying the baronial movement of reform in the 1930s, Professor R.F. Treharne described the Lord Edward thus:

‘whatever his cool skill may have been in 1265 and however constructive his statesmanship after he ascended the throne, there is nothing whatever in his career up to the Battle of Lewes [May 1264] to reveal in him anything more than an irresponsible, arrogant and headstrong boy, treacherously selfish in the heedless pursuit of his own ends indulging every whim at his own pleasure, and incapable of self-discipline or obedience to external authority in anything that conflicted with the passions and hatreds of the moment’.<sup>1</sup>

Although harsh, this judgment was not necessarily unjustified. Chroniclers, as Prestwich points out, had noted on various occasions Edward I's turbulent youth. Matthew Paris, for example, reported the gruesome mutilation in 1250s ‘against all justice’ of a young man at Edward's command, and feared that there was little to expect from the future king. Similarly, the author of *The Song of Lewes* depicted him as a leopard: ‘a lion by pride and fierceness’, but also ‘by inconstancy and changeableness a pard, changing his word and promise, cloaking himself by pleasant speech’.<sup>2</sup> Dubbed with such a terrible reputation for being a ruthless and unreliable lord, one can wonder how Edward could have governed effectively an apanage that stretched between England, Ireland and Gascony.

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<sup>1</sup> R. F. Treharne, *The Baronial Plan of Reform, 1258-1263* (Manchester: Manchester University Press, 1932), pp. 163-4; also cited in J. R. Studd, ‘A Catalogue of the Acts of the Lord Edward, 1254-1272’ (University of Leeds, unpublished PhD thesis, 1971), p. 154.

<sup>2</sup> *Chron. Maj.*, V, p. 598; *The Song of Lewes*, ed. C. L. Kingsford (Oxford: Clarendon Press, 1890), vv. 431-4, p. 14; M. Prestwich, *Edward I* (Berkeley and Los Angeles: University of California Press, 1988), p. 3.

Yet the study of documentary evidence relating to his administration of the county of Chester presents a different picture altogether. Far from being the unruly prince sometimes depicted by both chroniclers and historians alike, records show a lord who was concerned with the administration of his estates and who knew how to surround himself with the right men. More importantly, records show that Edward was far more pragmatic in dealing with local communities than previously thought, as his later career as king suggested. To explore this subject in depth, the following chapter is divided into three main sections. The first analyses the men who constituted the personnel there and the extent of their functions; the second investigates Edward's affinity in Cheshire; the third looks at his financial administration.

### **1: The Personnel.**

Traditionally, most of the administration of both the earldom and the county of Chester relied on four main officials: the justiciar, the constable, the seneschal and the chamberlain, all of whom reported to the earl. They were the backbone of the earl's power: they assisted him with the daily routine of estate management concerning the general administration of the lands, and eventually provided the good lordship that was expected by local inhabitants. To help them in their task, they were also supported by a myriad of minor officials, such as bailiffs or foresters for example, of whom little has been recorded. These different offices were first created by the earl as part of his household to make the link between his person and the estates he held, but also more widely, to reflect his power in his dominions. Perhaps surprisingly, these offices outlived the person of the earl due to the royal intervention of 1237. The death of the last earl of Chester in June 1237 meant that the offices moved from the household to the estates they controlled. This event marked the beginning of

a slow mutation in the county which only ended under Edward's lordship. Some of the offices were profoundly affected by the earl's death and soon became obsolete. This was the case with the offices of seneschal and of constable, whose decline left space for the justiciar of Chester to assert his dominant position.

During Edward's lordship, the justiciar of Chester was the most powerful official in the county. This had not always been the case. The first justiciar of Chester probably emerged under Ranulf II (1129-53) who imitated the practice of the Crown in creating the office. As David Crouch points out, since little has been recorded on the justiciars and on their functions, they probably came from lowly social origin and had a limited role.<sup>3</sup> This changed at the end of the twelfth century when the justiciar gained more prestige with the appointments of Ralph Mainwaring, a local baron, and Philip de Orreby, a Lincolnshire tenant of the earl, who retained the office from 1207-08 to 1229. By the beginning of the thirteenth century, the justiciar of Chester was one of the most important persons in the earldom after the earl himself.<sup>4</sup>

Together with the constable and the seneschal, they formed a triumvirate which controlled the general administration of the earldom until its demise.<sup>5</sup> Unlike the other two, the title of justiciar was not hereditary and the office was retained by different families over the years. This explains the immediate change that occurred in the aftermath of John the Scot's death: only sixteen days later, Richard de Fitton was replaced as justiciar of Chester by Stephen de Seagrave, one of the king's trusted counsellors and a former member of Ranulf III's affinity.<sup>6</sup> In so doing, Henry III enforced his power over the area and formalised his

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<sup>3</sup> D. Crouch, 'The Administration of the Norman Earldom', in *The Earldom of Chester, a Tribute to Geoffrey Barraclough*, ed. A. T. Thacker (Chester Archaeological Society, N. S., lxxi, 1991), pp. 69-95, at p. 92.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, pp. 92-3.

<sup>6</sup> CPR 1232-47, p. 188. Stephen de Seagrave fulfilled many functions for the king, as a royal justice and sheriff. In 1232, he was also appointed by Henry III chief justiciar of England, W. Hunt, 'Seagrave, Sir Stephen of (d. 1241)', rev. Paul Brand, *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/25041>, accessed 1 Aug 2015]. He witnessed several of Ranulf III's

takeover; he had understood that the easiest way to control Cheshire was to control the main official who could be easily replaced.<sup>7</sup> Such a shift, merely days after the earl's death, helped to establish the justiciar of Chester as the key person in the county in the years that followed.

As the main official under Henry III and then under Edward, the extent of the justiciar's functions were broad. Originally, as his name indicates, the justiciar was concerned with the administration of justice,<sup>8</sup> but in reality his scope of action covered all sorts of business. The precise limits of his duties remain unclear as only one original writ of appointment for a justiciar has survived from Edward. It concerns Alan la Zouche, who, already in office since July 1250, was confirmed as justiciar in May 1254. Although the terms of the writ were almost identical to those drawn by Henry III four years earlier, they only provide a vague description of the office. In substance, the justiciar had custody of the county as well as the Four Cantreds in North Wales from Easter 1254 to Michaelmas 1255, and had to manage the issues of these lands and render 1,000m at the exchequer at Bristol. The justiciar, moreover, was to maintain existing laws, customs, and all the appointed alms in Cheshire.<sup>9</sup>

As evidence shows, however, the justiciar's role went far beyond the financial and judicial functions described in the writ. In fact, his principal duty was to act on behalf of Edward in the county. With an apanage scattered over Ireland, Gascony and England, the king's son was constantly travelling around his dominions.<sup>10</sup> There was a need, therefore, to have an official established in the county to intervene on his demand, and to deal with the routine tasks of estates management. These could be related to various affairs: on 25 August

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charters, Chs. of Earls of Chester, acts 248, 310, 322, 328, 336, 351, 355, 393, 402, 417-421. However, he never witnessed one of John the Scot's charters.

<sup>7</sup> To complete his control, Henry III replaced Stephen de Seagrave as justiciar of Chester only a month after his appointment by Richard de Draycot, who had no connection with the county. In the meantime, he replaced the local chamberlain, CIPR, p. 28.

<sup>8</sup> Crouch, 'The Administration of the Norman Earldom', p. 91. For the judicial role of the justiciar, see below, pp. 86-8.

<sup>9</sup> TNA C 61/1, m. 4; Studd, 'A Catalogue', acta 6, p. 187. For Henry III's writ, see CPR 1247-58, p. 70.

<sup>10</sup> For Edward's itinerary throughout his lordship, see Itinerary.

1260, for example, Fulk de Orreby, then justiciar, was instructed by the king's son to allow the abbot and convent of Chester to have seisin of the farms of Northwich and Middlewich in order to repay a loan.<sup>11</sup> Later, on 6 January 1270, the justiciar Reginald de Grey was asked to provide compensation for the same abbot and convent, for the destruction they had sustained during the baronial movement of reforms.<sup>12</sup> The justiciar was also concerned with provisioning Edward's household in the county. On 3 February 1258, he received herrings brought from Ireland to be kept for his lord's use, while a writ of July 1260 shows that he brought to Chester twenty tuns of wine at a cost of £27 10s.<sup>13</sup>

More importantly, the justiciar of Chester held the crucial function of making the link between the king's son and local landholders. This is notably revealed by Edward's charters: of the nine that concern the county and which have survived with a witness list, the justiciar was a witness on all occasions, except two.<sup>14</sup> The rest of Edward's charters show, in addition, that the justiciar almost solely attested those related to Cheshire: he is only mentioned as a witness twice in other charters, at Bermondsey on 5 and 7 November 1259.<sup>15</sup> As the charters concerned with the county were almost exclusively issued far away from the Cheshire boundaries, it meant that the justiciar regularly travelled throughout the realm, usually with other local men as the witness lists indicate, to meet Henry III's son. Meeting Edward was a means for the justiciar to discuss business concerning the county and to receive his instructions. It was also an occasion to report to him on local affairs and the problems that affected the area.

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<sup>11</sup> TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 840, p. 608.

<sup>12</sup> TNA C 165/16, m. 12; Studd, 'A Catalogue', acta 994, p. 708.

<sup>13</sup> TNA C 61/4, m. 2; J. F. Lydon, 'Three Exchequer Documents from the Reign of Henry the Third', *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature*, 65 (1966-67), pp. 1-27, at p. 26; Studd, 'A Catalogue', acta 685, p. 527 and acta 812, p. 594.

<sup>14</sup> One of the charters was – surprisingly – issued at Chester on 11 October 1267 and concerned the lands of Connaught in Ireland, National Library of Ireland, Ormond Deed D. 205; Studd, 'A Catalogue', acta 954, p. 683.

<sup>15</sup> Curiously, in none of these charters Fulk de Orreby is styled justiciar of Chester, TNA C 61/4, m. 5; Studd, 'A Catalogue', acta 716, p. 549 and acta 722, p. 552.

This practice underlines several features of Edward's lordship. It demonstrates, first, that the justiciar was the chief official through whom he governed. This view is supported by the fact that, except on rare occasions, other Cheshire officials never witnessed their lord's charters, be they related to the county or not. It also suggests that an underlying organisation of messengers and servants existed. Although not documented, it is likely that these messengers constantly rode back and forth between the justiciar and Edward, wherever he was at the time, to maintain regular contact between his person and his affairs in the county. Finally, this sheds an interesting light on Edward's personality; the constant presence of the justiciar of Chester each time he issued a charter relating to the county shows that he was rather pragmatic in his lordship, and that he may well have preferred to consult his main official before taking an important decision.

This last trait is corroborated by an episode recorded in the *Annales Cestrienses* that concerns the abbot of Chester, when Edward was in Simon de Montfort's custody (May 1264-May 1265) and when the county was in his hands. As Henry III had done three decades earlier, the earl of Leicester had replaced the local justiciar, William la Zouche, with his own man, Luke de Tany, to ensure control of the area. Montfort had also promoted the election of Simon de Whitchurch as the new abbot of Chester. After the Battle of Evesham, Edward was furious about this election: it had been made without his consultation and with Montfort's licence and he thus refused the entry of his monastery to the abbot and made many threats against him. The problem was rapidly solved, nonetheless; Edward made peace with the said abbot and, on the advice of James de Audley, newly appointed justiciar of Chester, ordered all revenue from the monastery to be given back to the abbot. He also commanded that the two casks of wine consumed by his household during the time of his anger be restored to the abbot.<sup>16</sup> This anecdote highlights once again the importance the justiciar had in the affairs of

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<sup>16</sup> *Ann. Cest.*, pp. 92-7.

the county; because he enjoyed the intimacy and trust of his lord, the justiciar was in the best position to advise Edward.

The justiciar had the military obligation to protect and maintain the lands of the county. This is best illustrated in March 1264 when William la Zouche put Chester in a state of defence by destroying several houses and digging a ditch around the city to resist the rebel barons and Welsh raids. La Zouche was so mindful about preserving relations with the residents of Chester that he even promised the abbot of St Werburgh, who held the houses, that Edward would provide compensation for any loss, which he did in January 1270.<sup>17</sup>

Beyond his military duties, the justiciar fulfilled diplomatic missions. These were conducted with the Welsh leaders during the war that affected England and Wales between 1256 and 1267. The role of the justiciar, however, was mostly to prorogue or enforce the various truces agreed over the years by Henry III and Edward on one side, and Llywelyn ap Gruffudd on the other.<sup>18</sup> Occasionally, the justiciar had to accept certain Welsh people into the king's peace and to act as a representative of the king and his son to negotiate with the Welsh.<sup>19</sup>

To a great extent, the justiciars' functions were very similar to those of sheriffs in other counties; they were both the keystones of the judicial and financial administration, and responsible for the affairs that touched the county. Some notable differences existed, nonetheless. The first, and by far the most significant, was that the evolution of the sheriff and of the justiciar followed opposite directions in the course of the thirteenth century. While the influence of the sheriff slowly decreased in the counties to the profit of lesser officials, the

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<sup>17</sup> Ibid., pp. 86-9; TNA C 165/16, m. 12; Studd, 'A Catalogue', acta 994, p. 708.

<sup>18</sup> CPR 1247-58, p. 625; CPR 1258-66, p. 512.

<sup>19</sup> CPR 1258-66, pp. 131 and 624; AWR, act 342, pp. 508-12.

justiciar became more and more important in Cheshire and was far more powerful when Edward ascended the throne than at the time of the great earldom of Chester.<sup>20</sup>

The second difference was that between 1254 and 1272, the justiciars do not seem to have misbehaved in Cheshire as much as some sheriffs did in other counties. Although records show that localities regularly complained about the justiciar to the king before 1254, and notably about Alan la Zouche's attempts to extort money by all means, the rare complaints that have survived from local communities under Edward do not mention the justiciar of Chester. In fact, their grievances mostly reflect a desire to have the administrative framework and customs of the county preserved.<sup>21</sup>

This difference in a period when sheriffs and bailiffs were vigorously criticised for abuses of power,<sup>22</sup> remains difficult to comprehend, as evidence is not strong enough to indicate whether it was due to the justiciars' integrity or to Edward's close supervision of his main official. It could, perhaps, be explained, by the close relationship the justiciars maintained with Henry III's son. Unlike sheriffs, the justiciars were directly connected to their lord. They came from Edward's household and in most cases had known him years before taking office: Thomas de Orreby, for example, who became justiciar in 1261, was already present with Edward at the end of 1259.<sup>23</sup> Similarly, James de Audley, appointed after the Battle of Evesham, was in contact with the king's son as early as May 1263.<sup>24</sup> Such proximity between Edward and his justiciars of Chester, therefore, is likely to have prevented their abuses in the county of Chester.

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<sup>20</sup> W. A. Morris, *The Medieval English Sheriff to 1300* (Manchester: Manchester University Press, 1927), pp. 238-9. As Margaret Sharp comments, the justiciar of Chester seems to have become increasingly important up until the reigns of Edward I and Edward II. Then his influence slowly decreased to the profit of the chamberlain who, by Richard II's reign, was regarded as as important, if not more so, than the justiciar, M. Sharp, 'The Household and Resources of the Lord Edward, 1239-1272' (University of Oxford, unpublished D.Phil thesis, 1988), pp. 64-5. On the decline of the sheriff, see D. Carpenter, 'The Decline of the Curial Sheriff in England, 1194-1258', *EHR*, 111 (1976), pp. 1-32.

<sup>21</sup> Below, pp. 216-9

<sup>22</sup> Three articles of the Petition of the Barons presenting to Henry III in May 1258 their grievances concerned the sheriffs; *DBM*, pp. 82-5.

<sup>23</sup> *Ann. Cest.*, pp. 78-9; *TNA C 61/4*, m. 3; Studd, 'A Catalogue', acta 752, p. 565.

<sup>24</sup> *Ann. Cest.*, pp. 94-5; *CChR 1257-1300*, p. 147; Studd, 'A Catalogue', acta 890, p. 639.

Beyond their responsibilities, the holders of the office of justiciar reveal a lot about Edward's lordship. More particularly, their number is intriguing. While there were only three justiciars in thirty years, from 1207-08 to 1237, ten were appointed under Edward, and only five after he ascended the throne in 1272.<sup>25</sup> Such a striking contrast might have been the result of the instability that affected the county of Chester between 1254 and 1272. This is best exemplified by the replacement of Thomas de Orreby by Henry III in December 1262 because of his inability to maintain the peace and defend the border, and by the replacement in December 1264, at Simon de Montfort's command, of William la Zouche by Luke de Tany.<sup>26</sup> This hypothesis is supported by the number of seneschals of Gascony for the same period: more than fifteen were appointed under Edward, but only eight of them were after he ascended the throne.<sup>27</sup>

Studd, on the other hand, argues that these numbers reflect, in reality, the regular interference of Henry III in his son's affairs. This interpretation also sounds plausible as Henry III always maintained a great deal of interest in the territories he granted to his son and in his choice of officials. Moreover, at least two justiciars of Chester seem to have been appointed by the king: Thomas de Orreby, who replaced Fulk de Orreby sometime in August or September 1261, and William la Zouche, who superseded Thomas in December 1262.<sup>28</sup> It is important, however, to stress that – in both cases – the king was only fulfilling his

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<sup>25</sup> Reginald de Grey, who served as justiciar in 1270-74, was appointed again in 1281 until 1299 or 1300, Char. St Wer, I, p. 5.

<sup>26</sup> CPR 1258-66, p. 238; Ann. Cest., pp. 90-1. See also below, pp. 169-71 and 236.

<sup>27</sup> 'Seneschals of Gascony, of Aquitaine after 1360 (1273-1453)', The Gascon Rolls Project (1317-1468) [<http://www.gasconrolls.org/en/research-tools/duchy-office-holders/seneschals-of-gascony-of-aquitaine-after-1360-1273-1453/>, accessed on 23 February 2016]. John de Havering was appointed twice in May 1288 and again in March 1305; J. R. Studd, 'The Lord Edward and King Henry III', *Bulletin of the Institute of the Historical Research*, 50 (1977), pp. 4-19, at p. 8. For the instability affecting Gascony under Edward's lordship, see Trabut-Cussac, *L'Administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 à 1307* (Genève: Librairie Droz, 1972), pp. 3-40.

<sup>28</sup> J. R. Studd, 'The Lord Edward's Lordship of Chester, 1254-72', *Transactions of the Historic Society of Lancashire and Cheshire*, 128 (1979), pp. 1-25, at p. 12; CPR 1258-66, pp. 174 and 238.

obligation as suzerain by protecting the estates of his son who, at the time was busy dealing with important problems overseas.<sup>29</sup>

Alternatively, these changes might be examined in the light of Alan la Zouche's appointment in July 1250. The terms of the writ indicate that he only held office for a limited period of time, from 8 July 1250 to 29 September 1252, renewed twice in September 1252 and again in March 1253.<sup>30</sup> Ultimately, la Zouche was confirmed in office by Edward in May 1254 and continued to serve him until September 1255.<sup>31</sup> This highlights an important difference in functioning; even though there is no direct evidence, it is unlikely that justiciars held their office for a limited period of time under the earls of Chester: Philip de Orreby was justiciar for over twenty years before resigning in 1229, while Richard Fitton remained in office throughout John the Scot's lordship.<sup>32</sup> The fixed periods of justiciarship, therefore, may explain why there were more justiciars under Edward than under the earls of Chester. This practice changed after Edward became king: Guncelin de Badlesmere was first appointed justiciar at pleasure in October 1274 and was only replaced in 1281 by Reginald de Grey, who was to hold the office for a term of eight years.<sup>33</sup>

Appointing officials for short-term periods offered several advantages to Edward. It avoided, first, the possibility of one justiciar monopolising power for too long, a situation which was all the more risky since Edward was often far away from the Cheshire border. More importantly, replacing the justiciar was a way for the king's son to reassert his power on a regular basis in an area that was affected both by the Welsh intrusions and by local unrest. Finally, it was a convenient method of rewarding his men: as he could theoretically not grant his lands away due to the terms of the Bazas Charter, conferring upon them such an important

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<sup>29</sup> Studd, 'The Lord Edward's Lordship of Chester', p. 13. For Edward's trips to France in 1260-62, see Trabut-Cussac, *L'Administration Anglaise*, pp. 21-7.

<sup>30</sup> CPR 1247-58, pp. 70, 151 and 182.

<sup>31</sup> TNA C 61/1, m. 4; Studd, 'A Catalogue', acta 6, p. 187; CR 1254-56, p. 134.

<sup>32</sup> Char. St Wer., I, p. v.

<sup>33</sup> CPR 1272-81, pp. 60 and 464.

position in the county with the substantial revenue that derived from it certainly appeared an appealing prospect among his followers. It is also worth bearing in mind that a great majority of the officials who were replaced often continued to serve Edward in a different position, or elsewhere in his apanage. This was true in Cheshire, but also in Gascony and Ireland, and this shows that Edward regularly transferred men across his apanage.<sup>34</sup>

Overall, ten men served as justiciar of Chester during the period of Edward's lordship. Although they varied in origin, power and wealth, it is noticeable that they were almost all connected to the region. Unlike his father, who only appointed justiciars foreign to the Cheshire area, Edward decided to rely principally on local tenants. Of the ten justiciars who served between 1254 and 1272, five, namely Roger de Montalt, Fulk and Thomas de Orreby, James de Audley and Reginald de Grey held lands in the county.<sup>35</sup> None of them was a significant Cheshire landholder; Audley was the most important and only held four knights' fees. In the meantime, Montalt held two and a half knights' fees and John de Grey a quarter of a knight's fee, plus a manor at Rushton granted by Edward in February 1259.<sup>36</sup> These men were not exclusively Cheshire tenants. They also held lands elsewhere that made them substantial lords: Montalt had large possessions in the Midlands and in Suffolk,<sup>37</sup> Fulk de Orreby held several knights' fees in Lincolnshire,<sup>38</sup> James de Audley possessed a considerable number of manors scattered across Staffordshire (nineteen), Shropshire (eight), Oxfordshire

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<sup>34</sup> Below, pp. 36-7. For the seneschals of Gascony and justiciars of Ireland, see also below, pp. 259-63.

<sup>35</sup> Calendar, pp. xlvi-xlvii; Char. St Wer., II, act 473, p. 277. John de Grey was Reginald's father. There is no direct evidence that Thomas de Orreby was a Cheshire landholder, but his presence in the county court shows that he had lands there, TNA CHES 29/1, m. 11 d.; Calendar, case 228, p. 31.

<sup>36</sup> Calendar, pp. xlvi-xlvii. The grant of Rushton is not originally recorded in Studd's Catalogue, but has been fully transcribed in Cheshire Forest Eyre Roll of 1357, ed. P. M. Hyll and J. Heery (The Record Society of Lancashire and Cheshire, cli, 2015), pp. 179-80. The grant was subsequently confirmed by the king in December 1263, TNA C 53/53, m. 4; CChR 1257-1300, p. 47. The extent of the Orreby's possessions in Cheshire is unknown.

<sup>37</sup> Montalt notably held four knights' fees in Derbyshire, five knights' fees in Suffolk, as well as minor possessions in Lincolnshire and Leicestershire, Book of Fees, II, pp. 915, 947, 995, 1058, 1063 and 1077.

<sup>38</sup> Fulk de Orreby's possessions in Lincolnshire remain difficult to assess as he held different parts of knights' fees, *ibid.*, pp. 1039, 1055, 1056, 1058, 1063 and 1090.

(two), Cambridgeshire and Middlesex (one each) and Wales (two),<sup>39</sup> and John de Grey held lands in Bedfordshire, Buckinghamshire, Devonshire, Essex, Wiltshire, and Derbyshire.<sup>40</sup>

With regard to the other justiciars, Alan la Zouche held various lands in Buckinghamshire, Devonshire, Sussex, Wiltshire and Hampshire,<sup>41</sup> and William la Zouche possessed one knight's fee in Bedfordshire with an important manor there worth £10 per annum as well as a few lands in Cambridgeshire.<sup>42</sup> On the other hand, both Gilbert Talbot and Thomas de Boulton seem to have been minor landholders: Talbot held by military service some properties, plus half of a knight's fee in Herefordshire,<sup>43</sup> and Boulton held only scraps of lands and half a watermill near York.<sup>44</sup> As evidence shows, the extent of the justiciars' possessions spread throughout the realm and it does not seem that Edward tried to create any geographical bias in Cheshire in appointing his various justiciars.

Four of the ten justiciars came from families traditionally connected to the earls of Chester. Both Fulk and Thomas de Orreby had a familial connection with Philip de Orreby, Ranulf III's great justiciar, although their exact kinship is unclear.<sup>45</sup> James de Audley was the son of Henry de Audley, a man who served both Ranulf III and John the Scot.<sup>46</sup> Roger II de Montalt was the son of Roger I de Montalt, Ranulf III's seneschal of Chester, who died in 1232. Following his father's death, Montalt took over the hereditary office of seneschal and subsequently appeared in John the Scot's retinue, thus becoming the only justiciar who served successively the earl of Chester and Edward.<sup>47</sup> It was clearly no coincidence that such a high

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<sup>39</sup> CChR 1226-57, p. 409.

<sup>40</sup> Book of Fees, II, pp. 740, 872, 883, 890-1, 892, 977, 1262-3 and 1359. See also N. Vincent, 'Grey, Sir John de (d. 1266)', Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2006; online edn, May 2006) [<http://www.oxforddnb.com/view/article/11542>, accessed 30 April 2016].

<sup>41</sup> Book of Fees, II, pp. 689, 698, 718, 797, 870 and 1426.

<sup>42</sup> Ibid., pp. 885, 922, 1370 and 1427.

<sup>43</sup> Ibid., pp. 800 and 802.

<sup>44</sup> Ibid., p. 1200.

<sup>45</sup> The Annales Cestrienses indicate that Thomas and Fulk were of the same blood (consanguineus) but their exact degree of kinship with Philip de Orreby remains unknown, Ann. Cest., p. 79.

<sup>46</sup> Chs. of Earls of Chester, acts 211, 214, 229, 231, 282, 283, 310, 315, 349, 355, 356, 359, 360, 373, 378, 379, 381, 384, 393, 394, 402, 408, 409, 411, 440 and 445.

<sup>47</sup> Char. St Wer., II, act 531, p. 304. Roger II de Montalt witnessed five of John the Scot's charters, Chs. of Earls of Chester, acts 451-4, pp. 452-6, and acts 462-3, pp. 461-4.

proportion (40%) of justiciars were connected to families that used to serve the earls, and this strongly suggests that the king's son tried by all means to maintain the former links with the earls of Chester. Although this policy clearly contrasted with Henry III's attempt to introduce foreigners from 1237 to 1254, it did present several advantages. By giving to Cheshire inhabitants a sense of continuity, it legitimated further the control exerted by the Crown. At the same time, it strengthened Edward's prestige by enhancing his connection with the earls.

More importantly, despite their different origins, the justiciars were experienced men. In fact, all of them had had significant careers, principally in royal service, long before their appointment in Cheshire. Both Alan and William la Zouche, for example, were already in Henry III's retinue in Gascony as early as April 1242. Later, in 1251, William la Zouche was even appointed keeper of the castle and Island of Lundy.<sup>48</sup> James de Audley conducted inquests for the king in certain counties in the early 1250s, and subsequently became sheriff of Staffordshire and Shropshire.<sup>49</sup> Reginald de Grey was sheriff of Nottinghamshire and Derbyshire, and constable of the castle of Northampton in 1266.<sup>50</sup> Others, like Gilbert Talbot and Roger de Montalt, previously served Edward before assuming the office of justiciar. Talbot, who also led some inquests for the king in 1253, was appointed bailiff of the honours of Grosmond and White Castle in May 1254 by the king's son,<sup>51</sup> and Roger de Montalt had been his seneschal of Chester before becoming justiciar.<sup>52</sup> Both Fulk and Thomas de Orreby, in addition, acted as escheators and keeper of the forests in Cheshire prior to their appointment as justiciar.<sup>53</sup> As for Thomas de Boulton, he was Edward's serjeant and kept

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<sup>48</sup> CPR 1232-47, pp. 294-7. Alan la Zouche even received £100 for being in the king's service, *ibid.*, p. 336; CPR 1247-58, p. 96.

<sup>49</sup> CPR 1247-58, pp. 157 and 226; CLR 1260-67, p. 98; CPR 1258-66, p. 163.

<sup>50</sup> CPR 1258-66, p. 570; CPR 1266-72, pp. 20 and 78.

<sup>51</sup> CPR 1247-58, p. 223; TNA C 61/1, m. 4; Studd, 'A Catalogue', acta 1, p. 185.

<sup>52</sup> Roger de Montalt also had a strong experience of royal service. He notably accompanied Henry III in Gascony in 1253-54, CPR 1247-58, pp. 233-6, 266, 271, and 379.

<sup>53</sup> Fulk de Orreby became escheator in Cheshire in April 1249, CPR 1247-58, p. 40. Thomas de Orreby probably replaced him shortly before November 1259, TNA CHES 29/1, m. 1; Calendar, case 5, p. 2.

certain lands, and led inquests in some counties with Gilbert Talbot at the king's order in 1262.<sup>54</sup>

Furthermore, evidence indicates that Edward relied extensively on family ties in his choice of justiciar, and more widely for the men responsible for the administration in the county. This is particularly interesting as the office of justiciar, unlike those of constable and seneschal, was not hereditary. In addition, none of the nine justiciars of Chester identified between 1180 and 1250 shared family ties, whereas most of them under Edward's lordship seem to have been related to each other. Fulk and Thomas de Orreby were from the same family, and were probably both related to the former justiciar, Philip de Orreby, whose son married Roger de Montalt's sister sometime before 1230.<sup>55</sup> Reginald de Grey was the son of John de Grey, former justiciar of Chester between October 1245 and July 1250,<sup>56</sup> and William and Alan la Zouche were brothers.<sup>57</sup> Although it remains difficult to tell whether these important familial connections were Edward's conscious choice, the same pattern also tends to apply to the recruitment of knights and servants within his household,<sup>58</sup> and it is likely, therefore, to be no coincidence.

There were great variations between the justiciars in terms of wealth and importance. Some of them, as the extent of their estates show, were of modest extraction while others were prominent barons. Both Roger de Montalt and James de Audley, for example, were regarded as important enough to be part of the different councils created in 1258 by the reformers: Audley was appointed to the council of fifteen to advise the king, and Montalt was chosen along with eleven members to attend the annual parliaments.<sup>59</sup> On the other hand, Gilbert Talbot, who preceded Roger de Montalt in office, was a small Herefordshire

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<sup>54</sup> CPR 1258-66, pp. 233, 234 and 250; CPR 1266-72, p. 15.

<sup>55</sup> Chs. of Earls of Chester, p. 433; DRC, pp. 7-8.

<sup>56</sup> Vincent, 'Grey, Sir John de'; CPR 1232-47, p. 465.

<sup>57</sup> Ridgeway, 'The Lord Edward and the Provisions of Oxford (1258): A Study in Faction', in *Thirteenth Century England: Proceedings of the Newcastle Upon Tyne Conference*, ed. P. R. Coss and S. D. Lloyd (Woodbridge: Boydell, 1986), pp. 89-99, at p. 93.

<sup>58</sup> Wait, 'The Household and Resources', p. 332.

<sup>59</sup> DBM, pp. 104-5; CR 1256-59, p. 474.

landholder with little influence.<sup>60</sup> Thomas de Boulton, who replaced James de Audley in 1267, did not have his position or his connections in the marches.<sup>61</sup> As for the rest of the justiciars, it seems that they were all more or less substantial knights.<sup>62</sup> Although the shift from powerful barons to modest landholders is curious, it might be understood in the light of the Bazas Charter: since Edward could theoretically not grant lands away, he appears to have used the office of justiciar to reward his followers. As some of them necessarily varied in importance, this probably explains the differences between them.

As an analysis of the justiciars reveals, they were vital for governing the county of Chester. Like the sheriffs in other counties, they were the keystone of the general administration and Edward relied extensively on them to conduct his affairs in Cheshire. More precisely, the study of the origin and wealth of the various justiciars underlines how cautious Henry III's eldest son was in governing the county. He mainly used experienced and powerful individuals, who were, moreover, connected to the region by their estates and/or by their family ties. In appointing men who were aware of the distinctive characteristics of the area, Edward clearly attempted to prevent any abuse of power and to please local communities.

As important as the justiciar was in the county of Chester, he was not the only official. There were others present, although they did not have as much influence. This was the case with the seneschal of Chester. Originally, the seneschal, along with the constable, was the second most prominent official within the earldom of Chester, but unfortunately, little information has survived on the role he played. It seems that the seneschal's main duty was to assist the earl in ruling his estates; he was, for example, responsible for presiding over the earl's hall and he performed some military duties: in 1146, when the constable was absent, the seneschal of Chester led an expedition against the Welsh. Moreover, between 1159 and 1162,

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<sup>60</sup> Book of Fees, II, pp. 800 and 802.

<sup>61</sup> Above, p. 34-5.

<sup>62</sup> Ibid.

under Hugh II's minority, the seneschal briefly governed the earldom. More is known of the men who held the office. Hugh d'Avranches, the first earl of Chester, decided to confer upon the office to the family of Hugh fitz Norman, who was one of his followers. Hugh fitz Norman's heirs retained the office and took the name of de Monte Alto (Montalt, or sometimes Mold) under King Stephen's reign (1135-54).<sup>63</sup>

Under Edward's lordship, the only seneschal known is Roger (II) de Montalt, who succeeded in office after his father's death in 1232. Although Montalt served successively John the Scot, Henry III and Edward for almost three decades – he died before 31 August 1260<sup>64</sup> – evidence is rather limited as to what functions he performed as seneschal. Meanwhile, as he was also justiciar between May 1257 and Michaelmas 1259, it is difficult to distinguish between the duties he assumed as justiciar and those he assumed as seneschal. This is illustrated by Edward's surviving documents. Only three letters concern Roger de Montalt, even though his presence with Henry III's eldest son was attested as early as August 1254.<sup>65</sup> The first was dated 21 August 1259 and ordered Montalt to do justice in a case of assize of novel disseisin in the county court of Chester.<sup>66</sup> The last two were both issued on 1 November 1259 and instructed him to surrender the custody of the royal castles in Cheshire (Chester, Beeston, Shotwick, Dyserth and Degannwy) to Fulk de Orreby whom Edward had freshly appointed as justiciar.<sup>67</sup> Yet all these documents relate to Roger de Montalt's role as justiciar rather than to his responsibilities as seneschal. Edward's charters do not provide more detail. They show only that Montalt was an infrequent witness: he attested just three

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<sup>63</sup> Crouch, 'The Administration of the Norman Earldom', pp. 76-7.

<sup>64</sup> Above, p. 35; Ann. Cest., pp. 76-7. The county court session of 31 August 1260 mentions Cecily, widow of Roger de Montalt, concerning her dower, TNA CHES 29/1, m. 12; Calendar, case 229, p. 30.

<sup>65</sup> Montalt was in Bordeaux in August 1254, as was Edward, CPR 1247-58, p. 320; Itinerary, p. 4.

<sup>66</sup> BL Additional Charter 20442; Studd, 'A Catalogue', acta 709, p. 545.

<sup>67</sup> TNA C 61/4, m. 5; Studd, 'A Catalogue', acta 711-2, pp. 546-7. The instructions of these two letters are almost identical to those sent to Thomas de Orreby in December 1262 when Henry III removed him from the office of justiciar; see CPR 1258-66, p. 238.

charters from 1254 to 1260, two at Southwark in March 1257 and February 1259, and a third at Bermondsey in October 1259.<sup>68</sup>

The royal chancery records cast a stronger light on Roger de Montalt's activities. They indicate that he was regularly involved on the Anglo-Welsh border. An agreement settled in August 1241 between Henry III and Senana, wife of Gruffudd, son of Llywelyn, Prince of Wales from 1218 to 1240, shows that he was one of her pledges.<sup>69</sup> Montalt was also concerned with the defence of the county: in July 1245, he was summoned by the king, along with other free tenants and barons of Cheshire, to rescue Dyserth Castle, which was besieged by Dafydd, son of Llewelyn.<sup>70</sup> Later, in the summer of 1257, he was part of the royal campaign organised conjointly by Henry III and his son that took place in North Wales.<sup>71</sup> Evidence shows, moreover, that he acted as negotiator with the Welsh leaders in 1258 and 1259.<sup>72</sup> Beyond his activity on the border, Montalt was regularly associated with the king in the 1250s. He accompanied Henry III in France in 1253 and 1254, and witnessed at least three of his charters in the following years: in Lincolnshire in July 1255, Chester in September 1257 and Westminster in October 1259.<sup>73</sup>

As for Edward's letters, however, it remains unclear whether Roger de Montalt performed these missions because he was seneschal of Chester, or simply because he was a prominent baron. In reality, the impression conveyed by the surviving records is that the office of seneschal was no longer needed in Cheshire when Edward was granted his

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<sup>68</sup> TNA C 53/50, m. 6; Cheshire Forest Eyre Roll, pp. 179-80; Studd, 'A Catalogue', acta 622, p. 497 and acta 710, pp. 545-6. The facsimile and transcript of the charter issued at Bermondsey can be found in G. Barraclough, *The Earldom and County Palatine of Chester* (Oxford: Basil Blackwell, 1953), pp. 34-5.

<sup>69</sup> CChR 1226-57, pp. 262-3.

<sup>70</sup> CPR 1232-47, p. 456.

<sup>71</sup> CPR 1247-58, p. 576.

<sup>72</sup> In April 1258, Montalt was notably entrusted by Henry III and his son to accept Dafydd ap Gruffudd into the king's peace, with any other Welsh willing to surrender, and he was also ordered to prorogue the truce with Llywelyn ap Gruffudd, CPR 1247-58, pp. 624-5. Later, in the summer of 1259, he was sent with other negotiators to the ford of Montgomery to renew the truce with Llywelyn, CPR 1258-66, pp. 27 and 34.

<sup>73</sup> CPR 1247-58, pp. 231-3. Montalt, then, witnessed various charters in Gascony throughout 1254, *ibid.*, pp. 266, 271, 336 and 379; WL, II, pp. 97, 112 and 125.

apanage.<sup>74</sup> This is notably reflected by Montalt's regular absences outside the county, as well as his travels to attest Henry III's and Edward's charters throughout the realm.<sup>75</sup> It does not seem, moreover, that the seneschal held any specific functions inherent to his original position in the county under Edward's lordship, as these were assumed almost exclusively by the justiciar.

More importantly, although the office of seneschal was hereditary, no-one seems to have replaced Roger de Montalt after his death in August 1260. None of his four sons is styled seneschal in the records for as long as Edward held the county, and it is not until October 1274, and Roger de Montalt's son Robert, that there is another mention in the documents of a seneschal of Chester.<sup>76</sup> Robert, however, died the following year and the title does not seem to have been used afterwards. The fact that Edward did not rely in the first place on Roger de Montalt to administer Cheshire, and that no other seneschal subsequently appears for the rest of his lordship clearly indicates that the title was no more than honorific by the second half of the thirteenth century.<sup>77</sup>

Such a change also occurred with regard to the position of constable of Chester. Unlike the seneschal, more is known about the role formerly occupied by the constable, which was, first and foremost, a military one. The constables were originally meant to protect the earldom and to extend its limits towards Wales.<sup>78</sup> Such duties were vital in Cheshire because

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<sup>74</sup> This was also true in other private honours in the rest of the realm; the steward's influence steadily decreased from the early thirteenth century onwards. As Denholm-Young points out, this was mostly due to the 'increasing complexity' of financial and judicial administration, which became more and more assumed by lesser officials who superseded the seneschal's functions, N. Denholm-Young, *Seigniorial Administration in England* (Oxford: Oxford University Press, 1937), p. 69.

<sup>75</sup> Henry III arrived in Gascony in August 1253, but Roger de Montalt only appears as witness there in January 1254 for the first time, CPR 1247-58, pp. 241 and 261. Roger de Montalt's latest attestation is in October 1254, *ibid.*, p. 379.

<sup>76</sup> According to the genealogy established by G. Ormerod, Roger de Montalt had four sons, *The History of the County Palatine and City of Chester* (3 Vols., London: Lackington, Hughes, Harding, Mavor, and Jones, 1819), I, p. 55; CPR 1272-81, p. 61.

<sup>77</sup> The Cheshire forest eyre roll of 1357 indicates that the title of seneschal survived until the early years of Edward III's reign, and that it was granted temporarily for unknown reasons by Roger de Montalt's descendant, Robert, to Master Henry de Clyf, clerk. In 1327, Clyf restored the title to Robert de Montalt to be held forever, *Cheshire Forest Eyre Roll*, pp. 193-5.

<sup>78</sup> Crouch, 'The Administration of the Norman Earldom', p. 75.

of the location of the county and its proximity with the Welsh border. His role naturally made the constable the most prominent official in the earldom under the first earls of Chester. The office was then formalised by Ranulf II, fourth earl of Chester (1129-53) in 1144-45. In a charter granting Eustace fitz John the whole honour previously held by William fitz Nigel, Ranulf II constituted fitz John constable and supreme counsellor (*supremum consiliarium*) over all the earl's men in his lands.<sup>79</sup> This provision, apparently unique in the realm,<sup>80</sup> was all the more prestigious as the title was to be held hereditarily by fitz John and his heirs.

As prominent as he was in the county, the constable's position changed at the end of King John's reign. Having supported and accompanied the earl in his estates, he slowly became more distant from Chester. This is especially visible in the earls' charters. Roger de Lacy, constable of Chester, witnessed sixteen charters between 1191 and his death in 1211, eleven of which were issued within Cheshire, thus emphasizing the close connection that existed between the constable and the county of Chester.<sup>81</sup> Yet this familiarity rapidly declined after his death in 1211: his son John, still a minor, replaced him as constable in 1213 and witnessed only six of Ranulf III's charters between 1213 and 1232.<sup>82</sup>

This contrast is hard to understand as John de Lacy was married to Margaret de Quincy, Ranulf III's niece, but it might tentatively be explained in the light of Lacy's extensive estates. His inheritance included the baronies of Pontefract (Yorkshire), Clitheroe and Penwortham (Lancashire), Widnes and Halton (Cheshire) and Donington Castle (Leicestershire) and represented in total more than one hundred knight's fees. These possessions, scattered across the realm, were likely to prevent Lacy being more involved in Cheshire affairs. After Ranulf III's death in 1232, he also acquired the earldom of Lincoln

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<sup>79</sup> Chs. of Earls of Chester, act 73, pp. 85-7.

<sup>80</sup> Crouch, 'The Administration of the Norman Earldom', p. 76.

<sup>81</sup> Chs. of Earls of Chester, acts 209, 213, 221, 223, 227, 228, 246, 256, 257, 260 and 271.

<sup>82</sup> *Ibid.*, acts 290, 378, 390, 393, 400 and 402; N. Vincent, 'Lacy, John de, third earl of Lincoln (c.1192-1240)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn, Sept 2010) [<http://www.oxforddnb.com/view/article/15855>, accessed 30 April 2014].

through his wife Margaret de Lacy and from then on the constable's priorities lay further away from the county's limits.<sup>83</sup>

Furthermore, Lacy and Ranulf III followed different paths during the Civil War of 1215-17. While Ranulf III remained firmly loyal to the Crown, John de Lacy was opportunistic and ambivalent. He was one of the twenty-five barons who were appointed to enforce the terms of the Magna Carta over King John in June 1215, but he was readmitted to the king's peace on 1 January 1216 and remained with him as late as May 1216. He betrayed him again shortly before his death in October 1216 and only returned to the royalist camp in August 1217.<sup>84</sup> These political choices, as well as his large estates and the duties he performed for Henry III overseas,<sup>85</sup> certainly limited the possibility for him as constable of Chester to play a major role in the county. This is reflected, too, by John the Scot's charters in which Lacy did not even appear as a witness.<sup>86</sup>

In reality, although the constable of Chester had become an important national figure in his personal capacity in the course of the thirteenth century, his influence over Cheshire gradually decreased, and evidence clearly suggests that the position was no longer needed in the county after the royal takeover of 1237. After John de Lacy's death in July 1240, his heir Edmund was only ten and only entered his father's lands in 1248.<sup>87</sup> Yet Edmund de Lacy was never really invested as earl of Lincoln and most of his rights were retained by his mother, Margaret, who outlived him.<sup>88</sup> The few surviving documents concerning him show that he

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<sup>83</sup> Lacy did not inherit the earldom of Lincoln directly; it was transferred to Hawise de Quincy, Ranulf III's sister at his death, and then passed to her daughter, Margaret, John de Lacy's wife. Margaret was, thus, *suo jure*, countess of Lincoln, and John de Lacy was earl of Lincoln through the right of his wife, Vincent, 'Lacy, John de'.

<sup>84</sup> *Ibid.*

<sup>85</sup> John de Lacy was sent overseas by Henry III to Flanders in 1227, and was involved in royal expeditions in Brittany and Poitou in 1230, *ibid.*

<sup>86</sup> On the other hand, John de Lacy received several substantial grants of lands from John the Scot, see *Chs. of Earls of Chester*, acts 440-1, pp. 439-42 and act 457, p. 458.

<sup>87</sup> Vincent, 'Lacy, John de'.

<sup>88</sup> L. J. Wilkinson, 'Pawn and Political Player: Observations on the Life of a Thirteenth-Century Countess', *Historical Research*, 73 (2000), pp. 105-23, at p. 121, fn 110. Edmund de Lacy, for example, is not styled earl of Lincoln with any consistency in the records, but he is styled earl in at least three occasions, in September 1255

used the title of constable of Chester on various occasions,<sup>89</sup> but he hardly appears in the Cheshire records: he is only mentioned in an agreement concerning a marsh in January 1246, and as witness in a charter granted in the county court of Chester in January 1255.<sup>90</sup>

The death of Edmund de Lacy in 1258 and his succession support the idea that the role of constable had become obsolete in Cheshire. His heir, Henry, was only eight, and did not accede to his father's inheritance before his knighting in 1272.<sup>91</sup> Thereafter, he styled himself constable of Chester and was recognised as such by the royal chancery, although he was never directly involved in the affairs of the county.<sup>92</sup> Thus there was no official position of constable of Chester from 1258 to 1272 at least. In the meantime, none of Edward's own documents refers to a constable of Chester and not a single member of the de Lacy family is mentioned as witness in his charters. More importantly, the fact that he did not even seek to replace or appoint a new constable during Henry de Lacy's minority proves that the title was no more than an honorific one. Meanwhile, as the *Annales Cestrienses* indicate with William la Zouche's example in 1263-65, the duty of protecting the county, once the traditional function of the constable, was now assumed by the justiciar of Chester.<sup>93</sup>

Alongside the constable of Chester were the constables of the castles. These men had custody of the royal castles in Cheshire, namely: Chester, Shotwick and Beeston. Unfortunately, evidence is limited about them; they do not appear under the earls of Chester and their first mention in the records occurs in June 1237 when Henry III ordered the

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and twice in August 1257, CPR 1247-58, pp. 441 and 575; CChR 1226-1257, p. 472. Had he not died prematurely in 1258, there is little doubt that he would have been invested and recognised as earl of Lincoln.

<sup>89</sup> See for example, TNA DL 25/59 and *The Chartulary of St. John of Pontefract: From the Original Document in the Possession of Godfrey Wentworth, of Woolley Park*, ed. R. Holmes (2 Vols., Yorkshire Archaeological Society, xxv and xxx, 1899-1902), I, acta xxix-xxx, pp. 43-5. I am most grateful to Andy Connell for this last reference.

<sup>90</sup> Char. St Wer., I, act 306b, pp. 199-200; DRC, pp. 29-30.

<sup>91</sup> J. S. Hamilton, 'Lacy, Henry de, fifth earl of Lincoln (1249-1311)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn, Jan 2008) [<http://www.oxforddnb.com/view/article/15851>, accessed 17 Jan 2013].

<sup>92</sup> See for example TNA DL 25/73 and DL 25/1882; CPR 1281-92, pp. 109 and 185; CIM, I, act 505, p. 164. Interestingly, although Henry de Lacy generally used the title of constable of Chester, there were various occasions when he did not, see for example TNA DL 25/61, 25/64 and DL 36/3/132.

<sup>93</sup> Ann. Cest., pp. 87-9.

constables of Chester and Beeston to obey Henry de Audley, Stephen de Seagrave and Hugh le Despenser, whom he had sent into Cheshire following John the Scot's death.<sup>94</sup> As their name suggests, these constables kept the castles and were responsible for their protection and their munitioning. These duties were relatively important in Cheshire given the strategic position of the castles: Chester and Shotwick protected the Anglo-Welsh border, while Beeston protected against a potential invasion from the South East. This conferred upon the constables a significant role which can be glimpsed in the records: in December 1262, when the county was threatened by Welsh raids, Henry III superseded his son's authority by giving custody of the royal castles in Cheshire to Eudes la Zouche, brother of Alan, with the order to resist the Welsh invasion as manfully as he could.<sup>95</sup> The constable of the castle of Chester was also in charge of imprisoning men who had been convicted of crimes: in March-April 1260, Peter the Huntsman (*Petri venatori*), with the help of the chamberlain Richard de Orreby, imprisoned in Chester Castle Henry the Parker and Robert de Rudelle, who were later tried as thieves and hanged.<sup>96</sup>

No evidence relating to the constables of Beeston and Shotwick has survived, but more is known about the constable of Chester Castle. The holders of this office do not reveal anything special about Edward's lordship. Like the justiciars, it is clear that Henry III's eldest son relied extensively on local landholders, albeit minor ones, for this office. They were relatively inexperienced: only Eudes la Zouche had a substantial career. More importantly, their number indicates that these men were regularly replaced. There are at least six known constables of Chester Castle between 1254 and 1272. The first was Nicholas de Vaux, who

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<sup>94</sup> CPR 1232-47, p. 185.

<sup>95</sup> CPR 1258-66, p. 238. Meanwhile, Thomas de Orreby was replaced by William la Zouche, still on Henry III's order.

<sup>96</sup> TNA CHES 29/1, m. 6; Calendar, case 120, p. 18.

was styled constable of Chester Castle at some point between 1250 and 1255.<sup>97</sup> Little was recorded about him: it is only known that in May 1256 he received a letter of protection for a year to go to Ireland in Edward's service with other men including Alan la Zouche.<sup>98</sup> Not much more is known of Peter the Huntsman: he is mentioned as constable of Chester Castle in March-April 1260, and was a modest Cheshire landholder.<sup>99</sup>

Eudes la Zouche, appointed on Henry III's order in December 1262, was more closely connected with Edward: he first rose through royal service by escorting the queen in Gascony in May 1254,<sup>100</sup> and was regularly associated with Henry III's eldest son from March 1257 to January 1260.<sup>101</sup> His closeness to Edward, as well as royal favours, certainly explain his appointment in Cheshire in the midst of the Welsh attacks on the border in 1262.<sup>102</sup> Eudes la Zouche did not stay in office for long and is not found with Edward afterwards. He was replaced by Robert de Pulford, a minor Cheshire landholder, at some point in 1263 or 1264.<sup>103</sup> Pulford was also rapidly removed from office; although there is no direct evidence, this is likely to have occurred when Simon de Montfort took control of the county, as both Luke de Tany and Stephen Rushton, for example, were appointed justiciar and sheriff in January 1265.<sup>104</sup>

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<sup>97</sup> The Coucher Book or Chartulary of Whalley Abbey, ed. W. A. Hulton (4 Vols., Chetham Society, O. S., x, xi, xvi and xx, 1847-49), II, p. 347; Placitorum in Domo Capitulari Westmonasteriensi Asservatorum Abbreviatio: Temporibus Regum Ric. I. Johann. Henr. III. Edw. I. Edw. II. (Record Commission, 1811), p. 142.

<sup>98</sup> CPR 1247-58, p. 512. Both Alan la Zouche and Nicholas de Vaux may have maintained a close relationship, as Vaux was constable of Chester castle under Alan la Zouche's justiciarship of Cheshire, and then accompanied him when he was appointed justiciar of Ireland.

<sup>99</sup> Peter the Huntsman held lands in Waverton, which he conferred on Fulk de Orreby in 1260, TNA CHES 29/1, m. 6; Calendar, cases 120 and 123, p. 18.

<sup>100</sup> CPR 1247-58, p. 376. Although Eudes la Zouche was given the custody of the royal castles in Cheshire, it is unclear whether he replaced Peter the Huntsman, CPR 1258-66, p. 238.

<sup>101</sup> During this period, Eudes witnessed five of Edward's charters, TNA C 53/50, m. 6 and C 61/4, mm. 4-5; CChR 1257-1300, p. 2; Studd, 'A Catalogue', acta 622, p. 497, acta 677, p. 523, acta 716, p. 549, acta 751, pp. 564-5 and acta 758, p. 568

<sup>102</sup> CR 1259-61, pp. 394 and 398; CR 1261-64, p. 73.

<sup>103</sup> Char. St Wer., II, p. xxxii. Robert possessed only some scraps of lands in Cheshire, TNA CHES 29/1, m. 5 d.; Calendar, case 112, p. 16.

<sup>104</sup> Ann. Cest., pp. 90-1.

Robert de Stockport then appears as constable of Chester Castle under James de Audley's justiciarship (August 1265-67).<sup>105</sup> He was another minor Cheshire and Lancashire landholder, who first emerged in the records in a judicial case in the county court in January 1260.<sup>106</sup> His appointment in the aftermath of the royalist victory at Evesham, as was the case with James de Audley, suggests that he received the office as reward for his actions.<sup>107</sup> Even though it is unclear how long he served as constable, Stockport was associated with Edward in Chester in January 1270 and remained in the county thereafter.<sup>108</sup> The last constable of the castle of Chester known during this period is Robert de Huxley, who remained in office sometime between 1269 and 1274.<sup>109</sup> Like Stockport, he first appeared in the records in 1260, before becoming sheriff of Chester in 1266-67. He also represented the justiciar in the county court in 1269 or 1270.<sup>110</sup>

It does not seem that that these constables of castles were connected to the de Lacys. Only one of them can be clearly identified with the family, namely Henry de Turbock, a minor Lancashire tenant, who held the office sometime between 1245 and 1249, and who acted as Edmund de Lacy's steward in September 1254.<sup>111</sup> With regard to the other constables of castle, none of them is mentioned in de Lacy's documents, and this indicates that they did not maintain any special relationship with the traditional constables of Chester.

As the analysis of the constables of Chester Castle demonstrates, the administration of the county did not rely exclusively on major officials; others were also necessary to control the county. Among them was the chamberlain. Similar to the justiciar, the seneschal and the constable, the chamberlain was originally indispensable in the administration of the earldom,

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<sup>105</sup> Robert de Stockport is mentioned twice as constable of the castle of Chester in 1266-1267, Char. St Wer., II, act 563, pp. 320-2 and act 759, pp. 412-3.

<sup>106</sup> Book of Fees, II, pp. 1106 and 1108-9; DRC, p. 16; TNA CHES 29/1, m. 3; Calendar, case 56, pp. 8-9.

<sup>107</sup> Ann. Cest., pp. 94-5.

<sup>108</sup> TNA C 53/78, m. 8; Studd, 'A Catalogue', acta 993, p. 707; Char. St Wer., II, act 564, pp. 323-4, act 570, pp. 327-8, act 755, pp. 410-1 and act 760, pp. 413-4.

<sup>109</sup> Char. St Wer., II, act 728, pp. 396-7 and act 741, pp. 403-4.

<sup>110</sup> TNA CHES 29/1, mm. 7 d. and 10; Calendar, case 148, p. 21 and case 198, p. 27; DRC, p. 14. In January 1269 or 1270, Robert de Huxley was said to be in place of the justiciar, *ibid*, p. 23.

<sup>111</sup> CChR 1226-57, p. 474; Char. St Wer., II, acts 757-8, pp. 411-2; DRC, p. 30.

and his presence within the earl's entourage can, perhaps, be asserted as early as the end of the eleventh century.<sup>112</sup> The chamberlain formerly had two main functions. First, he dealt with his lord's daily needs by caring for his person and his furnishings and second, more importantly, he was responsible for the earl's finances. The chamberlain helped to develop and supervise the function of accounting for the exchequer at Chester by meeting at regular times with other local officials to collect money, and by keeping records of his work. Yet even though the chamberlain's role became increasingly important, the office was not hereditary and its holders were still men of low extraction.<sup>113</sup>

As with the offices of constable and seneschal, the royal takeover of 1237 modified the position of chamberlain. After January 1240, he lost most of his responsibilities to the profit of the justiciar.<sup>114</sup> The grant of the county in February 1254 to Edward did not change this situation. The surviving pipe rolls for Cheshire show that the justiciar was still responsible for the financial account, although he now held the county at farm.<sup>115</sup> Yet the chamberlain still remained involved in financial administration and was the justiciar's deputy.<sup>116</sup>

Edward's documents indicate that he relied on the chamberlain for other matters. He was notably responsible for the payment of officials within the county: a writ shows that on 25 September 1260, Edward instructed Richard de Orreby, chamberlain of Chester, to pay the escheator of Chester, Thomas de Orreby, an annual fee of £10.<sup>117</sup> Another writ suggests that the chamberlain retained some weapons and supplies in his custody: Richard de Orreby was

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<sup>112</sup> A certain Hugh was styled 'camerario' in one of earl Hugh's charters dated of 1093. This great charter, however, might have been a compilation of earliest charters made by the earl, *Chs. of Earls of Chester*, act 3, pp. 2-10.

<sup>113</sup> Crouch, 'The Administration of the Norman Earldom', pp. 80-2. Evidence also shows that sometimes, the earls relied on a double-chamberlainship.

<sup>114</sup> CIPR, pp. 27-9.

<sup>115</sup> *Ibid.*, pp. 96 and 108. For the financial organisation of the county, see below, pp. 67-9.

<sup>116</sup> TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 850, p. 613. Stewart-Brown argues that the chamberlain could occasionally preside over some of the Chester exchequer's sessions, and that he did at least once during Edward's lordship of the county, Stewart-Brown, 'The Exchequer of Chester', *EHR*, 57 (1942), pp. 289-97, at p. 294. I have not found any evidence supporting his claim.

<sup>117</sup> TNA C 61/4, m. 3; Studd, 'A Catalogue', acta 858-9, p. 617.

ordered by the king's son, on leaving his service, to release them either to the justiciar or to the constable of Chester Castle.<sup>118</sup> From the surviving plea roll of Chester, it also appears that the chamberlain played a minor role in the judicial organisation of the county. As seen above, he was asked to imprison two men convicted of crimes with the help of the constable of Chester Castle, and was, in addition, sometimes present in the county court to assist the justiciar with regard to certain judicial cases.<sup>119</sup> Based on Richard de Orreby's case, the chamberlain was apparently paid 12d daily for his service in Cheshire. This was twice the amount formally received by Richard de Gatesden, whose yearly fee between 29 August 1238 and 29 August 1239 was £9 2s 6d.<sup>120</sup>

There were at least four chamberlains of Chester for the entire period of Edward's lordship. Unfortunately, little information has survived about the men who held this office. The first two chamberlains recorded were Ranulf de Exon and Walter de Shelfhanger. It is only known that Ranulf de Exon served at some point between 1250 and 1255 and that William de Shelfhanger probably replaced him after 1255.<sup>121</sup> Richard de Orreby, already in Edward's service, was then appointed chamberlain on 4 October 1259 and served until April 1262 at least.<sup>122</sup> Although Richard de Orreby was eventually removed from office, various charters corroborate his continued presence in Cheshire.<sup>123</sup> The last known chamberlain was William de Brickhill, who is mentioned only in a charter dating 1270-71.<sup>124</sup>

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<sup>118</sup> Why, however, the chamberlain had custody of supplies and weapons is unclear. This writ only says that the chamberlain had to surrender all crossbows and supplies in his custody to the justiciar or to the constable of the castle of Chester, TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 851, pp. 613-4.

<sup>119</sup> TNA CHES 29/1, mm. 1 d. and 6; Calendar, case 120, p. 18 and case 237, p. 33.

<sup>120</sup> TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 850, p. 613; CIPR, p. 49. As Richard de Orreby's wage was 12d a day, his average wage over a year amounted to £18.

<sup>121</sup> Chartulary of Whalley Abbey, II, p. 347; TNA SC 6/1094/11, m. 12. Walter de Shelfhanger is styled 'cementarius Cestrie' in these accounts.

<sup>122</sup> TNA C 61/4, m. 1; BL Additional Ms., 35179, f. 89 d.; Studd, 'A Catalogue', acta 703, p. 539 and acta 850, p. 613; TNA CHES 29/1, m. 1 d.; Calendar, case 237, pp. 33-4.

<sup>123</sup> CChR 1257-1300, p. 311; Char. St Wer, II, acts 530, 559, 564, 570, 623a, 726, 740, 755, 759, 760 and 778.

<sup>124</sup> Char. St Wer, II, act 782a, p. 435. Wait argues that Adam de Chetwynd was chamberlain of Chester, 'Household and Resources', p. 218. Yet the records show that Chetwynd was not chamberlain, but was only escheator of Cheshire between 1270 and 1274, CIPR, p. 109. He may have served as chamberlain in the early years of Edward I's reign, see CIM, I, act 2219, p. 595.

Even though the careers of these men remain poorly documented, they shed an interesting light on Edward's lordship. They highlight, first, the constant replacement of personnel which occurred in the county. Like the justiciars and the constables of the castles, Edward regularly appointed new chamberlains who only served for a few years. Second, Richard de Orreby's appointment in October 1259 emphasised yet again the importance of familial connections within Edward's administration of the county as Richard was the brother of Thomas de Orreby, justiciar of Chester.<sup>125</sup> This meant that in the early 1260s, all the main offices in Cheshire which were not hereditary were held by one family: Fulk de Orreby was justiciar, Thomas was escheator and keeper of the forests in Cheshire,<sup>126</sup> and Richard was chamberlain of Chester. Yet the Orrebys' domination over the county was short-lived: William la Zouche replaced Thomas de Orreby as justiciar in December 1262, and Richard de Orreby ceased holding office of chamberlain in the following year. Meanwhile, Eudes la Zouche was granted custody of the castles of Beeston, Chester and Shotwick on 25 December 1262, and the king entrusted Alan la Zouche with defence of the area.<sup>127</sup>

The extent to which Edward was involved in these changes is unknown. His itinerary indicates that he was overseas from mid-July 1262 to the end of February 1263.<sup>128</sup> It is possible that Henry III, his son being away, decided to appoint more experienced officials to protect the county from Welsh attacks.<sup>129</sup> One of Llywelyn ap Gruffudd's letters dated possibly September 1262, moreover, reports that the justiciar of Chester, along with other lords, was conducting raids on his men on the border. This suggests that the Orrebys were stirring up trouble in the region and their removal from the offices they held might be

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<sup>125</sup> TNA CHES 29/1, m. 5 d.; Calendar, case 115, p. 17.

<sup>126</sup> TNA C 61/4, m. 3; Studd, 'A Catalogue', acta 858, p. 617.

<sup>127</sup> Ann. Cest., pp. 82-3; CPR 1258-66, p. 238.

<sup>128</sup> Itinerary, pp. 64-6.

<sup>129</sup> M. Morris, *A Great and Terrible King: Edward I and the Forging of Britain* (London: Windmill, 2009), p. 53. Henry received the news of the Welsh raids shortly before Christmas 1262, merely days before the appointments of Alan and Eudes la Zouche in Cheshire.

regarded as a disgrace.<sup>130</sup> Another potential interpretation would be that Henry III was worried about the power and influence gained by the Orrebys in Cheshire and decided to crush their domination by replacing them by the la Zouches. This idea is supported by the fact that the la Zouches, unlike the Orrebys, benefitted from the king's favours, and that Alan, steward of the royal household at the time, was intimately connected with the king.<sup>131</sup>

The takeover of the county in 1237 by Henry III also led to the introduction of the escheator of Chester. The office was created in April 1249, when Henry III appointed Fulk de Orreby as the first escheator in Cheshire as well as keeper of the forests in the county.<sup>132</sup> This last function strengthened the escheator's position, for the royal chancery records show that the king was relying extensively on grants of timber and deer to reward his followers and bestow personal marks of favour. Such a change was an important modification to the administrative structure in Cheshire, as the escheats were customarily retained by the justiciar of Chester.

Under Edward's lordship, the escheator was still keeper of the forest and received an annual wage of £10.<sup>133</sup> The duties he fulfilled in Cheshire do not seem any different from those performed by other escheators. For example, Fulk de Orreby had to give seisin of the lands of Hugh de Fitton to John de Grey, who was granted the wardship of Fitton's lands in Cheshire, as his heirs were still in their minority.<sup>134</sup> A similar example shows that the escheator had to give all land profits of Ralph de Vernon to Guy de Lusignan. As keeper of the forest, he also had to provide various individuals with wood or animals.<sup>135</sup> More specifically, the escheator was involved in the financial organisation of the county, since the

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<sup>130</sup> See below, pp. 169-71.

<sup>131</sup> CR 1251-53, p. 160; CR 1259-61, pp. 67 and 398; CR 1261-64, pp. 73, 91 and 394; CR 1264-68, p. 32. Alan la Zouche was steward of the king's household between October 1261 and January 1263, see T. F. Tout, 'Zouche, Alan de la (d. 1270)', rev. R. R. Davies, *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/30300>, accessed 22 April 2016].

<sup>132</sup> CPR 1247-58, p. 40.

<sup>133</sup> TNA C 61/1, m. 4 and C 61/4, m. 3; Studd, 'A Catalogue', acta 7, p. 188 and acta 858, p. 617.

<sup>134</sup> CPR 1247-58, p. 194.

<sup>135</sup> CR 1251-53, pp. 59, 160, 301, 338, 372 and 374.

profits from escheats, advowsons, reliefs, wards, forests offences and tallage were excluded from the justiciar's farm and placed under the charge of the escheator.<sup>136</sup> It is also possible that the escheator played a minor role in the county court of Chester. The plea roll records his presence in the session of 18 November 1259, when Edward asked the barons, knights and other freemen of Cheshire to obey Thomas de Orreby, freshly appointed escheator and keeper of the forests.<sup>137</sup>

Only three escheators are known for the whole of Edward's lordship. Yet, unlike other officials, they retained their office for longer periods of time. The first escheator, Fulk de Orreby, was appointed in April 1249 by Henry III and was confirmed in office by his son in May 1254. Although there is no direct evidence, it is likely that Fulk de Orreby resigned only in September 1259 when he became justiciar of Chester, as he could not retain both titles at the same time. This view is borne out by the fact that Thomas de Orreby was mentioned as escheator as early as November 1259. Likewise, Thomas probably resigned when he was appointed justiciar, in September 1261. The last known escheator was Adam de Chetwynd, who held the office at some point between 1270 and 1274 until September 1275.<sup>138</sup> Coming from a Shropshire family who held lands from John fitz Alan, Chetwynd was one of Edward's clerks. He appears to have fulfilled certain missions for the king's son in 1267, and he may have served as chamberlain of Chester during the early years of Edward I's reign.<sup>139</sup>

Finally, even though most of his functions were retained by the justiciar, the position of sheriff still existed in the county, although he played only a minor role in Cheshire and rarely appears in the records. No sheriff of Cheshire, for example, is mentioned in Edward's documents or as witness in his charters. Due to lack of evidence, it is difficult to know exactly what duties he fulfilled. It seems, however, that the sheriff held some minor financial and

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<sup>136</sup> CPR 1247-58, p. 40; CIPR, pp. 96, 103 and 109.

<sup>137</sup> TNA CHES 29/1, m. 1; Calendar, case 5, p. 2.

<sup>138</sup> CIPR, p. 109; CPR 1272-81, p. 105.

<sup>139</sup> CPR 1258-66, p. 596; CIM, I, act 2219, p. 595; Wait, 'The Household and Resources', p. 238. Henry III ordered him to collect certain arrears with Thomas de Boulton for Edward, CPR 1266-72, p. 129.

judicial responsibilities: he had a farm for the issues of his office in the county and he appeared in the county court of Chester.<sup>140</sup>

Evidence also shows that the sheriffs regularly changed; eight sheriffs of Cheshire are recorded for the period 1261-72 only, of whom very little is known. Their number suggests that they were replaced on a yearly basis, perhaps through a system of election, as was the case with the sheriffs of the city of Chester.<sup>141</sup> It seems, moreover, that they were all connected to the area in one way or the other.<sup>142</sup> For Robert de Bulkeley (sheriff 1261-62), Stephen Rushton (sheriff appointed by Montfort in January 1265) and Hugh Hatton (sheriff 1272-74), their names indicate that they came from Cheshire,<sup>143</sup> Robert de Huxley (sheriff 1266) is regularly mentioned in the documents related to the county,<sup>144</sup> Richard de Wilbraham (sheriff 1269-70) acted as arbitrator in the county court in 1260,<sup>145</sup> Jordan Puleston (sheriff 1265-67) was probably a minor landholder,<sup>146</sup> while Thomas de Dutton (sheriff 1268) came from a family that held lands in Cheshire.<sup>147</sup>

## **2: The Lord Edward's Affinity.**

Edward did not rely solely on officials to administer and control the county. Like any other great lord, he had an affinity to support his power in Cheshire. Some of these men served as officials, while others were present for their influence in and knowledge of the area.

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<sup>140</sup> CIPR, pp. 36 and 112. For the judicial role of the sheriff, see below pp. 86-8.

<sup>141</sup> J. S. Barrow, J. D. Herson, A. H. Lawes, P. J. Riden and M. V. J. Seaborne, 'Mayors and sheriffs of Chester', in *A History of the County of Chester*, ed. B. E. Harris and A. T. Thacker (5 Vols., London: The Victoria History of the Counties of England, 1979-2005), V, pp. 305-321 [<http://www.british-history.ac.uk/vch/ches/vol5/pt2/pp305-321#h3-0004>, accessed on 4 April 2016].

<sup>142</sup> Stephen the clerk, mentioned as sheriff of Cheshire in 1263, does not appear elsewhere in the documentary evidence, and it is unclear whether he had links with the county or not, *Char. St Wer.*, II, p. xxxii.

<sup>143</sup> DRC, pp. 13 and 15. Bulkeley also acted twice as arbitrator in the county court, TNA CHES 29/1, mm. 1 d. and 10; *Calendar*, case 196, p. 27, and case 237, p. 34; *Ann. Cest.*, pp. 90-1.

<sup>144</sup> *Char. St Wer.*, II, act 559, p. 318 and act 726, pp. 395-6; DRC, pp. 14 and 27.

<sup>145</sup> DRC, p. 23; TNA CHES 29/1, m. 10; *Calendar*, case 196, p. 27.

<sup>146</sup> CChR 1257-1300, p. 311; *Calendar*, case 195, p. 75.

<sup>147</sup> Ormerod, *History of the County*, I, p. 477; *Calendar*, p. xlvi.

They were concerned with all sorts of business, such as the administration of justice, the collection of revenues and the military protection of the lands of the county. Overall, they maintained Edward's interests and supported his lordship in Cheshire.<sup>148</sup> These men were particularly important considering the size of his apanage.

Both David Crouch and John Maddicott analysed the affinities of two great thirteenth-century lords in their biographies of William Marshal and of Simon de Montfort, and their research sheds an interesting light on the nature of thirteenth-century lordship.<sup>149</sup> The only possible way to reconstruct the composition of the affinity of a lord is by investigating thoroughly his surviving archives, and, principally, his charters, as the witness lists reveal the names of the men who were present with him at a particular place and time when the charter was issued. This *modus operandi* is notably used by both Crouch and Maddicott in their research. Yet, as Crouch comments: 'just because a name appears once or twice in the lists means little. It is when a name appears on several occasions in different documents datable to different years that a long-term relationship can be deduced.'<sup>150</sup>

With regard to Edward's affinity in Cheshire, this proves particularly problematic. Only nine of his charters concerned with the county have survived with witness lists, and of the fifty-one individuals mentioned as witnesses, thirty-two appear once, and thirteen only twice. Of the six individuals mentioned as witnesses more than twice, two of them, Roger de Leybourne and Roger de Clifford, were Edward's companions and had few identifiable connections with Cheshire.<sup>151</sup>

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<sup>148</sup> J. Maddicott, *Simon de Montfort* (Cambridge: Cambridge University Press, 1994), p. 59.

<sup>149</sup> See D. Crouch, *William Marshal, Knighthood, War and Chivalry, 1147-1219*, 2nd edn (London: Longman, 2002), pp. 143-159; Maddicott, *Simon de Montfort*, pp. 59-76.

<sup>150</sup> Crouch, *William Marshal*, p. 145.

<sup>151</sup> Both Roger de Leybourne and Roger de Clifford witnessed a subsequent number of charters outside Cheshire boundaries (five for Leybourne, eleven for Clifford); they should be considered as Edward's companions rather than part of his affinity in the county of Chester. More specifically, even though Clifford was granted the manor and the advowson of the church of Weaverham in Cheshire by Edward in December 1259, evidence shows that he was not involved in Cheshire affairs, TNA C 61/4, m. 3; Studd, 'A Catalogue', acta 752, p. 565.

Edward's affinity was essentially different from that of other great magnates.<sup>152</sup> When a lord succeeded to the head of an honour, he usually inherited and maintained a part of his predecessor's affinity.<sup>153</sup> The situation was entirely different for Edward: when he was granted the county of Chester in February 1254, John the Scot had been dead for seventeen years and a part of Ranulf's affinity had already in 1232 moved into the service of Simon de Montfort.<sup>154</sup> Furthermore, the provisions of the Bazas Charter technically forbade Henry III's eldest son from alienating the lands of his apanage, although this condition only seems to have been theoretical, and potentially limited his ability to recruit new men for his affinity, as those who served him could expect to be rewarded with grants of lands.<sup>155</sup>

Despite his special status, and the lack of evidence, it is still possible to reconstruct, at least tentatively, Edward's affinity in the county of Chester. Records suggest that about eleven men belonged to the affinity during the whole period of 1254-72.<sup>156</sup> More importantly, these men did not enter the affinity at the same time. For example, Fulk de Orreby entered in 1257 and died in August 1261, while James de Audley only entered in 1263.<sup>157</sup> Overall, it is likely that the group consisted of no more than four or five individuals during the period of Edward's lordship. They were regularly joined by other Cheshire men, though not part of the affinity, who usually gathered around the justiciar of Chester. The relatively small number

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<sup>152</sup> A good comparison with Edward's position here would be with his younger brother Edmund who shared many of the same issues for his own affinity. Edmund's affinity, however, seems to have been essentially different from Edward's: he did not seek primarily to recruit men who were locally influential (as Edward did), but rather men who had important connections with the king's household and who had proved themselves militarily. For a discussion of Edmund's following, see A. M. Spencer, *Nobility and Kingship in Medieval England: The Earls and Edward I, 1272-1307* (Cambridge: Cambridge University Press, 2014), pp. 124-6.

<sup>153</sup> Roger III Bigod, earl of Norfolk, for example, relied on men who previously belonged to the affinities of his father and grandfather. For an analysis of his affinity, see M. Morris, *The Bigod Earls of Norfolk in the Thirteenth Century* (Woodbridge: Boydell, 2005), pp. 59-73.

<sup>154</sup> See below pp. 232-3.

<sup>155</sup> Alternatively, as Crouch argued, followers could be rewarded with grants of money, robes, or other gifts, Crouch, *William Marshal*, p. 171. Yet this was hardly more enviable for Edward. According to Wait, Edward was probably missing between one quarter and one third of his theoretical annual income of £10,000 and he could not grant away money without straining his finances. This had to be compensated by grants of diverse nature from his father throughout his lordship, 'The Household and Resources', p. 67.

<sup>156</sup> This figure of eleven members is also influenced by the limited number of charters that survived, and it is possible that there were more men in the affinity who were not recorded.

<sup>157</sup> CPR 1247-58, pp. 601-2; Ann. Cest., pp. 78-9; CChR 1257-1300, p. 147; Studd, 'A Catalogue', acta 890, p. 639.

which comprised the affinity can be explained by considering the size of his apanage: Edward could not retain a large affinity in every part of his estates, from Gascony to Ireland, without putting his finances in jeopardy. Nevertheless, by thirteenth-century standards, it would seem that Edward's affinity was fairly normal in size: Simon de Montfort, for example, had only between six and eight knights in his affinity at any one time, although he was endowed with lands worth £1,950 a year.<sup>158</sup>

The composition and structure of Edward's affinity reveal many similarities with the personnel of the county, partly because they overlapped. Edward relied mostly on local men to support his power in Cheshire. Of the eleven members, only three, namely Thomas de Boulton, Eudes and William la Zouche, did not hold lands in the county.<sup>159</sup> It seems, moreover, that the men were almost exclusively minor tenants. Apart from James de Audley and Roger de Montalt, who were still modest Cheshire landholders, the others only possessed a few manors and parcels of lands in the county. More specifically, the most powerful families in Cheshire, the Mascys, the Venables, the Vernons and the Ardernes, remained out of the affinity. Just a few members of these families appear in Edward's documents, and none of them ever witnessed his charters, even though the extent of their combined possessions amounted to more than thirty knights' fees in Cheshire alone.<sup>160</sup>

The reasons behind this decision remain unclear, but it is possible that these families were ignored by Edward because of their inexperience, or because their interests lay elsewhere. Indeed, apart from Walkelin de Arderne, none of them achieved a career in royal service.<sup>161</sup> In the meantime, the composition of Edward's affinity indicates that most of its

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<sup>158</sup> Maddicott, *Simon de Montfort*, pp. 69 and 74-5. For a discussion of the size of other affinities, see Spencer, *Nobility and Kingship in Medieval England*, pp. 128-31.

<sup>159</sup> Above, p. 35.

<sup>160</sup> John de Arderne was part of Edward's household, and he may have followed him for his crusade. Walter de Vernon was another member, who served Henry III's eldest son in Gascony and Wales in the 1250s, Wait, 'The Household and Resources', pp. 336 and 366; Calendar, pp. xlvi-xlvii. See also below pp. 157-8.

<sup>161</sup> Walkelin de Arderne became the marshal of the king's household sometime in 1253-54 and he notably received an annual wage of £20 to be at his service. He accompanied him in Gascony in 1254 and he regularly

members, except Urian de St Pierre and Robert de Stockport, were experienced men who had fulfilled different duties for the king before serving his son.

The affinity nonetheless counted some powerful individuals, such as Roger de Montalt and James de Audley. Due to his position as hereditary seneschal of Chester, the extent of his possessions throughout the realm, and his links with some Welsh leaders, Montalt's support was invaluable in Cheshire.<sup>162</sup> His presence with Edward can be asserted as early as August 1254 during Henry III's visit to France, but it is only at Southwark in March 1257 that he clearly associated with the king's son.<sup>163</sup> His importance in the region was rapidly acknowledged, as he replaced Gilbert Talbot as justiciar of Chester sometime in May 1257.<sup>164</sup> During his time in the office, Montalt was actively involved on the border: he took part in the English campaign organised in North Wales in the summer of 1257 and a year later he was regularly sent by the king to negotiate with the Welsh.<sup>165</sup> Even though he was still present with Edward in 1259, his final years were more problematic: he resigned as justiciar in Michaelmas 1259 and was removed from the custody of the castles of Degannwy, Dyserth, Beeston, Chester, and Shotwick.<sup>166</sup> In January 1260, he was sent by the king with the other Cheshire lords, James de Audley and John fitz Alan, to the border to defend the realm against Welsh intrusions, and he died a few months later.<sup>167</sup>

James de Audley came from a powerful family that was well established in the marches. His connections with the royal family were strong: he notably escorted Richard of Cornwall, Henry III's brother and future king of the Romans, for his coronation at Aachen in

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witnessed his charters in the 1250s before dying shortly after June 1258, CPR 1247-58, pp. 213, 235, 317, 341-2 and 359; WL, II, pp. 98, 103, 105, 107 and 120.

<sup>162</sup> Above, pp. 39-40.

<sup>163</sup> CPR 1247-58, p. 320; Itinerary, p. 4; TNA C 53/50, m. 6; Studd, 'A Catalogue', acta 622, p. 497.

<sup>164</sup> Ann. Cest., pp. 74-5.

<sup>165</sup> CPR 1247-58, pp. 576 and 624-5; CPR 1258-66, pp. 27 and 34.

<sup>166</sup> Cheshire Forest Eyre Roll, pp. 179-80; Barraclough, *The Earldom*, pp. 34-5; TNA C 61/4, m. 5; Studd, 'A Catalogue', acta 710-2, pp. 545-7. It is possible that Montalt lost his office as the result of a dispute with the abbot and convent of St Werburgh that he violently attacked in 1258, Ann. Cest., pp. 75-7.

<sup>167</sup> CR 1259-61, pp. 23-4 and 82.

April 1257.<sup>168</sup> Unlike Montalt, however, there is no evidence that he entered Edward's service before May 1263.<sup>169</sup> Audley was then appointed justiciar of Chester in the summer of 1265, almost certainly as a result of his support during the civil war of 1263-65. Indeed, he fought against the baronial forces at Northampton in April 1264 and again at Lewes in May, where he was captured. Released shortly after the battle by giving up his son as hostage, he organised the royalist resistance in Cheshire; as soon as Edward escaped from Montfort's custody on 28 May 1265, he took Beeston castle with the help of Urian de St Pierre, another member of the affinity, and besieged Chester Castle held by Montfortian troops for ten weeks.<sup>170</sup> Audley kept the office of justiciar until 1267 and eventually received a protection to go on crusade with the king's son in May 1270. He joined Edward one last time at Winchester on 2 August 1270, but never followed him to the Holy Land; instead he was appointed justiciar of Ireland where he died in June 1272.<sup>171</sup>

As their careers show, Roger de Montalt and James de Audley were neither limited to Edward's service, nor to Cheshire boundaries. This was also true of the other members of the affinity; they performed a wide range of functions outside the county and sometimes even overseas, often on the king's order. This was a major difference with other affinities: Edward and Henry III could confer a wide range of offices and lands throughout the realm, while other lords could only appoint their men in their own honours. Furthermore, the witness lists of royal charters indicate that some members of Edward's affinity in Cheshire regularly travelled with the king across England, sometimes for extensive periods of time, thus suggesting that these men often commuted between Henry III and his son.

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<sup>168</sup> Above, pp. 34-5; CPR 1247-58, pp. 589-90.

<sup>169</sup> CChR 1257-1300, p. 147; Studd, 'A Catalogue', acta 890, p. 659.

<sup>170</sup> S. Lloyd, 'Audley, James (d. 1272)', Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/894>, accessed 18 Jan 2017]; Ann. Cest., pp. 94-5; CPR 1258-66, p. 344.

<sup>171</sup> CPR 1266-72, pp. 479-80; TNA C 53/59, m. 2; Studd, 'A Catalogue', acta 1007, p. 717; Lloyd, 'Audley, James'.

This distinctive characteristic is best exemplified by John de Grey. Endowed with substantial possessions scattered across England, Grey rapidly rose through royal service: he was sheriff of the counties of Bedford and Buckingham from 1238 to 1239, justiciar of Chester from 1245 to 1250, and was even appointed seneschal of Gascony in 1253.<sup>172</sup> His successful career led him to enjoy Henry III's favour as well as his son's: he often witnessed the king's charters in the early 1250s, and he met Edward in Gascony as early as the summer of 1254.<sup>173</sup> Grey was then regularly associated with the king's son.<sup>174</sup> Due to his status and to his relationship with Edward, he became in July 1258 one of the four counsellors appointed by the barons to supervise Edward's affairs.<sup>175</sup> Grey was also active on the border during this period: he was made keeper of Hereford Castle in June 1258 and received the mission to defend Herefordshire against the Welsh in May 1260.<sup>176</sup> In March 1263, with other marcher lords, he led an expedition in South Wales, and a month later he left for Cheshire to join Edward's campaign, where he stayed until March 1264.<sup>177</sup> When war broke out between Henry III and the barons, Grey naturally supported the king and was removed from his duties in the counties of Nottingham and Derby under Montfort's regime.<sup>178</sup> After the Battle of Evesham, Grey was richly rewarded for his support, and appears to have spent the next few months with the king before dying sometime early in 1266.<sup>179</sup>

Hamo Lestrage was another important member of the affinity. His career was very similar to that of John de Grey. He came from a family of Shropshire tenants and was himself

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<sup>172</sup> Vincent, 'Grey', *Sir John de'*; *Char. St Wer.*, I, p. v.

<sup>173</sup> *WL*, II, pp. 45, 61, 74 and 77; *CPR 1247-58*, p. 351; Studd, 'A Catalogue', acta 38, p. 202. Henry III also appointed him keeper of Shrewsbury castle in 1257, *CPR 1247-58*, p. 554.

<sup>174</sup> *CPR 1247-58*, p. 586; *Calendar of Ormond Deeds, 1172-1603*, ed. E. Curtis (6 Vols., Dublin: Irish Manuscripts Commission, 1932-43), I, n. 123, p. 55; *TNA C 61/4*, mm. 3 and 5; Studd, 'A Catalogue', acta 700, p. 537, acta 735, p. 557 and acta 752, p. 565. He was also appointed keeper of the Welsh march by Edward in May 1257, *CPR 1247-58*, p. 553.

<sup>175</sup> Roger de Montalt, John de Balliol and Stephen Longespée were the three others, *DBM*, pp. 94-5.

<sup>176</sup> *CPR 1247-58*, p. 638; *CPR 1258-66*, pp. 70-1.

<sup>177</sup> *CAC*, pp. 17-8, 19 and 52-3; *TNA C 53/59*, m. 5 and *KB 27/70*, m. 6 d.; *CPR 1258-66*, pp. 376-7; *CChR 1257-1300*, pp. 246-7; Studd, 'A Catalogue', acta 890, 892, 894, 895, pp. 639-42.

<sup>178</sup> *CPR 1258-66*, pp. 310 and 335-6.

<sup>179</sup> *CPR 1258-66*, p. 498; *WL*, II, pp. 149 and 151. Grey died in February or March 1266, Vincent, 'Grey, Sir John de'.

a small landholder in the county of Chester holding two manors.<sup>180</sup> The Lestrangle family originally appeared in Cheshire after the royal takeover; his father, John, was justiciar of Chester between 1240 and 1245.<sup>181</sup> Hamo Lestrangle rose through royal service in Gascony in the summer of 1254, where he first met Edward as well as other members of the affinity.<sup>182</sup> Lestrangle subsequently performed various missions for the king and his son, notably as keeper of the forest in Shropshire and constable of Montgomery Castle in the late 1250s.<sup>183</sup>

Through his important connections with Welsh leaders, he was actively involved on the border. He had conferred upon him the significant fortresses of Shrewsbury, Bruges and Montgomery in November 1263, and a few weeks later he was sent with James de Audley and Roger Mortimer to discuss peace with Llywelyn ap Gruffudd.<sup>184</sup> Hamo was also part of the Marcher contingent surrounding Edward, along with Roger de Leybourne and Roger Clifford, that Queen Eleanor tried to detach from her eldest son in the early 1260s in order to preserve her influence over him.<sup>185</sup> This created serious dissensions between Edward and his friends in 1261 and 1262, but during the crisis of 1263-65, Lestrangle first sided with the king and his son. He notably led an expedition against the barons in Staffordshire with William la Zouche in March 1263.<sup>186</sup> Yet, dissatisfied with Edward's attitude, he was then temporarily associated

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<sup>180</sup> John Lestrangle, Hamo's father, held about six knights' fees and the manor of Knockin in Shropshire, one knight's fee in Sussex, as well as minor lands in Norfolkshire, Book of Fees, II, pp. 688, 911, 963, 964 and 971; CIM, I, act 966, p. 295; J. F. A. Mason, 'Lestrangle, John (III) (c.1194–1269)', Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004; online edn, May 2005) [<http://www.oxforddnb.com/view/article/16510>, accessed 15 April 2016].

<sup>181</sup> Char. St Wer., I, p. v.

<sup>182</sup> Hamo Lestrangle witnessed one of Henry III's charters on 19 July 1254 at Saint Macaire in France with John de Grey and Roger de Montalt, where Edward also was, CPR 1247-58, p. 313; Itinerary, p. 3.

<sup>183</sup> CR 1256-59, pp. 88 and 147.

<sup>184</sup> His sister, Hawise, was married with Gruffudd ap Gwenwynwyn, T. F. Tout, 'Gruffudd ap Gwenwynwyn (d. 1286)', rev. A. D. Carr, Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/11694>, accessed 30 April 2016]. Hamo Lestrangle also knew Llywelyn ap Gruffudd as they sealed an agreement regarding certain lands in 1258, Littere Wallie: Preserved in Liber A in the Public Record Office, ed. J. Goronwy (Cardiff: University Press Board, 1940), p. 87; CPR 1258-66, pp. 300, 305 and 306.

<sup>185</sup> See notably M. Howell, Eleanor of Provence, Queenship in Thirteenth-Century England (Oxford: Blackwell, 1998), pp. 170, 181 and 187-8.

<sup>186</sup> Ann. Cest., pp. 86-7

with Montfort over the summer of 1263.<sup>187</sup> This alliance did not last for long, and Hamo tried to liberate Edward from Montfort's custody, with other lords, in October 1264.<sup>188</sup> The rebellion over, Lestrangle was rewarded for his support.<sup>189</sup> He continued to accompany Edward and his brother Edmund in the late 1260s, before following the latter to the Holy Land where he died early in 1273.<sup>190</sup>

More specifically, Hamo Lestrangle's example emphasises the familial connections that existed in the affinity in Cheshire. As for the personnel of the administration, Edward relied extensively on kinship. Lestrangle was not only the son of John Lestrangle, former justiciar of Chester, but also brother of Roger, Robert and John who were occasionally associated with the king's son.<sup>191</sup> Other cases existed: John and Reginald de Grey, father and son, both served as justiciars of Chester as did Fulk and Thomas de Orreby, who achieved identical careers. Both first appeared in the area as escheator and keeper of the forests. Fulk's earliest contact with the king's son was during the English campaign in Wales in the summer of 1257, while Thomas was first associated with Edward in November 1259 at Bristol.<sup>192</sup> Fulk was then appointed justiciar of Chester in September 1259 and accompanied Edward until the end of the year.<sup>193</sup> Throughout 1260, he maintained regular contact with the king's son over various judicial cases in Cheshire<sup>194</sup> and, in August 1260, was charged by Henry III and his son to establish a two-year truce at Montgomery with Llywelyn, as well as organising the

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<sup>187</sup> Ann. Mon., III, p. 222. See also below, pp. 223-4.

<sup>188</sup> CPR 1258-66, p. 374. Hamo Lestrangle was also attacking some rebels' lands before May 1265 around Shrewsbury castle, *ibid.*, p. 422; Flores Hist., II, pp. 502-3.

<sup>189</sup> CPR 1258-66, pp. 435 and 468.

<sup>190</sup> Hamo Lestrangle notably joined twice Edward at Chester, in 1267 and in 1270, National Library of Ireland, Ormond Deed, D. 205; TNA C 53/78, m. 8; Studd, 'A Catalogue', acta 954, p. 983, and acta 993, p. 707. He also twice joined Edmund in 1268, and again twice in 1270, CChR 1257-1300, pp. 114, 149 and 153; Mason, 'Lestrangle, John (III)'.  
<sup>191</sup> John Lestrangle attested one of Edward's charters in June 1261 at Winchester, and Roger and Robert attested another one in October 1267 at Chester, TNA JUST 1/1167, m. 4 d.; National Library of Ireland, Ormond Deed, D. 205; Studd, 'A Catalogue', acta 866, pp. 621-2 and acta 954, p. 983.

<sup>192</sup> CPR 1247-58, pp. 601-2; TNA C 61/4, mm. 3 and 4; Studd, 'A Catalogue', acta 751-2, pp. 564-5.

<sup>193</sup> TNA C 61/4, mm. 3-5; Studd, 'A Catalogue', acta 716, p. 549, acta 722, p. 552 and acta 751-2, pp. 564-5; Barraclough, *The Earldom*, pp. 34-5.

<sup>194</sup> TNA CHES 29/1, mm. 11, 11 d. and 12; Calendar, pp. 30-3. See also TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 840, p. 608 and acta 852, p. 614.

defence of the region.<sup>195</sup> Joining Edward once again at Guildford in May 1261, he died a couple of months later.<sup>196</sup> Thomas de Orreby replaced him as justiciar of Chester, but his career was much shorter: he was superseded by William la Zouche in December 1262, less than fifteen months after his appointment, perhaps because of his inability to maintain the peace on the border.<sup>197</sup> This marked the end of Thomas' career; even though he was regularly involved with Edward from 1259 to 1261, he was not found with him after 1262 and disappeared from the records after this date.<sup>198</sup>

William and Eudes la Zouche represent another case of familial connection. As foreigners in Cheshire, their links with the area are best approached through their brother Alan, who was justiciar of Chester from 1250 to 1255.<sup>199</sup> William joined the royal family in the 1250s: he escorted the queen to Gascony in 1254 and was sent by the king in Ireland for his son's service in 1256-57.<sup>200</sup> William was frequently associated with Edward from 1259 to 1261 and this closeness helped him to reach new status: he was styled keeper of Rochester and Oxford castles in the autumn of 1261 and received various gifts from the king in 1260-61.<sup>201</sup> In December 1262, he was appointed justiciar of Chester and actively supported Edward's power in the region. In addition to his raid in Staffordshire with Hamo Lestrangle against the barons, he also put the city of Chester in defence to resist baronial attacks and Welsh raids. Montfort's victory at Lewes in May 1264 put an end to his domination over the area: he was removed from office as justiciar and sent to jail, allegedly for his excesses of authority according to the *Annales Cestrienses*, although it is likely that his support for the

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<sup>195</sup> AWR, act 342, pp. 508-12; TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 851 and 853, pp. 613-5.

<sup>196</sup> Cheshire Record Office, LBM/31 1/1; Studd, 'A Catalogue', acta 865, p. 621; Ann. Cest., pp. 78-9.

<sup>197</sup> CPR 1258-66, p. 238.

<sup>198</sup> After 1262, Thomas de Orreby only made scanty appearances in Cheshire: he witnessed two charters there, one in 1265-1267, and another one in 1270-71, CChrR 1257-1300, p. 311; Char. St Wer., II, act 559, p. 318.

<sup>199</sup> Char. St Wer., I, p. v; Ridgeway, 'The Lord Edward and the Provisions of Oxford', p. 93.

<sup>200</sup> CPR 1247-58, pp. 376, 513 and 603.

<sup>201</sup> Barraclough, *The Earldom*, pp. 34-5; TNA C 61/4, m. 4 and JUST 1/1167, m. 4 d.; Studd, 'A Catalogue', acta 710, pp. 545-6, acta 751, pp. 564-5 and acta 866, pp. 621-2; CR 1259-61, pp. 90-1, 390, 419, 449 and 490.

king and his son was the real reason.<sup>202</sup> After the Battle of Evesham, he helped to restore peace in the realm, but he does not seem to have been associated with Edward afterwards.<sup>203</sup>

Unfortunately, Eudes la Zouche's career is less well documented. Like his brother William, he first rose through royal service by escorting the queen to Gascony in May 1254.<sup>204</sup> The earliest evidence of a meeting between Eudes and the king's son occurred in March 1257 at Southwark and he regularly appeared by Edward's side until January 1260.<sup>205</sup> He benefitted from royal favours, and in December 1262 was given the royal castles in Cheshire with the order to resist the Welsh, while Edward was away.<sup>206</sup> Eudes la Zouche supported the royalists in 1263, but his role in the following years remains unclear: he is not seen with Edward after this date and his presence is scarcely noted in the records. He kept the king's favour after the rebellion, which suggests that he remained faithful to the Crown, and in 1268 he married a rich heiress who provided him with important landed resources.<sup>207</sup>

Records also suggest that there were less important followers in Edward's affinity. Although it is hard to determine whether there were 'inner' and 'outer' circles as existed in other affinities,<sup>208</sup> some men were less powerful and their actions appear much more limited. This was the case with Robert de Stockport, whose career is summarised above,<sup>209</sup> and with Thomas de Boulton and Urian de St Pierre, of whom there are few records. Boulton was a modest Yorkshire landholder, whose earliest datable contact with the king's son was at

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<sup>202</sup> Ann. Cest., pp. 82-9. Order was sent in February 1265 to arrest William la Zouche, who was suspected to be against the barons, CR 1264-68, p. 99.

<sup>203</sup> CPR 1258-66, pp. 461 and 465-6. William la Zouche eventually became sheriff of Essex and Surrey before dying in late 1271, CR 1268-72, pp. 62-3; CPR 1266-72, p. 614.

<sup>204</sup> CPR 1247-58, p. 376.

<sup>205</sup> TNA C 53/50, m. 6 and C 61/4, mm. 4-5; CChR 1257-1300, p. 2; Studd, 'A Catalogue', acta 622, p. 497, acta 677, p. 523, acta 716, p. 549, acta 751, pp. 564-5 and acta 758, p. 568.

<sup>206</sup> CR 1259-61, pp. 394 and 398; CR 1261-64, p. 73; CPR 1258-66, p. 238.

<sup>207</sup> CPR 1258-66, p. 290; CR 1264-68, pp. 292-3 and 412. Eudes la Zouche married Milicent, widow of John de Montalt (son of Roger de Montalt) and sister and coheir of Georges de Cantilupe, E. Acheson, 'Zouche family (per. c.1254-1415)', Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/54535>, accessed 19 Jan 2017]; Ormerod, *The History of the County, I*, p. 55

<sup>208</sup> Maddicott in reconstructing Simon de Montfort's affinity used this distinction between the 'inner' circle, composed of men who formed the core of Montfort's affinity, and the 'outer' circle composed of men who joined Montfort on occasion, Maddicott, *Montfort*, pp. 68-9.

<sup>209</sup> Above, p. 47.

Guildford (Surrey) in May 1261.<sup>210</sup> A year later, he was ordered by Henry III to keep certain of his son's lands and he had to enquire about the knights' fees and other rights in the honours of Chester, Tykehall and Monmouth.<sup>211</sup> In 1265, he received the mission from Edward to accept any rebel willing to return into the king's peace.<sup>212</sup> He subsequently became justiciar of Chester sometime after James de Audley resigned in 1267 and remained in office until the early months of 1270. Eventually made sheriff of Lincolnshire on Edward's request, he died possibly in 1276.<sup>213</sup>

Urian de St Pierre was a minor Cheshire landholder who possessed a few estates in Berkshire.<sup>214</sup> Like most other members of the affinity, he rose through royal service; he notably escorted the queen to Gascony in 1254 with William and Eudes la Zouche.<sup>215</sup> St Pierre first appears associated with Edward in the English campaign of the summer of 1257, and was at his service at Hawarden on the Welsh border three years later.<sup>216</sup> Under Montfort's government, he acted as intermediary between the king and the marcher lords. His loyalty to the Crown, however, is beyond doubt, as he helped James de Audley to fight against the Montfortian troops in Cheshire in the summer of 1265.<sup>217</sup> The rest of his career is difficult to trace. There is, for example, no evidence that he was rewarded for his support during the crisis; it is known only that in October 1265 he received a letter of protection until Easter 1266.<sup>218</sup> He became sheriff of Staffordshire in the late 1260s and remained closely attached to Edward in 1270, eventually following him to the Holy Land in 1271.<sup>219</sup>

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<sup>210</sup> Book of Fees, II, p. 1200; Cheshire Record Office, LBM/31 1/1; Studd, 'A Catalogue', acta 865, p. 621.

<sup>211</sup> CPR 1258-66, pp. 233-4.

<sup>212</sup> CPR 1266-72, pp. 15 and 90-1.

<sup>213</sup> TNA C 53/78, m. 8; Studd, 'A Catalogue', acta 993, p. 707; CPR 1266-72, pp. 470-1; CR 1272-79, p. 340.

<sup>214</sup> TNA CHES 29/1, m.1 d.; Calendar, pp. 33-4; Book of Fees, II, pp. 865 and 1153.

<sup>215</sup> CPR 1247-58, pp. 374-6.

<sup>216</sup> Ibid., pp. 600-1; Itinerary, p. 36; TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 853, p. 615; CPR 1258-66, p. 98.

<sup>217</sup> CPR 1258-66, pp. 366-7; Ann. Cest., pp. 94-5.

<sup>218</sup> CPR 1258-66, p. 469.

<sup>219</sup> Urian de St Pierre witnessed two of Edward's charters in 1270, including one where he is styled sheriff of Staffordshire, TNA C 53/78, m. 8; Liverpool Record Office, (Moore Mss.) 920 Moo 993; CPR 1266-72, p. 588; Studd, 'A Catalogue', acta 993, p. 707 and acta 1000, p. 712.

The study of the careers of these men underlines the staunch loyalty of the affinity. Despite their differences in wealth and origins, evidence indicates that they all remained faithful to the king and his son. This point is particularly important when considering the period from 1258-67. The reformers, led most notably by Simon de Montfort, attracted a large flow of knights and barons into their ranks. This not only directly affected the realm, but also Edward himself. Roger de Clifford and Roger de Leybourne, for example, two important members of Edward's household, and two of his closest friends joined Montfort for a short while in the summer of 1263 due to personal grievances against Edward and because of the Queen's hostility.<sup>220</sup> The situation was quite different in Cheshire where the affinity remained loyal to its lord (with the exception Hamo Lestrangle who temporarily sided with Montfort in 1263).<sup>221</sup>

Furthermore, evidence indicates that of the nine members of the affinity still alive in 1264-65, five of them are known, or are strongly suspected of having played a significant role in the war that opposed the king and his barons. This is best exemplified by James de Audley, who fought at Northampton and at Lewes in 1264, before organising, with Urian de St Pierre, the royalist resistance in Cheshire the following summer.<sup>222</sup> Meanwhile, William la Zouche seems to have taken part in the raid on Northampton in April 1264, and the *Annales Londonienses* report his presence and his capture at the Battle of Lewes.<sup>223</sup> John de Grey possibly fought at Lewes, while Hamo Lestrangle was part of the group of marcher lords who resumed the fight against Montfort in October 1264.<sup>224</sup>

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<sup>220</sup> S. Stewart, 'Simon de Montfort and His Followers, June 1263', *EHR*, 119 (2004), pp. 965-969, at pp. 966-9; Howell, *Eleanor of Provence*, pp. 187-8; Maddicott, *Simon de Montfort*, pp. 222-3.

<sup>221</sup> *Ann. Mon.*, III, p. 222.

<sup>222</sup> Lloyd, 'Audley, James'; *Ann. Cest.*, pp. 94-5.

<sup>223</sup> *Annales Londonienses*, *Chronicles of the Reigns of Edward I and Edward II*, ed. W. Stubbs (2 Vols., *Rolls Series*, 1882-83), I, p. 65. See also below, pp. 228-9.

<sup>224</sup> John de Grey was at Oxford with Henry III and James de Audley on 30 March 1264, merely weeks before the raid on Northampton and the Battle of Lewes, *WL*, II, p. 143; Rishanger, *De Bellis*, p. 40; *Flores Hist.*, II, pp. 502-3; *CPR 1258-66*, p. 374.

It is clear, therefore, that Edward had been relatively clever in forming his affinity. The men he recruited supported him throughout his lordship and allowed him to retain a certain degree of control over the region even in the most critical situations. Yet, if the members of the affinity mostly remained faithful to their lord, it is also because the king's son knew how to retain their loyalty. Records show that he used different ways to reward his men. Only one grant of land has survived, but it is unclear whether this was because the practice was not common, or because of the lack of evidence.<sup>225</sup> Edward used other means, instead; as with William Marshal,<sup>226</sup> he appointed members of his affinity to the most important offices within Cheshire. Among the eleven members of his affinity, six would be justiciar, and this may also explain why the number of justiciars of Chester was high during his lordship. In the meantime, Fulk and Thomas de Orreby served as escheators for a few years, Eudes la Zouche was granted custody of the royal castles in Cheshire in December 1262, and Robert de Stockport became constable of the castle of Chester shortly after the Battle of Evesham. Only Hamo Lestrage, Urian de St Pierre and John de Grey do not seem to have assumed office in the county between 1254 and 1272. It is also possible that Edward relied on grants of money as well as gifts, as he did for certain members of his household.<sup>227</sup> Although there is no direct evidence that he did so for his affinity, this would have been another way, albeit less significant, of rewarding supporters in the later Middle Ages, especially for those who like the king's son, faced a shortage of lands to distribute.

### **3: The Financial Administration.**

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<sup>225</sup> This was the grant of the manor of Rushton to John de Grey in February 1259, Cheshire Forest Eyre Roll, pp. 179-80.

<sup>226</sup> Crouch, William Marshal, p. 172.

<sup>227</sup> Both Philip de Ruoyken and Drew de Barentin, for example, received in November 1259 an annual fee for being in Edward's household, TNA C 61/4, m. 5; Studd, 'A Catalogue', acta 727-8, p. 554.

In addition to the officials and other men who served Edward in Cheshire, it is important to consider the administrative framework of the county, and, more specifically, how it was handled by the king's son. Although no pipe rolls for Cheshire have survived from 1254 to 1270, there are sufficient records to gain a clear idea of the financial organisation in Cheshire, and of its evolution under Edward's lordship.

Even though Cheshire was not affected by royal administration, the earls of Chester developed early on their own system of controlling their finances. Evidence indicates that there was already a proper system of accounting in the county in the 1120s.<sup>228</sup> Stewart-Brown, by analysing the early charters of the earls, manages to reconstruct, at least hypothetically, a possible financial organisation of the county. It is likely that a group of people from the earl's household, which included primarily the constable, the chamberlain, the usher, clerks, chaplains, some barons, and the abbot of Chester, undertook the keeping of the accounts. This work was performed at Chester Castle by two different departments, one responsible for the payment and receipt of money, the other for the supervision of the earl's revenues.<sup>229</sup> Unfortunately, the Cheshire pipe rolls that have survived from the two wardships of 1154-62 and 1181-87 do not shed any further light on the financial organisation described by Stewart-Brown; they only indicate that Henry II decided to preserve the financial administration as it was.

Much more is known after the royal takeover of 1237. The local chamberlain was replaced only a few days after John the Scot's death and the exchequer of Chester passed under the supervision of royal officials. Yet the financial structure itself was maintained with its distinctive regional characteristics, even if the accounts were no longer rendered exclusively at Chester but were ultimately audited at Westminster.<sup>230</sup> The surviving pipe rolls rendered after the summer of 1237 show that the chamberlain was still the actual accountant,

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<sup>228</sup> R. Stewart-Brown, 'The Exchequer of Chester', p. 291.

<sup>229</sup> *Ibid.*, pp. 290-1.

<sup>230</sup> CIPR, p. 28.

while John de Lacy, earl of Lincoln and constable of Chester, acted as custos.<sup>231</sup> This changed in January 1240 when the chamberlain disappeared from the financial records. The accounts for this year were audited by different persons, and from December 1240 onwards the justiciar assumed most of the financial responsibilities in the county, either as custos or receiver.<sup>232</sup> Both the chamberlain and the sheriff thus became subordinate to the justiciar, although they were still involved in the collection and preparation of revenue.<sup>233</sup> Furthermore, the surviving pipe rolls after 1237 reveal that the form of accounts for Cheshire was left unaffected by Henry III. These were fairly unusual; the justiciar used to render the accounts very irregularly, usually grouping several years together as he did for Christmas 1242 to Michaelmas 1245 or for 30 October 1245 to 30 October 1247, for example. In other counties, they were rendered on an annual basis.<sup>234</sup>

In reality, it was not before 1249 that serious changes took place in the financial structure of the county. Two measures were introduced by the king, the first in January 1249 when Henry III decided to farm the county of Chester with the lands of North Wales, namely Dyffryn Clwyd, Rhos, Rhufoniog, and Englefield. The justiciar of Chester, John de Grey, had to keep the county at farm and to render 500m annually.<sup>235</sup> Although this was to be applied during peacetime only, it was a major modification to the financial administration. This change was all the more important as the farm of the county was doubled to 1,000m in July 1250 when Alan la Zouche was appointed justiciar.<sup>236</sup> It remains unclear why Henry III suddenly decided to farm the county of Chester in 1249, but it might, perhaps, be understood in the light of his foreign aspirations. As Carpenter stressed, the king was collecting money

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<sup>231</sup> *Ibid.*, pp. 34, 42 and 50.

<sup>232</sup> *Ibid.*, pp. 54-5, 62 and 64.

<sup>233</sup> *Ibid.*, pp. 28-9.

<sup>234</sup> *Ibid.*, pp. 75 and 86.

<sup>235</sup> CPR 1247-58, p. 35.

<sup>236</sup> *Ibid.*, p. 70. Why the farm of the county suddenly doubled in 1250 is unclear; Stewart-Brown argues that it was due to Alan la Zouche who had decided to make the county of Chester more profitable to the king, CIPR, p. 103 This sounds plausible and fits with Alan la Zouche's personality, as he had the reputation of flaunting the money he raised, Tout, 'Zouche, Alan de la'.

throughout the realm, especially gold coins, possibly for an expedition in the Far East, and this may have influenced him in his decision to farm the county of Chester.<sup>237</sup> This offered various advantages for the king: albeit less profitable, it avoided delays in payment and it was the quickest and safest way to raise money from a county. The second change occurred just three months later. In April 1249, Henry III decided to introduce the office of escheator in Cheshire, probably as an attempt to remodel the county's organisation on the realm's one.<sup>238</sup> The profits derived from advowsons, reliefs, wards, forests offences, tallage, and escheats were excluded from the justiciar's farm and kept by the escheator.<sup>239</sup> These accounts, which were audited locally and separately from the pipe rolls, have unfortunately not survived.<sup>240</sup>

These two changes occurred five years before Edward was granted his apanage. It does not seem that the king's son made any attempt to modify the financial structure set up by his father a few years earlier; he just adopted it as it was. Overall, this is quite revealing of Edward's lordship in Cheshire: although he regularly replaced the men who served him in the region, he decided to preserve the administrative framework conferred by the king, thus emphasising his care in dealing with local administration. In fact, the only noticeable difference with Henry III was that the accounts returned to be audited at Chester, as it was the case under the earls. As these have not survived, it is impossible to know how Edward handled the finances there, or how he sought to use the county's resources. More importantly, it is also impossible to know how the county was affected by the Welsh war and the baronial rebellion. The only indication extant is that the farm had decreased by a quarter to 800m by 1270, thus suggesting that Cheshire experienced various episodes of plunder and

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<sup>237</sup> Carpenter, *The Reign of Henry III* (London: Hambledon Press, 1996), p. 107.

<sup>238</sup> Interestingly, the escheators became increasingly important in Henry III's local government in the realm in the late 1240s. See S. L. Waugh, 'The Origins of the Office of Escheator', in *The Growth of Royal Government Under Henry III*, ed. D. Crook and L. J. Wilkinson (Woodbridge: Boydell, 2015), pp. 227-65.

<sup>239</sup> CPR 1247-58, p. 40.

<sup>240</sup> Stewart-Brown, 'The Exchequer of Chester', p. 292. The fact that certain items were held in farm by the escheator also means that the farm of the county was more than 1,000m annually.

destruction.<sup>241</sup> Alternatively, this might be linked to the loss of territories in North Wales which were previously included in the farm of the county.<sup>242</sup>

Although no financial records from 1254 to 1270 survive, the existing accounts rendered by Alan la Zouche for the period 2 July 1250 to Easter 1254, and by Reginald de Grey for July 1270 to Michaelmas 1274, are still worthy of interest. La Zouche's accounts notably indicate different sources of revenue in the county. The principal one here was the tallage, a tax levied upon the Crown's lands and estates held by royal towns, boroughs, and manors, and upon lands escheated to the king and held temporarily in his hand.<sup>243</sup> Several places are specifically mentioned in Cheshire, thus giving a general idea of their wealth, namely the city of Chester from which 180m was due, the manor of Rushton 25m 10s, the manors of Over, as part of Darnhall, 25m 4d, the manor and the borough of Macclesfield 17m, the manor of Weaverham 11m 8s, the borough of Frodsham £7 6s 8d, the settlements of Middlewich 10m and Northwich 46s 8d, the town of Shotwick £1 and the manor of Gayton 1m.

Some places in North Wales were also mentioned in la Zouche's accounts. For example, the borough of Rhuddlan from which 50m was due in tallage, Denbigh 10m, the manor of Coleshill in Englefield £5, the manor of Dinorben 5m, the manor of Prestatyn 4m, the castle of Dyserth 50s, the borough of Degannwy £2 10s, the manors Ruthyn and Batharfan 40s in Dyffryn Clwyd, Ystrad in Rhufoniog 40s and the manor of Caerwys £2.<sup>244</sup> Added together, the tallage owing from Cheshire and North Wales was £228 10s which emphasizes the importance of this particular revenue for the royal finances. The collection of this sum, however, seems to have been unusual. As S. K. Mitchell states, the tallage levied in 1251

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<sup>241</sup> CIPR, p. 108.

<sup>242</sup> As they were for the accounts of 1250-54, *ibid.*, pp. 96-103.

<sup>243</sup> S. K. Mitchell., *Taxation in Medieval England* (New Haven: Yale University Press, 1951), p. 238.

<sup>244</sup> CIPR, p. 99.

served to pay for the wedding of Margaret, Henry III's daughter, to Alexander, king of Scots, and it is unlikely that Edward benefited from it throughout his lordship.<sup>245</sup>

Another important source of revenue derived from the profits linked to justice. This is best illustrated by the unusual fine of £100 people of the county had to pay for their refusal to make a record of proceedings in the Cheshire county court for a suit between William and Cecil de Coudray and the abbey of Dieulacres, as this was regarded as not customary by local communities.<sup>246</sup> Various sums subsequently came from the avowry-men (advocariis) across Cheshire. Several places are specifically mentioned: the avowry-men of Which Malbank had to pay 22m 12s 4d, those of Macclesfield 22m 9s 10d, those of Middlewich 14m 6s 10d and those of Wirral 6m. The profits amounted to £42 16s 6d in total. This was a minor, albeit regular, source of revenue for Edward between 1254 and 1272.<sup>247</sup>

La Zouche's accounts reveal the existence of another unusual tax: the auxilium. This was a financial aid required by a lord from his fidelis on three occasions: the knighting of his son, the marriage of his daughter, and the payment of his ransom if ever he was taken prisoner. The auxilium here concerned the knighting of Edward, which took place in Spain, possibly on 1 November 1254. Henry III had already levied a general tax in England to provide for its cost – Edward did the same in Gascony a few months later – but the whole population of Ireland and even Italian merchants were required to pay too.<sup>248</sup> In Cheshire, all tenants had to render 40s per knight's fee, thus providing £140 for royal finances, to which was added another £40 paid by the men in the Four Cantreds for having respite of this tax.<sup>249</sup>

Thanks to this specific provision, a detailed list of tenants in the county and an assessment of

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<sup>245</sup> Mitchell, *Taxation in Medieval England*, p. 331.

<sup>246</sup> The justiciar of Chester was ordered on 1 February 1250 to send the king a record of the suit between William de Coudray and his wife Cecily against the abbey of Dieulacres concerning a manor and two bovates of lands in Middlewich. The order was subsequently renewed on 14 May 1251 but to no avail. Henry III then decided to amerce the county for £100 pro contemptu, CIPR, p. 100; CR 1247-51, pp. 349 and 442; Stewart-Brown, 'The End of the Norman Earldom of Chester', p. 51. At the same time, Ralph de Vernon was also fined 40s and the town of Romiley 10m for unknown reasons. Overall, the sum was £109.

<sup>247</sup> The system of avowry still existed after Edward attained the throne CIPR, pp. 99 and 112.

<sup>248</sup> CPR 1247-58, pp. 315-6; Morris, *A Great and Terrible King*, p. 20.

<sup>249</sup> CIPR, pp. 100-1.

their possessions have survived. There were twenty-five main tenants in Cheshire holding in total eighty knights' fees.<sup>250</sup> This list, however, does not include all the tenants present in the county. Fulk and Thomas de Orreby, Urian de St Pierre, and Hamo Lestrangle, for example, are not mentioned.

The expenditure also sheds interesting light on the administration of the county by Edward. Some significant sums of money were notably spent on buildings across the region: the repairs to the towers and houses of the castles of Chester, Frodsham and Shotwick cost £44 5s 3d and half a penny, the repairs to the king's tents (papillionum) and their transportation to the king at Portsmouth cost £15 4s 12d; £20 was spent to improve the king's hall in Dyserth castle and to clean its pit; new rooms were built in Degannwy Castle for £1,495 13s 10d; a new hall (nova aula) was erected in Chester Castle for £722 18s 9d and half a penny, while £20 19s 2d and half a penny were spent on repairing Chester Bridge. An additional 250m was used to stock the royal castles in Wales.<sup>251</sup> Although these improvements and repairs had obvious defensive purposes, they were also a way for Henry III to reflect his power in the region and to mark his control of the county. More importantly, after 1254, such places provided visual symbols of Edward's lordship during his absences. Even though there is no direct evidence, the cost spent on improving and repairing buildings is likely to have risen sharply after the Welsh rebellion in November 1256, and it probably represented the main reason for expenditure for Edward in the years that followed.

The distribution of alms also provides more detail about how Cheshire was administered. This practice was probably in place from the time of the first earl of Chester since it was part of his patronage. Alms were usually given to religious institutions and individuals, and the accounts of Michaelmas 1159 to Michaelmas 1160 reveal that the earls of

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<sup>250</sup> The list of the tenants was printed in full with details of the possessions in Calendar, pp. xlvi-xlvii. It remains unclear, however, why the sum raised by the auxilium was of £140 and not of £160 as Cheshire tenants had to render 40s per knight's fee they held in the county.

<sup>251</sup> CIPR, pp. 97-8 and 100.

Chester spent a significant part of their revenue in this way.<sup>252</sup> Interestingly, records indicate that a few religious houses still received alms after the royal takeover of 1237. The nuns of Chester, for example, who were regularly given 40s per year by the earls, received 45s from Henry III in 1240-41, and they were pardoned the sum of 10m 20d in 1250-54.<sup>253</sup> La Zouche's accounts for the same years also indicate that the master and the lepers of the Hospital of St Giles outside Chester received £10 from the king for clothing, while the abbot and the convent of St Mary on Bardsey Island were given 50s for the same.<sup>254</sup> Maintaining alms was a means for both Henry III and his son to please religious institutions as well as giving local communities a sense of continuity despite the royal takeover.

Various sums were spent on foodstuffs for the households of the king and his immediate family. £16 5s was used to buy and transport a hundred salmon and twenty-four pike for the queen, £10 15s 4d was spent to bring corn to Chester, and another £6 19s to send salted meat to the king.<sup>255</sup> Money was also used to transport the king's treasures, usually from Ireland and from Chester to various places in the realm.<sup>256</sup> Several items of expenditure, moreover, refer to regular sums of money used for the sustenance of Welsh lords and other individuals. Indeed, £68 8s 9d was spent for William and Hugh de Marsh (de Marisco), and Rhodri ap Gruffudd and their masters, who were the king's hostages, 10m were given to Ednyfed ab Ednyfed, while different allowances were made to Tudur ab Ednyfed for the lands he held in the Four Cantreds.<sup>257</sup>

Unfortunately, the existing accounts for 1270-74 are much shorter than those rendered by Alan la Zouche two decades earlier and do not yield much of local or general interest. The

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<sup>252</sup> £25 13s 7d was spent for appointed alms for 1159-60, *ibid.*, p. 2.

<sup>253</sup> *Ibid.*, pp. 6, 12, 16 and 67. The nuns were eventually pardoned various sums of money by the king in the following years, *ibid.*, pp. 78, 89 and 97.

<sup>254</sup> *Ibid.*, p. 97.

<sup>255</sup> *Ibid.*, pp. 97-8.

<sup>256</sup> 28m was spent to transport the king's treasure from Chester to Temple in London, £14 were spent for transporting a treasure to Portsmouth, and an additional £33 12s 16d to transport another treasure from Ireland, from Chester to Westminster, *ibid.*, p. 97.

<sup>257</sup> These seem to have reached the sum of £21, *ibid.*, pp. 97-8.

farm was only 800m. The accounts, however, testify to the struggle that took place between the royalists and the baronial forces in Cheshire in 1264-65: the nuns of Chester received £42 11s 8d for the damage they sustained, and Geoffrey de Byron was given £13 6s 8d for the destruction experienced when the town of Shotwick was burnt down. Similarly, another 26m was spent on wood to repair Chester Castle and notably its bridge, which cost £18 7s 1d, and another £30 given to the citizens of the city for losses and repairs when the bridge was broken. 46s 8d was also used to repair and improve several mills in Cheshire, while new stables built in Chester Castle cost £6 13s 4d. Finally, 33m was given to support the friars in Chester, and another 70s 8d for Madoc ap John's sustenance.<sup>258</sup>

In conclusion, an analysis of Edward's general administration in Cheshire reveals two main features. The first, and by far the more important, is that his lordship marked the end in the evolution of the administrative structure of the county which had begun with the royal takeover of 1237. Indeed, it was Henry III who, after replacing local officials by his own men, decided to farm Cheshire and to introduce the office of escheator in 1249, thus establishing a new financial organisation. This had two main consequences: despite local resistance,<sup>259</sup> it remodelled an important part of the local administration on that of the realm and it enhanced the position and the prestige of justiciar, who emerged as the keystone of the administration in Cheshire. Edward, however, did not play an obviously discernible role in this evolution. The changes had been triggered by his father before 1254, and the decline of the constable and seneschal to the benefit of the justiciar, which occurred in the early years of his lordship, was a coincidence. No-one could have planned the complicated succession of titles within the de Lacy family, just as no-one could have planned that the office of seneschal of Chester would, more or less, die in 1260 with its last holder, Roger de Montalt.

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<sup>258</sup> Ibid., p. 109.

<sup>259</sup> See below, pp. 189-90.

The second main feature concerns Edward himself. Although he embraced the administrative structure set up by his father in the region, he tried to administer the county as his own by choosing his own men. More specifically, evidence indicates that Edward was the exact opposite of the ‘irresponsible, arrogant and headstrong boy’ as depicted by Treharne in the 1930s. Instead, Henry III’s eldest son was a committed and pragmatic lord. This is best reflected by the men he chose to make up the personnel of his administration in Cheshire. They were almost exclusively older men with local interests and important connections, who had, in addition, solid experience of royal service. His priorities were clear: he aimed to prevent and limit the potential abuses of power by his officials in order to protect and retain the support of local communities. He seems to have succeeded in doing so, for no complaints about his officials, except one relating to Roger de Montalt,<sup>260</sup> emerge in the records. Furthermore, regardless of the difficulties associated with his peculiar status, he managed to build a reliable affinity in Cheshire, which protected his local interests while he was away and which he occasionally used beyond the county’s limits. More than emphasising his cleverness, this ultimately explains how and why he managed to retain control of Cheshire, despite the tragic events that affected the county and the realm alike between 1256 and 1267.

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<sup>260</sup> In 1258, Montalt violently attacked the abbot and convent of St Werburgh for reasons that are unclear, see *Ann. Cest.*, pp. 74-7.

## Chapter 2: The Organisation of Justice

On 21 August 1259 at Warwick, the Lord Edward addressed a letter to the justiciar of Chester, ordering him to deliver justice impartially in the suit concerning an assize of novel disseisin for a mill which had been pulled down in Crossley (Cheshire). In the preamble of this letter, he expressed his concerns: 'if on account of ourselves or of our bailiffs, common justice is denied to anyone of our subjects, we lose the favour of God and man, and our lordship is belittled. We wish, therefore, that common justice shall be exhibited (*exibeatur*) to everyone'.<sup>1</sup> Such a rare insight into Edward's feelings does not necessarily fit with the contemporary perception of certain chroniclers. The anonymous author of the *Song of Lewes*, for example, described Henry III's eldest son in such terms: 'whatever he likes he says is lawful, and he thinks he is released from law, as though he were greater than the King'.<sup>2</sup> David Carpenter, who analysed Edward's letter, also had serious doubts concerning his sincerity. He argued that the king's son only issued such instructions to his officials to restore his public image and to gain support across the realm.<sup>3</sup> This view sounds plausible; by the summer of 1259, Edward had given a poor account of himself. His attempt to resist the baronial revolution of 1258 and his provocative support for the Lusignans had failed and led to the careful control of his household and of his affairs by four councillors. Meanwhile, he had lost most of the territories he had been granted by his father in North Wales after the outbreak of war in November 1256, and he was in no position to contest Llywelyn ap Gruffudd's domination over the region.

On the other hand, even though it remains difficult to gauge how far the sentiments expressed in this letter were genuine, it is likely that they were sincere. As for the general

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<sup>1</sup> BL Additional Ms, 35179, f. 89 d.; J. R. Studd, 'A Catalogue of the Acts of the Lord Edward, 1254-1272' (University of Leeds, unpublished PhD thesis, 1971), acta 709, p. 545. This letter is also fully transcribed in Carpenter, *The Reign of Henry III* (London: Hambledon Press, 1996), pp. 251-2.

<sup>2</sup> *The Song of Lewes*, ed. C. L. Kingsford (Oxford: Clarendon Press, 1890), vv. 441-5, p. 15.

<sup>3</sup> Carpenter, *The Reign of Henry III*, p. 250.

administration in Cheshire, the surviving plea roll of Chester indicates that, unlike what chroniclers and historians thought, Edward had a keen interest in justice, and other records suggest that this was not limited to Cheshire. To explore this issue further, the following chapter will be divided into three main sections: the first will examine the legal framework of the county of Chester; the second will consider the administration of law in the region; the third will assess Edward's involvement in justice in Cheshire.

### **1: The Judicial Administration.**

As it evolved almost independently of royal supervision between the Norman Conquest and 1237, the judicial organisation of Cheshire is probably one of the most interesting in medieval England. The administration of justice in the region, however, did not appear with the Norman earls; a hundred court already existed in Chester during the Anglo-Saxon period, with twelve judges from the city to preside over it.<sup>4</sup> After 1070, the first earls progressively developed their own organisation of justice. The extent of the judicial rights originally conferred upon them by William I is unclear, but a charter issued at Greetham (Rutland) in 1119 by Richard, second earl of Chester (1101-20), shows that he had his own court of justice, in which he was able to judge all kinds of pleas and offences.<sup>5</sup> This suggests that all sorts of criminal offences committed in Cheshire were judged within its boundaries. The earl was the only source of justice and the county was not subject to royal control or even influence.<sup>6</sup>

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<sup>4</sup> B. E. Harris and A. T. Thacker, ed., *A History of the County of Chester* (5 Vols., London: The Victoria History of the Counties of England, 1979-2005), I, p. 326.

<sup>5</sup> Chs. of Earls of Chester, act 8, pp. 14-5. Barraclough, like James Tait, raises certain doubts regarding the authenticity of this charter, although there is no certain element to prove that it is a forgery.

<sup>6</sup> D. Crouch, 'The Administration of the Norman Earldom', in *The Earldom of Chester, a Tribute to Geoffrey Barraclough*, ed. A. T. Thacker (Chester Archaeological Society, N. S., lxxi, 1991), pp. 69-95, at p. 70. This was nothing unusual in the twelfth century, and was also true of the earl of Leicester and the earl of Derby.

After the death of the last earl in 1237, the judicial machinery, unlike the rest of the administration, was preserved by Henry III as it was, and it thus retained its exceptional character. There is little doubt, therefore, that when the king granted the county of Chester to his son in February 1254, the judicial organisation was more or less – if not exactly – the same as it had been in June 1237. Its distinctive features emphasised the power and independence once assumed by the earls and are best reflected by the county court of Chester – the most important court of justice within Cheshire. It had the capacity to deal with all litigation, whether civil or criminal, without any distinction of writs or limitation of fines. This was essentially different from the functioning of other county courts. While these could also try all sorts of business, the most serious instances, called ‘pleas of the Crown’, such as homicide, mayhem, robbery, rape, arson, forgery, and usurpation of the royal seal, pertained to the king’s justice, and were dealt with by itinerant justices in special assemblies called ‘eyres’.<sup>7</sup> These were meant to take place every seven years, but often occurred at irregular intervals. In Shropshire, for example, before the eyre of 1256 the county had been visited only in 1221, 1227, 1240 and 1248.<sup>8</sup> In Cheshire, however, all the offences committed within its limits were judged locally without any royal consultation. The county, moreover, was theoretically not affected by the circuits of itinerant eyres,<sup>9</sup> although a writ issued by Henry III indicates that this was not entirely true: itinerant justices in Cheshire were notably ordered in May 1253 to postpone all suits touching Robert de Alenzon in the county.<sup>10</sup> Yet, despite the increasing royal influence over the judicial machinery, the county court of Chester was still by its distinctive characteristics a unique example in the realm.

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<sup>7</sup> D. Carpenter, *The Struggle for Mastery: Britain 1066-1284* (London: Penguin Books, 2003), pp. 233-4; J. Hudson, *The Formation of the English Common Law: Law and Society in England from the Norman Conquest to Magna Carta* (London: Longman, 1996), pp. 37 and 161.

<sup>8</sup> *The Roll of the Shropshire Eyre of 1256*, ed. A. Harding (Selden Society, xcvi, 1981), fn 1, p. xi.

<sup>9</sup> Stewart-Brown notably argues that ‘the court was not subject to the invasions of the royal justices whether forest or itinerant and their attempts to found jurisdiction were successfully resisted on many occasions’, *Calendar*, p. xviii.

<sup>10</sup> CR 1251-53, p. 470.

As evidence is lacking, it is not entirely clear when or even how the county court of Chester acquired its particular status. Records tentatively suggest that its development as a powerful court of justice owed more to Ranulf III than to any other earl.<sup>11</sup> Indeed, Ranulf felt especially concerned about emphasising his powers in the county of Chester. Beyond the development of his administration in the region, this is also reflected by the Magna Carta of Cheshire that he issued at some point between June and September 1215. Even though he may have granted this charter under pressure from his barons,<sup>12</sup> Ranulf not only confirmed their privileges and the local customs but also reasserted his own judicial rights. This is clearly expressed in the first article. Ranulf granted his barons the right to judge in their own courts all minor offences committed on their estates, or by their tenants, but the most serious cases, referred to as pleas of the sword here as opposed to the pleas of the Crown in the realm, were to be withdrawn from his barons' courts and subject to the earl's justice in the county court.<sup>13</sup> In doing so, Ranulf more or less formalised its superior position.

On the other hand, Geoffrey Barraclough argues that the county court of Chester only acquired its special status after the death of the last earl in 1237. He notes that in the records, Ranulf often referred to his court (*curia mea*).<sup>14</sup> These references are somewhat confusing, for it is unclear whether by 'his court' Ranulf meant the county court of Chester or his own separate court. This difficulty is best illustrated by the Cheshire Magna Carta in which the earl

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<sup>11</sup> Presumably, Ranulf II (1129-53), Ranulf III's grandfather, may have played a role in the development of the judicial machinery in Cheshire, for he is known to have reformed the honorial administration there, notably the financial organisation, G. White, 'Ranulf (II), fourth earl of Chester (d. 1153)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn, May 2007) [<http://www.oxforddnb.com/view/article/23128>, accessed 5 May 2016].

<sup>12</sup> This charter is still a matter of discussion between historians: Tait argues that Ranulf was forced to 'buy off' his barons with this charter to be able to support the king in the realm, while Barraclough suggests that Ranulf, in granting this charter, and in taking the cross early on in March 1215, 'was anticipating troubles' from discontented barons, *Char. St Wer.*, I, p. 108; *Chs. of Earls of Chester*, p. 392. More recently, White argues that this charter reflected the local barons' concerns to have their own privileges secured by having them written down, G. White, *The Magna Carta of Cheshire* (Chester: Cheshire Local History Association, 2015), p. 30.

<sup>13</sup> White, *The Magna Carta of Cheshire*, pp. 37 and 100.

<sup>14</sup> *Chs. of Earls of Chester*, act 359, p. 358. This reference also appears in a final concord dated on 27 August 1228 at Chester, which was said to be drawn up in the court of Ranulf, earl of Chester and of Lincoln, and which was edited in G. Barraclough, *The Earldom and County Palatine of Chester* (Oxford: Basil Blackwell, 1953), p. 32.

refers on several occasions to his court, the county court, and the hundred courts.<sup>15</sup> The distinction made here suggests that there was an earl's court, but Graeme White in analysing this charter considers that this expression was used as a synonym. This view sounds plausible, since Edward later once referred to the county court as 'our court of Chester'.<sup>16</sup> But Barraclough supposes that in Ranulf III's lifetime, there may have existed an earl's court, superior to that of the county. He goes even further by assuming that the special position of the county court of Chester, with its ability to deal with the most serious offences, may have been created only after 1232, or perhaps, even after 1237, when the last earl of Chester died. After John the Scot's death, the earl's court would have disappeared and its special kind of jurisdiction merged with the county court. As Barraclough comments: 'circumstances after 1237 would favour such a development; earlier, on the other hand, it seems unlikely that there was anything to prevent particularly important or intricate cases being removed from the county-court into the earl's presence elsewhere.'<sup>17</sup>

Even though the origins of the special status of the county court of Chester remain unclear, its internal organisation can be traced in the surviving records. The county court was held at Chester Castle,<sup>18</sup> and usually sat on Tuesday, although some special sittings occurred on other days of the week. According to a Statute of 1540, it was held eight times one year, nine times the next. The same pattern tended to apply in the thirteenth century, even if the sessions were held at irregular intervals, from a fortnight to six weeks. The county court was not presided over by the sheriff, as in other counties, but by the justiciar of Chester.<sup>19</sup>

Under Edward, the county court fulfilled three main functions. It was first and foremost a court of justice with authority to judge civil cases and minor offences, including a considerable quantity and variety of business such as assignments of dower, land disputes,

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<sup>15</sup> White, *The Magna Carta of Cheshire*, pp. 21-2.

<sup>16</sup> *Ibid.*, pp. 36 and 51; TNA CHES 29/1, m. 12.

<sup>17</sup> Barraclough, *The Earldom*, p. 31.

<sup>18</sup> TNA CHES 29/1, m. 1; Calendar, case 5, p. 2.

<sup>19</sup> Calendar, pp. xxiii-xxiv.

wardships and petty thefts.<sup>20</sup> This was nothing exceptional and similar cases were judged in other county courts. As a special court of justice, it also dealt with pleas of the Crown. For 1259-60, various cases have been recorded: they included theft of valuable items, wrongful distraint, attacks on persons and properties, felonies and homicide.<sup>21</sup> The pleas of the Crown in Cheshire were judged at the regular session of the county court, usually after civil litigation had been dealt with, and were recorded on the same membrane of the plea roll. Secondly, the county court was used to enrol charters and other legal records. This was a common way for local communities to record and preserve their deeds.<sup>22</sup> Several enrolments of charters survive in the plea roll of 1259-60. Charters could be read aloud in court in front of a jury, which examined them before enrolling them for preservation.<sup>23</sup>

The third function of the county court of Chester was definitely distinctive: it had authority to decide on legal and administrative procedures in Cheshire. The plea roll of 1259-60 records several examples where the county court established significant changes. These were of two types. First, it could amend its procedures, as it did on 13 January 1260, when the county decided that ‘when any of the barons shall have presented his steward before the justiciar, it is not necessary to present him a second time even if a new justiciar succeeds’.<sup>24</sup> Second, it had the power to introduce new laws; on the session of 1 June 1260 it was decided that ‘when anyone who held land for a term was killed in a felony his chattels and corn both on the land and in his barn must fall to the prince, and the land held for a term remains to the lord of the same.’<sup>25</sup>

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<sup>20</sup> TNA CHES 29/1, mm. 1, 4 and 5; Calendar, case 3, p. 1, case 23, p. 5, case 80, p. 11 and case 111, p. 16.

<sup>21</sup> TNA CHES 29/1, mm. 2, 2 d., 3 and 4 d.; Calendar, case 17, p. 4, cases 42 and 45, p. 7, case 63, pp. 9-10 and case 94, p. 13.

<sup>22</sup> This function was not only performed by the Chester county court: in 1291, one William paid 10s to have ‘the said premises recorded and enrolled in full court’ at the court of the Abbey of Bec, in *Select Pleas in Manorial and Other Seigniorial Courts, Reigns of Henry III and Edward I*, ed. F. M. Maitland (Selden Society, ii, 1889), p. 40.

<sup>23</sup> TNA CHES 29/1, mm. 3 and 4 d.; Calendar, case 90, pp. 12-3 and case 60, p. 9.

<sup>24</sup> TNA CHES 29/1, m. 2; Calendar, case 37, p. 6.

<sup>25</sup> TNA CHES 29/1, m. 4; Calendar, case 88, p. 12. It is the only time when Edward is referred to as prince instead of ‘dominus’.

The terms used in the documents convey the idea that these changes were associated with local communities making decisions through the county court. All five cases recorded in the plea roll are notably preceded by the following references: ‘per totum comitatum’<sup>26</sup> (by the whole county), or ‘coram toto comitatus’<sup>27</sup> (before the whole county), and ‘iudicium comitatum’<sup>28</sup> (by judgment of the county). Such references suggest that these changes occurred without consultation with either Henry III or his son.<sup>29</sup> In the meantime, no mention of such cases appear in the royal chancery or in Edward’s acta, and nothing in their documents shows that their opinion was required on these matters. The original acta may have been lost, but had they existed, they might well have been mentioned in the plea roll, as they were for the different instructions issued by Edward in 1259-60.

Consequently, the county court of Chester, along with its other duties, also possessed the representative function of expressing the interests of the local communities. More than its ability to deal directly with pleas of the Crown, the real power of this court resided in its capacity of reforming the laws and customs of the county, according to the common interest of the local people and without the intervention of the king or his son. Beyond its exceptional nature, this emphasizes once more the independence that local inhabitants enjoyed despite the end of the Norman earldom.

The mentions in the plea roll of such cases, however, remain problematic. The fact that the five entries occurred on the sessions of 13 January 1260 (cases 29 and 37), 1 June 1260 (cases 88 and 180), and 21 September 1260 (case 228), suggests that the county court of Chester was regularly modifying its laws and legal procedures. Yet it remains difficult to determine whether this activity was normal or was linked to wider events taking place

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<sup>26</sup> TNA CHES 29/1, mm. 1 d. and 8 d.; Calendar, case 29, p. 5 and case 180, p. 25.

<sup>27</sup> TNA CHES 29/1, m. 11 d.; Calendar, case 228, pp. 31-2.

<sup>28</sup> TNA CHES 29/1, mm. 2 and 4; Calendar, case 37, p. 6 and case 88, p. 12. Case 88 reads as follows: ‘dictum comitatum pro iudicium quod...’.

<sup>29</sup> Edward’s itinerary, moreover, shows that he remained in the London area for most of 1260, until his visit to Cheshire in late August, Itinerary, pp. 47-52.

elsewhere in the realm at the same time. By January 1260, the lay lords who formerly opposed the king had already published two sets of provisions which aimed to reform and improve the general administration and, more particularly, the administration of justice. These two sets, issued first at Oxford in June 1258, and then at Westminster in October 1259, had encountered great popularity across the realm and were seen as a rallying cry for those who were disappointed by Henry III's rule.<sup>30</sup> It is thus quite possible that the intense legal activity in Cheshire was only the result of the agitation which affected the realm in the same period. On the other hand, it can be plausibly argued that Cheshire did need such events to reform its procedures and that the legal activity suggested in the plea roll may have only reflected the usual practice.

As important as the county court was in Cheshire, it was not the only court of justice. As in the rest of the realm, there were different levels of jurisdiction. Under the county court were the hundred courts. The hundreds were the administrative units of the county, and their numbers varied between counties; there were, for example, about sixty hundreds in Kent and Sussex by the end of the eleventh century, but only seven in Cheshire. In theory, each hundred had its own court of justice, and by the time of Henry III, they apparently met every three weeks and were concerned only with civil litigation, such as trespasses and actions of debts.<sup>31</sup> Unfortunately, it remains unclear how far these general statements about hundred courts were applicable to Cheshire, for no records for these courts have survived. The evidence in the plea roll hardly supplies more information; it only indicates the names of these hundreds, namely Bucklow, Broxton, Eddisbury, Macclesfield, Northwich, Which Malbank and Wirral through

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<sup>30</sup> M. Prestwich, *Edward I* (Berkeley and Los Angeles: University of California Press, 1988), p. 25; M. Morris, *A Great and Terrible King: Edward I and the Forging of Britain* (London: Windmill, 2009), p. 42.

<sup>31</sup> F. Pollock and F. W. Maitland, *The History of English Law Before the Time of Edward I*, 2nd edn, reissued with a new introduction and select bibliography by S. F. C. Milsom (2 Vols., Cambridge: Cambridge University Press, 1968), I, pp. 556-7.

the presentment of the coroners.<sup>32</sup> These presentments listed the most serious crimes committed and were rendered hundred by hundred, as was the case for the session of 16 March 1260.<sup>33</sup>

Honorial and manorial courts also existed in Cheshire. These were private courts of justice and operated in a different system. Honorial courts in Cheshire probably encompassed the jurisdiction of numerous manors at the same time, which formed an honour or a barony, and they were considered as superior courts of justice. As for other honours, these courts were likely to deal with land-tenure, and offences committed upon people and goods within the boundaries of the different manors.<sup>34</sup> There are no extant records for these courts and they are only mentioned briefly in the opening clause of the Magna Carta of Cheshire.<sup>35</sup> The lowest courts were the manorial courts. No evidence on these courts exists for Cheshire either, and it can only be assumed that they merely had authority to judge minor breaches of the law occurring within the limits of each manor's jurisdiction.<sup>36</sup>

As an important city, Chester<sup>37</sup> also had its own court of justice, for which one plea roll has survived. This roll, however, contains later cases and records ninety-three sessions in total, covering the period from 16 February 1287-88 to 18 November 1297. Although there is no direct evidence, it is likely that the functioning and organisation of the city court was similar to the one under Edward's lordship. Based on the surviving roll, about eight or nine sessions were held each year, usually sitting on a Monday, although twelve were held in 1291

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<sup>32</sup> Further information on the hundred court of Wirral can be found in Stewart-Brown, *The Wapentake of Wirral: A History of the Royal Franchise of the Hundred and Hundred Court of Wirral in Cheshire* (Liverpool: Henry Young and Sons, 1907).

<sup>33</sup> TNA CHES 29/1, m. 5; Calendar, cases 100-8, pp. 14-5. These presentments, however, excluded Macclesfield.

<sup>34</sup> Hudson, *The Formation of the English Common Law*, p. 43.

<sup>35</sup> Strictly speaking, this first clause refers here to the barons' courts, Chs. of Earls of Chester, act 394, p. 389.

<sup>36</sup> This was the sort of business that other manorial courts across the realm dealt with, see *Select Pleas in Manorial and Other Seigniorial Courts*.

<sup>37</sup> Chester was not one of the largest cities in England in the thirteenth century, but it was important none the less. Its exact population is impossible to estimate; it was around 2,000 to 2,500 in 1086, and this number was certainly higher when Edward received lordship of the city. Chester was controlled by a mayor, who appeared in the 1240s and who progressively asserted his position, by two sheriffs, and by various sergeants, and the citizens were represented through the portmote, Harris and Thacker, *A History of the County of Chester*, V, part I, pp. 3-4 and 39-42.

and fourteen in 1292. As for the county court, these sessions were held at very irregular intervals, varying from three weeks to over a month, and the justiciar of Chester also presided over this court.<sup>38</sup> More specifically, the city court of Chester had the authority to judge civil litigation, including cases related to trade and business,<sup>39</sup> and, to some extent, criminal litigation, even if evidence shows that it only represented a minor part of its business.<sup>40</sup> Despite these powers, its jurisdiction was restrained by the limits of the city: for example, an assault that occurred in Burton, outside the city, was first prosecuted in the city court of Chester, before being removed by writ to the county court.<sup>41</sup>

The eyre also existed in Cheshire. It is not known when eyres were first introduced in the county, or even whether the earls held them, but one entry in the plea rolls shows that they did take place during Edward's lordship. Indeed, during the county court session of 16 March 1260, a dispute over a writ de nativitate was postponed until an inquiry was made in the eyre at Backford.<sup>42</sup> Yet these eyres seem to have been different from those occurring in the rest of the realm. They did not deal with the pleas of the Crown and, according to the extant records of eyres for Cheshire,<sup>43</sup> they only had the limited power of a sheriff's tourn. They were mostly concerned, therefore, with petty misdeeds such as trespass, default, amercement for assize of ale broken, and purprestures.<sup>44</sup> As the surviving Macclesfield eyre roll reveals, the eyres sat once a year, albeit at different times, and fifteen days' notice was apparently given to local inhabitants before the gathering. Later records indicate that it was held for each hundred in

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<sup>38</sup> Calendar, p. xxviii.

<sup>39</sup> See for example, Calendar, case 9, pp. 152-3 and case 486, p. 195. Such cases, however, were rare.

<sup>40</sup> This roll records, for example, various accusations of homicide, Calendar, case 89, p. 159, case 310, p. 179, and of rape, case 250, p. 173.

<sup>41</sup> Ibid., case 218, p. 170.

<sup>42</sup> TNA CHES 29/1, m. 5; Calendar, case 99, pp. 13-4.

<sup>43</sup> There are different records of eyres that have survived for Cheshire, mostly for the fourteenth century. The earliest concern the hundred of Macclesfield for 1285-88 and 1290, published in Calendar, pp. 207-248.

<sup>44</sup> Ibid., pp. 208-12.

Cheshire, although two hundreds were often paired and presided over by the justiciar, who heard all pleas of the hundred, before dealing with pleas of the forest.<sup>45</sup>

The considerable powers possessed by the county court of Chester and the independence from royal influence were not the only respects in which Cheshire differed significantly from other parts of England; the county was also very unusual in personnel. This was best reflected by the position of the justiciar: unlike the other counties, it was he and not the sheriff, who ran the administration of justice. His primary duty was, first and foremost, to preside over the main courts within Cheshire and most notably, the county court. Despite his prominent position, the justiciar did not judge the cases alone, for this was the responsibility of the doomsmen.<sup>46</sup> The extent of the justiciar's functions in the county court, however, was large. He notably had to examine litigants and their claims: on 16 March 1260, John de Littlebury and his wife Roesse came to the county court having decided to grant all their lands in Cheshire to John de Wetinhale. The justiciar, with other men, inspected the charter, and questioned Roesse separately before enrolling the deed.<sup>47</sup> The justiciar also pointed out any irregularities in proceedings, as occurred during the session of 13 July 1260 when Richard de Brumhale was accused of having killed a young boy with a bow and an axe. The defendant argued that he ought not to answer to a lay tribunal (*foro layco*) since he was a clerk, but the justiciar dismissed his request since Richard had appeared earlier in lay habit and had answered as a layman.<sup>48</sup> A similar case had occurred earlier, on 27 January 1260, when several men of the seneschal of Chester, accused of homicide and arson, answered by *thwertnic*<sup>49</sup> and the justiciar explained that such a response did not serve in this case.<sup>50</sup>

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<sup>45</sup> *Ibid.*, pp. xxix-xxxi and 233-4.

<sup>46</sup> *Ibid.*, p. xxxiii. On the role and origin of the doomsmen, see below, pp. 90-1.

<sup>47</sup> TNA CHES 29/1, m. 5 d.; Calendar, case 114, pp. 16-7.

<sup>48</sup> TNA CHES 29/1, m. 10; Calendar, case 198, p. 27.

<sup>49</sup> For the custom of *thwertnic*, see below, pp. 100-2.

<sup>50</sup> TNA CHES 29/1, m. 3; Calendar, case 68, p. 10.

Due to the complexity of the laws and procedures, the justiciar sometimes required the assistance of the county court to prosecute difficult cases. At the session of 13 January 1260, a writ of ultima presentatione was brought to the court's attention concerning the church of Astbury, the abbot denying the church was vacant. The county decided to make inquiry as to the last presentation, but the abbot refused to return to court. The justiciar sent two knights and other freemen to the abbot, but still he did not appear. The justiciar eventually asked the court how to proceed, and was advised to take the inquisition, which he did.<sup>51</sup> As this case also demonstrates, the justiciar had the duty to compel people to come to court. If the litigants refused to obey, he could ultimately distrain them, which he did at least once in 1260, even though this was usually the duty of the sheriff.<sup>52</sup>

The role of the justiciar in the judicial machinery was not limited to the responsibilities he held in the county court. As for the rest of the administration, he also served as an intermediary between Edward and the different courts in Cheshire, and it was through his justiciar that the king's son delivered justice. Presumably this might also explain why Edward relied almost exclusively on local men with solid experience: he wanted to ensure that good justice was administered while he was away. The plea roll of 1259-60 preserved several instructions he had sent to the justiciar in Cheshire.<sup>53</sup> For example, Edward ordered him to fix a day for the decision in the dispute between the abbot of Chester and Roger de Venables concerning an assize of darrein presentment for the church of Astbury.<sup>54</sup> In another letter, dated 27 December 1259, the justiciar was asked to make a record of an imparlance relating to the dispute over the moiety of the advowson of Mobberley between the prior of Mobberley and Richard canon of Rocester.<sup>55</sup> Edward obviously intended to give further instructions to

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<sup>51</sup> TNA CHES 29/1, m. 3; Calendar, case 56, pp. 8-9.

<sup>52</sup> TNA CHES 29/1, m. 11 d.; Calendar, case 227, p. 31.

<sup>53</sup> Some of these orders, however, were not recorded in Studd, 'A Catalogue'. The contents of these letters are most of the time very vague, and the date and location are not always known.

<sup>54</sup> TNA CHES 29/1, m. 7; Calendar, case 143, p. 21.

<sup>55</sup> Rocester is located in Staffordshire.

the justiciar to judge the suit, which he effectively did until May 1260, as the plea roll of 1259-60 attests.<sup>56</sup> Interestingly, the function of executing royal orders did not stop after Edward ascended the throne; later records show that the justiciar still received mandates from the king to prosecute cases or lead special inquiries.<sup>57</sup>

As the justiciar also regularly travelled beyond the county's limits, notably to meet Edward, he was sometimes replaced by a lesser official, whose exact functions, or even title, remain difficult to determine. It seems that this latter figure could stand in for the justiciar in court; once in 1248-49, the court was presided over by Richard de Vernon, 'vice-regent of John de Grey', the justiciar of Chester at the time.<sup>58</sup> Meanwhile, the letter issued by Edward in August 1259 concerning the assize of novel disseisin for the mill in Crossley was addressed to the justiciar or to 'his deputy'.<sup>59</sup> In November, the barons, knights and other freemen of the county told the king's son that they would obey anyone 'but the chief justiciar, or his deputy' for matters touching the forest.<sup>60</sup> The relationship between the justiciar and his deputy, however, is unclear. It is impossible to know whether he was one of his tenants, or whether he was even appointed directly by the justiciar. One can only assume that he must have been a man of sufficient standing with deep knowledge of the local laws and customs to be able to preside over the court and to deal with specific cases.

Beneath the justiciar was the sheriff. The position he held in the administration of justice in Cheshire was substantially different from sheriffs in other counties: he did not preside over the county court of Chester, nor did he hold tourn in Cheshire. He was, nonetheless, still involved in the functioning of the judicial machinery. Albeit less influential than the justiciar, the extent of his functions was relatively wide. One of his main duties, as

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<sup>56</sup> TNA CHES 29/1, m. 11 d.; Calendar, case 227, p. 31; Studd, 'A Catalogue', acta 753, p. 566 and acta 788, p. 583. Unfortunately, the outcome of this case has not been recorded.

<sup>57</sup> Calendar, case 224, pp. 78-9 and case 171, p. 95 for example.

<sup>58</sup> DRC, p. 32.

<sup>59</sup> BL Additional Ms, 35179, f. 89 d.; Studd, 'A Catalogue', acta 709, p. 545.

<sup>60</sup> TNA CHES 29/1, m. 1; Calendar, case 5, p. 2.

the plea roll reveals, was to preside over assignment of dowers.<sup>61</sup> He also had authority to distrain properties or chattels to force litigants to respect decisions of justice. For example, the sheriff was ordered to distrain Roger de Venables until he admitted the custody on the part of the children of Richard Doun.<sup>62</sup> In another case, the sheriff distrained the chattels of some defendants to compel them to appear in court.<sup>63</sup>

The sheriff could also deal with minor crimes; there is one reference in the plea roll of 1259-60 to an offence committed with a stick which had to be decided by the sheriff.<sup>64</sup> Yet this does not mean that he was always present at the county court sessions. While external evidence indicates that he attended on occasion, it cannot be asserted with certainty whether he was a permanent member or not. Stewart-Brown argues that he was,<sup>65</sup> but surviving records do not mention his presence with any regularity, and it is impossible to know if this was due to scribal convention or to the sheriff's actual absence. The fact that the sheriff sent his deputy for the session of 18 April 1262 tends to indicate that he was a regular member of the county court.<sup>66</sup>

It does not seem that the sheriff of Cheshire was closely involved in the affairs of the city of Chester. This was a different area of jurisdiction which counted at least two sheriffs. Unsurprisingly, evidence from the later city court rolls suggests that the role played by the sheriffs of the city was similar to that of the sheriff of Cheshire. They were concerned with summoning juries to deal with disputes over land,<sup>67</sup> they possessed the power to distrain lands and people,<sup>68</sup> and they also had to compel people to attend court.<sup>69</sup> The sheriffs of the city,

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<sup>61</sup> TNA CHES 29/1, mm. 9 and 11; Calendar, case 186, p. 26, case 223, p. 30 and case 226, p. 31.

<sup>62</sup> TNA CHES 29/1, m. 9; Calendar, case 185, p. 26.

<sup>63</sup> TNA CHES 29/1, m. 3; Calendar, case 63, pp. 9-10.

<sup>64</sup> TNA CHES 29/1, m. 5; Calendar, case 108, p. 15.

<sup>65</sup> Calendar, p. xxvi.

<sup>66</sup> TNA CHES 29/1, m. 1 d.; Calendar, case 237, pp. 33-4.

<sup>67</sup> Calendar, case 156, p. 165 and case 194a, p. 168.

<sup>68</sup> *Ibid.*, case 49, p. 155 and case 140, p. 164.

<sup>69</sup> *Ibid.*, cases 4 and 7, p. 152.

moreover, had the authority to judge simple offences of trespass occurring within the limits of the city,<sup>70</sup> and the right to attach and to detain people for breaches of the law.<sup>71</sup>

Alongside the justiciar of Chester and the sheriffs were the coroners. When they were first introduced in the region is unclear, for they are not referred to in any document before 1259-60.<sup>72</sup> There were usually four per county elsewhere in England.<sup>73</sup> Records of their activity are limited in Cheshire<sup>74</sup> but several of their presentments have survived in the plea roll. As their name indicates (*coronarius*), they were mostly concerned with pleas of the Crown: they did not hear them, but they kept records for the county court. After civil litigation was dealt with, coroners presented the different pleas of the Crown committed in Cheshire, usually hundred by hundred.<sup>75</sup> Like the sheriffs, the city of Chester also had its own coroners; they are mentioned in the city court rolls and it seems that their function was like that of other coroners in the county.<sup>76</sup>

Finally, it is necessary to consider, albeit briefly, the suitors and doomsmen. Suitors in Cheshire were like those in the rest of the realm. As suits of court were based on the tenure of lands for both suitors and doomsmen,<sup>77</sup> they were drawn up from the mass of minor and major landholders in the county. Suitors acted as a link between the judicial machinery and the localities, by coming to the court and relating the various events that had taken place in their

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<sup>70</sup> *Ibid.*, case 209, p. 169.

<sup>71</sup> *Ibid.*, case 346, p. 183 and case 443, p. 191.

<sup>72</sup> According to R. F. Hunnisett, the coroners were officially introduced in the realm in 1194, R. F. Hunnisett, 'The Origins of the Office of Coroner', *Transactions of the Royal Historical Society*, 8 (1958), pp. 85-104, at p. 103.

<sup>73</sup> A. Musson, *Crime, Law and Society in the Later Middle Ages* (Manchester: Manchester University Press, 2009), p. 214.

<sup>74</sup> As judicial officials, the coroners held a wide range of functions. As Hunnisett comments: 'they held inquests upon the bodies of all who died unnaturally, suddenly or in prison, received abjurations of the realm, heard appeals, appeals of approvers and confessions of felony, and attended thereby legalized exactions and outlawries in the county court'. They also had to deal with treasure trove and wreck from the sea, Hunnisett, 'The Origins of the Office of Coroner', p. 89.

<sup>75</sup> This is best illustrated by the county court session of 16 March 1260, TNA CHES 29/1, m. 5; Calendar, pp. 14-5.

<sup>76</sup> Calendar, case 136, p. 163, case 110, p. 161 and case 321, p. 180.

<sup>77</sup> The different lists of suitors and doomsmen that have been preserved complement the meagre list of landholders which has been established through the auxilium of 1252.

manors, while reporting the general orders and decisions which were proclaimed.<sup>78</sup> Doomsmen had a status seemingly different to those elsewhere in the realm, and a status superior to the suitors in Cheshire.<sup>79</sup> Their original number was unknown, perhaps twelve or twenty-four. Their presence, however, was indispensable for the regular functioning of the county court since they judged and rendered judgment.<sup>80</sup> As well as their importance in delivering judgment, it seems that they were essential in shaping and improving the laws and customs in Cheshire, as the various cases mentioned in the surviving plea roll of 1259-60 attest.<sup>81</sup>

## **2: The Law in the County of Chester.**

Considering the distinctive characteristics of the judicial machinery, one might wonder whether the law dispensed in the county was similar to that in the realm or not. Luckily the evidence contained in the plea roll, as well as other records, is sufficient to address this question. Perhaps surprisingly, it seems, firstly, that Cheshire did not necessarily resist the reforms enacted by the king and his officials in the rest of the realm. Three references to the assize of *mort d'ancestor* were recorded in the Domesday Roll of Chester, first in October 1220, then in 1232, and a final one between 1217 and 1232.<sup>82</sup> These entries are crucial for the light they shed on the administration of justice in Cheshire. Indeed, the assize of *mort d'ancestor* was first introduced by Henry II in 1166 in the Assize of Clarendon and then again

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<sup>78</sup> Calendar, pp. xxxii-xxxiii.

<sup>79</sup> This is notably reflected by the provisions contained in the Cheshire Magna Carta: if a doomsman was amerced in the earl's court, he had to pay 2s, while the suitor only had to pay 12d; Chs. of Earls of Chester, act 394, p. 389; Calendar, pp. xxxiv-xxxv.

<sup>80</sup> Calendar, p. xxxiii.

<sup>81</sup> Above pp. 81-3.

<sup>82</sup> DRC, act 6, p. 4, act 16, pp. 7-8 and act 21, p. 9.

in 1176 at the council of Northampton.<sup>83</sup> It concerned land litigation and aimed to protect the right of the tenant's heir: if a tenant died in seisin of a tenement which he held in perpetuity, his heir was entitled to claim its possession against everyone else. This procedure prevented the abuses perpetrated by lords, who, on account of emphasizing their seigniorial claims, sometimes took over the tenements of dead tenants to the detriment of the surviving heirs. With this writ, local communities had a means of retaliation against their direct lord.<sup>84</sup>

The fact that three references to these petty assizes are found in legal documents prior to the annexation of 1237 clearly indicates that, despite their attachment to their laws and customs, Cheshire inhabitants were still open to reforms introduced by the king of England. The dates of these references are also important here, for they correspond to the period 1217-32 when Ranulf III decided to enhance his independence from the king of England – as his alliance with Llywelyn ap Iorwerth, prince of Wales and the construction of Beeston Castle demonstrate.<sup>85</sup> What is true for the assize of *mort d'ancestor* is probably also true of other petty assizes issued by Henry II, such as the assizes of novel disseisin or of darrein presentment: even though there is no direct evidence, it is likely that these were held in Cheshire before the royal takeover of 1237.

Unfortunately, it is impossible to know when or even how these reforms were introduced in Cheshire, although it would have revealed much about the relationship between the earl of Chester and the king. However, various explanations can be advanced. The most obvious is that such reforms were simply introduced in Cheshire by Henry II himself, when he had custody of the county of Chester during Ranulf III's minority (1181-89). Alternatively, these reforms may have been requested by the communities since they provided them with a means to reduce the influence of the earl and of the local barons.

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<sup>83</sup> For the Latin text of the Assize of Northampton, see *Select Charters and Other Illustrations of English Constitutional History: From the Earliest Times to the Reign of Edward the First*, ed. W. Stubbs, 9th edn (Oxford: Clarendon Press, 1913), pp. 179-81.

<sup>84</sup> Pollock and Maitland, *The History of English Law*, II, pp. 147-8.

<sup>85</sup> Thacker, 'The Earls and their Earldom', pp. 17-8.

Similarly, the different statutes proclaimed in the realm during the thirteenth century also applied to Cheshire. This was notably the case with the Statute of Merton. Originally issued a few days after the queen's coronation in 1236 by Henry III, with the assent of the magnates, this Statute dealt with some specific legal issues such as inheritance by heirs and dower, and with the rights related to pasturage.<sup>86</sup> This Statute was referred to on three occasions in Cheshire between 1259 and 1260 and all concerned land litigation: one litigant referred to the Statute in connection with a dispute relating to a hedge, another claimed the right of ploughing and taking the land, and a third justified the right to enclose.<sup>87</sup> Evidence is not only limited to the use of the Statute of Merton. Further references to the Statutes of Westminster (promulgated at Easter 1275) and Gloucester (promulgated in August 1278) can be found in later plea rolls,<sup>88</sup> thus showing that local communities were progressively influenced by royal legislation. In the case of the Statute of Westminster, moreover, Edward I expressly ordered the justiciar of Chester to read aloud these statutes in every market-place, and court in the county and to record them for use in the future.<sup>89</sup>

Evidence does not indicate that the law administered in Cheshire was fundamentally different from the rest of the realm. In both Cheshire and in other counties, for example, comparable procedures were recorded. This was so in the case of attainder which was usually used in certain difficult cases to re-examine a court decision, on the pretext that jurors had violated their original oath or had rendered false judgment. A new jury of twenty-four had to be appointed to review the case.<sup>90</sup> Matthew de Hale used this procedure in the assize against Hamo de Mascy, concerning pasturage in Ringheye. De Hale accused the jurors of having broken their oath, but the later jury of twenty-four rendered judgment in favour of Hamo de

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<sup>86</sup> F. M. Powicke, *King Henry III and the Lord Edward, the Community of the Realm in the Thirteenth Century* (2 Vols., Oxford: Clarendon Press, 1947), I, pp. 148-51.

<sup>87</sup> TNA CHES 29/1, mm. 2, 5 and 7; Calendar, case 33, p. 6, case 110, pp. 15-6 and case 142, p. 20.

<sup>88</sup> Calendar, case 196, p. 75, case 230, p. 101 and case 297, p. 148. These three cases concerned land litigation.

<sup>89</sup> TNA C 66/94, m. 10; CPR 1272-81, p. 104. He also asked every sheriff across the realm to do the same.

<sup>90</sup> Hudson, *The Formation of the English Common Law*, p. 241; Pollock and Maitland, *The History of English Law*, II, p. 665.

Mascy.<sup>91</sup> The settlement of disputes outside the county court also existed in Cheshire and was relatively common: some litigants preferred to reach agreement directly with the other party, without risking a judgment in court.<sup>92</sup> This procedure was used by the prior and monks of Birkenhead who complained that the same Hamo de Mascy had refused their right of common pasture in Budeston. The monks originally tried to reach a settlement outside the court, but their suit was delayed to the next county court ‘in hope of peace’, and a jury eventually rendered a verdict in their favour.<sup>93</sup>

The investigation of the cases relating to dower contained in the plea roll of 1259-60 (more than fifteen) also indicates that common law was administered in the county of Chester. This is first shown by the Magna Carta of Cheshire, for which one provision stated that the widow could remain in the domus in peace for forty days after her husband’s death and that her legacy (*legata*) was secured.<sup>94</sup> This referred back to Magna Carta issued by King John and re-issued by Henry III, which granted a similar right.<sup>95</sup> The size of dower was also identical. Despite slight variations, by the thirteenth century, a widow could not be entitled to less than a third of the lands held by her dead husband during their marriage.<sup>96</sup> The dispute between Sibyl de Holebagge and Hugh de Bickerton concerning dower reveals that this was also the case in Cheshire: the court ruled in Sibyl’s favour that she should receive a third of all the lands in the state in which they existed.<sup>97</sup>

Two other cases involving widows demonstrate strong similarities with legal procedures elsewhere in England. The first concerned a certain Agnes, who claimed dower from several other persons after her husband was killed in felony. Yet according to Bracton, a widow whose husband had died after committing felony did not have any right to the lands

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<sup>91</sup> TNA CHES 29/1, mm. 3 and 4 d.; Calendar, case 53, p. 8 and case 92, p. 13.

<sup>92</sup> Hudson, *The Formation of the English Common Law*, p. 16.

<sup>93</sup> TNA CHES 29/1, m. 7; Calendar, case 137, p. 20.

<sup>94</sup> Chs. of Earls of Chester, act 394, p. 389. On this point, see also White, *The Magna Carta of Cheshire*, pp. 64-9

<sup>95</sup> D. Carpenter, *Magna Carta* (London: Penguin Books, 2015), pp. 40-1.

<sup>96</sup> Pollock and Maitland, *The History of English Law*, II, p. 421.

<sup>97</sup> TNA CHES 29/1, m. 7; Calendar, case 147, p. 21.

belonging to her dower,<sup>98</sup> and the defendants thus claimed that they ought not to answer charges. Agnes eventually lost the case so she had no dower and her son had no inheritance.<sup>99</sup> This was common procedure; the Shropshire eyre roll of 1256 indicates that a certain Edith claimed thirty acres of land as her dower but that her complaint was denied on the basis that her husband had been previously convicted of felony and hanged. Edith was to be amerced, but being poor, she was pardoned.<sup>100</sup> A similar pardon was also recorded in the Cheshire plea roll. After receiving the confirmation of a third of her dower, Sibyl de Holebagge complained under a writ de dote that the grain stored in one of her tenements had been taken away. The defendants responded that it was their right according to the rules of the county, and she lost the case. Sibyl had to be amerced, but like Edith, she was poor and was pardoned.<sup>101</sup>

With regard to criminal litigation, evidence does not suggest either that it was different from other counties, even though certain distinctive characteristics existed. Criminal offences recorded in the plea roll of 1259-60 were mostly of three types: theft, attack on persons or on goods, and homicide. Pretty much all the cases were judged as pleas of the crown. Theft was by far the most common (forty-five cases). Stealing property, however, was a technical concept in the Middle Ages. There were distinctions between theft and robbery, the latter usually involving the use of force and considered as more serious than theft. Bracton states that robbery could be punished by death or mutilation, and by the mid-thirteenth century death was usually the common sentence.<sup>102</sup> This was also true in Cheshire: the coroners for the hundred of Which Malbank presented that a man had been wounded and robbed (*vulneratus*

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<sup>98</sup> Bracton on the Laws and Customs of England, ed. S. E. Thorne (4 Vols., Cambridge: Harvard University Press, 1968-77), III, p. 395.

<sup>99</sup> TNA CHES 29/1, m. 4; Calendar, case 88, p. 12.

<sup>100</sup> The Roll of the Shropshire Eyre of 1256, case 167, p. 71.

<sup>101</sup> TNA CHES 29/1, m. 11; Calendar, case 222, p. 30. This is the only case of pardon related to dower recorded in the plea roll of 1259-60.

<sup>102</sup> As Pollock and Maitland put it, robbers were not motivated by the desire 'for dishonest gain, but [by] vengeance or the prosecution of a feud, and the horse or sword or cloak was seized in a scuffle' Pollock and Maitland, *The History of English Law*, II, p. 494.

fuit et robbatus) at the county court session of 1 June 1260. The aggressors, Henry de Rudale and his accomplices, were eventually arrested and hanged.<sup>103</sup>

Theft, or larceny, was slightly different. In theory, great and petty thefts were to be distinguished from one another, as were manifest and non-manifest thefts. In reality great theft, e.g. when the value of the good stolen exceeded 12d, manifest or not, usually led to a death sentence.<sup>104</sup> Although criminal litigation in the plea roll of 1259-60 rarely reveals the value of goods stolen, the evidence underlines some strong similarities between theory and practice. Capital punishment would still be generally applied for great theft: Wilkin le Best, for example, convicted of several thefts by judgment of the court, was ultimately hanged.<sup>105</sup> William Chapelein, taken by the bailiffs of the barons of Which Malbank whilst in possession of a stolen horse which he claimed as his own, was sent to the county court and condemned to the gallows.<sup>106</sup>

Not all great thefts were settled by the death sentence. Another common way of dealing with such cases was abjuration of the realm. This offered a way for the guilty person to save themselves from the gallows by seeking refuge in a church to escape judgment and condemnation. One of the coroners of the county would, then, come to him, and give him two choices: submit to trial or abjure the realm. Since a trial could mean a capital sentence, especially in a case of great theft, abjuration often appeared a better option. In the abjuration, the accused man, dressed as a pilgrim, left the realm and swore never to return. His lands were escheated and his chattels seized.<sup>107</sup> This was the common procedure in the realm: the

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<sup>103</sup> TNA CHES 29/1, m. 6; Calendar, case 131, p. 19. This is the only case of robbery which has been recorded in the plea roll of 1259-60. It is important to note that in his edition of the plea rolls, Stewart-Brown wrongly translates various cases recorded as 'latrocinium' (theft, or larceny) as robberies.

<sup>104</sup> Pollock and Maitland, *The History of English Law*, II, pp. 495-6.

<sup>105</sup> TNA CHES 29/1, m. 10; Calendar, case 203, p. 28.

<sup>106</sup> TNA CHES 29/1, m. 8; Calendar, case 161, p. 23.

<sup>107</sup> Pollock and Maitland, *The History of English Law*, II, p. 590.

Shropshire eyre roll of 1256 reveals, for example, that in the hundred of Stottesdon, Peter de Hasewell escaped to a church, admitted his theft before the coroners, and abjured the realm.<sup>108</sup>

In Cheshire, the procedure was substantially different. If abjuring was still a possibility, it seems that those who abjured in Cheshire, did not abjure the realm (regnum), but rather, as the records state, the patriam which can be interpreted in this context as ‘county’.<sup>109</sup> Records also indicate that people who abjured in Cheshire only made their way to Stafford, or, in two cases, went beyond the Mersey.<sup>110</sup> In other words, they went North or South, but nothing suggests that they left the realm. This emphasises once more the distinctive jurisdictional character of the county: despite royal control, local communities still saw themselves as belonging to a special area (patriam not regnum), independent and differentiated from the English realm.

This is confirmed by evidence contained in the Shropshire eyre roll of 1256: although bordering Cheshire, all the abjurations recorded indicate that people abjured the realm, not the county.<sup>111</sup> It is not entirely clear, moreover, whether abjuration in Cheshire was performed only in churches before coroners. Geffe, son of Robert, for example, was convicted of many thefts, but being under age he could not be judged. On the advice and supplication of the whole county court, he eventually abjured the county (patriam) and made his way to Stafford. There is no mention, here, of the coroner, or of a church, and everything indicates that the abjuration was performed in the county court. This view is supported by the example of

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<sup>108</sup> The Roll of the Shropshire Eyre of 1256, case 551, p. 212. It is likely that Peter de Hasewell had connections in Cheshire; the inquest of lands of 1252 for Cheshire shows that Patrick de Hasewell held with two other men one knight’s fee in the county. The plea roll also mentioned Patrick as part of a jury for partitions of land, and in another case against Sibil, lady of Goldbur, TNA CHES 29/1, m. 1 d.; Calendar, pp. xlvi-xlvii, case 7 pp. 2-3 and case 28, p. 5.

<sup>109</sup> TNA CHES 29/1; mm. 5 and 7; Calendar, case 98, p. 13 and case 140, p. 20. As Altschul points out, the term ‘patriam’ was usually used to refer to the Welsh ‘commote’, which was a local unit of tribal organisation in the marches, M. Altschul, *A Baronial Family in Medieval England: The Clares, 1217-1314* (Baltimore: The Johns Hopkins Press, 1965), p. 242.

<sup>110</sup> TNA CHES 29/1, mm. 7 and 10; Calendar, case 134, p. 19 and cases 199-200, p. 27.

<sup>111</sup> The Roll of the Shropshire Eyre of 1256, case 506, p. 201, case 592, p. 223, case 611, p. 228, case 722, p. 253, case 818, p. 281, case 856, p. 289, case 883, p. 294 and case 904, p. 299.

Wilkin de Horton, who, likewise having been convicted of thefts and felony while being under age, also abjured Cheshire on supplication of the county court.<sup>112</sup>

As for petty theft, there is no mention in the records of ‘softer’ corporal punishments which were applied elsewhere in the realm.<sup>113</sup> Yet a financial penalty could still be exacted upon the guilty party. Even though few details remain, the amount of the penalty was probably related to the value of goods stolen. The highest penalty mentioned in the plea roll of 1259-60 was of 2s, inflicted upon Thedrusc de Weverham for many thefts.<sup>114</sup> Most of these amercements were then recorded and enrolled, as was the case for William Crispin who was charged with stealing fowls.<sup>115</sup>

Trial by battle was also used in Cheshire to determine guilt and settle disputes.<sup>116</sup> The plea roll of 1259-60 only records two examples. The first was between Adam de Witeby and John de Albo Monasterio. Adam accused John of having stolen his mare in common pasture, but he denied the charge and offered a trial by battle. On the appointed day, both men appeared fully armed before the county court, and fought. Although death was not necessarily the outcome, on this particular day, Adam de Witeby killed John de Albo Monasterio and took away the mare with him, thus settling the prosecution.<sup>117</sup> The second record concerned Roger Note Hok. His case was different: he offered trial by battle for a suit after being charged with having stolen three cows, but he was sent to jail instead and eventually hanged.<sup>118</sup>

Despite its gravity, the plea roll of Cheshire for 1259-60 records almost twenty five cases of homicide. Homicides in both the county of Chester and elsewhere were dealt with in more or less the same way. There was first the distinction between intentional and

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<sup>112</sup> TNA CHES 29/1, mm. 5 and 7; Calendar, case 98, p. 13 and case 134, p. 19.

<sup>113</sup> For petty theft, punishment included whipping, the tumbrel, or the loss of an ear, see Pollock and Maitland, *The History of English Law*, II, pp. 497-8.

<sup>114</sup> TNA CHES 29/1, m. 2 d.; Calendar, case 14, p. 4.

<sup>115</sup> TNA CHES 29/1, m. 2; Calendar, case 46, p. 7.

<sup>116</sup> Hudson, *The Formation of the English Common law*, pp. 111-2.

<sup>117</sup> TNA CHES 29/1, m. 8; Calendar, case 162, p. 23.

<sup>118</sup> TNA CHES 29/1, m. 3; Calendar, case 65, p. 10.

unintentional homicide (self-defence or misadventure). A man who committed such an offence could seek a pardon and this was common procedure during Henry III's reign: an inquest would be held by the sheriff or the royal justices in the eyre, and if self-defence or misadventure was proven, a pardon was usually granted.<sup>119</sup> Similar inquests were held in Cheshire. During the session of 31 August 1260, the court heard how James, reeve of Bertherton, killed Thomas Mustrel. James put himself on an inquest and was eventually acquitted.<sup>120</sup> Inquests were also necessary when a corpse was found and the murderer unknown. After a boy was discovered dead by his father at Dodcot in May 1260, the township was put on an inquest to determine whether they knew who had committed the crime. The people alleged that it was a ribald named Robert de Ithefeld who was the murderer. Robert was summoned to attend at three court sessions but he never appeared.<sup>121</sup>

In the case of intentional homicide, as Robert de Ithefeld's case illustrates, a person who killed another in both Cheshire and other counties had two options: submit to a trial or flee. Trial, however, was a risky bet and the killer was still likely to lose his life, usually at the gallows. Osbert de Bertumleg, for example, accused of having cut off the head of Hiche the miller in his own house, put himself into an inquisition but was judged guilty and eventually hanged.<sup>122</sup> Yet, as risky as trial could be, fleeing was hardly more enviable. A man who was suspected of committing a homicide was called at four successive county courts to answer for his actions. The process was rather long (about five months), but it provided a chance for those who were suspected of homicide to save themselves from the gallows. If they failed to appear at any of these sessions, they were outlawed: their lands were taken away by their lord, their chattels were seized by the king, and they were meant to be captured.<sup>123</sup> Two examples preserved in the plea rolls indicate that the same procedure existed in Cheshire. First, Alecoc,

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<sup>119</sup> Bracton, II, p. 384; Pollock and Maitland, *The History of English Law*, II, p. 480.

<sup>120</sup> TNA CHES 29/1, m. 10; Calendar, case 205, p. 28.

<sup>121</sup> TNA CHES 29/1, m. 8 d.; Calendar, case 168, p. 24.

<sup>122</sup> TNA CHES 29/1, m. 8 d.; Calendar, case 178, p. 25.

<sup>123</sup> Pollock and Maitland, *The History of English Law*, I, p. 477 and II, p. 581.

son of Richard de Praers, killed Thomas son of Randle de Pulton. Summoned to attend at four county courts, Alecoc never appeared, and was outlawed.<sup>124</sup> A comparable fate awaited Richard son of Adam de Kelsall, who was outlawed for the death of his brother, Robert, after failing to come to court.<sup>125</sup>

With regard to the law administered, it seems in reality that the only respect in which Cheshire differed significantly was the regular use of the custom of *thwertnic*. Both Stewart-Brown, and more recently, Graeme White have commented extensively on this custom and there is no need to repeat here what they have already detailed.<sup>126</sup> Yet the conclusions they reached remain tentative due to the inconclusive nature of the evidence. It is unclear when *thwertnic* first appeared in Cheshire; its earliest mention is not before 1215 at least. As the fourth provision of the Cheshire Magna Carta reveals, the practice of ‘*thwertnic*’ refers to pleading in court: ‘and if my sheriff or any serjeant in my court shall have accused any one of their men, he may defend himself by *thwertnic* on account of the *sirevestoth* which they pay, unless the suit pursues him’.<sup>127</sup> With this right, an accused person could formally deny the criminal offence he had allegedly committed. This was rather convenient, for the common procedure was usually complex. This is best exemplified by John Huwes’ case in the court of the abbot of Bec: accused by the steward in 1288-89 of having violated some rights of common pasture, John had to deny the charge word by word.<sup>128</sup> By answering the charge with *thwertnic*, which derived from Old Norse meaning a ‘thorough no’ (‘I deny it all’), the defendant did not have to answer the accusation word by word, and thus avoided the risk of being judged guilty for not having responded correctly to the accusation.<sup>129</sup>

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<sup>124</sup> TNA CHES 29/1, m. 2; Calendar, case 42, p. 7.

<sup>125</sup> TNA CHES 29/1, m. 3; Calendar, case 55, p. 8.

<sup>126</sup> Stewart-Brown, ‘*Thwert-ut-nay* and the Custom of ‘*Thwertnic*’ in Cheshire’, *EHR*, 40 (1925), pp. 13-21; White, *The Magna Carta of Cheshire*, pp. 41-50.

<sup>127</sup> White, *The Magna Carta of Cheshire*, p. 21.

<sup>128</sup> *Select Pleas in Manorial and Other Seigniorial Courts*, p. 32.

<sup>129</sup> White, *The Magna Carta of Cheshire*, pp. 42-3.

More specifically, answering by thwertnic was a way for a defendant to escape judgment in the earl's court, and supposedly after 1237, in the county court. To be effective, the defendant had to deny formally the plaintiff's allegation in court. This could be done several times and four sessions were usually required, even if in certain cases, two or three proved enough.<sup>130</sup> If there was no support for the charge, that is, if the accusation was not prosecuted further, the defendant was acquitted and his lord then had the possibility of 'reclaiming' him in his own court. This, however, was not always successful. Some men of the seneschal of Chester were accused of murder and arson, for which they first answered by thwertnic, but the justiciar said that such an answer did not serve in this case. The bailiff of the seneschal then claimed the said men at bail, but this was also refused by the justiciar. The men accused eventually asked to be put on the inquisition, by which they were ultimately acquitted.<sup>131</sup>

Answering by thwertnic offered a double advantage to both the defendant and his lord: the lord could enjoy profit, through the seisin of chattels or lands, while the man accused could expect a softer punishment.<sup>132</sup> As White points out, moreover, the custom of thwertnic was also a way for the local lords to protect their men from the potentially oppressive activities of the earl's and, later, of Edward's officials.<sup>133</sup> It is thus no surprise to find this custom being confirmed in the Cheshire Magna Carta.

Yet thwertnic could not be used in every case; it did not apply, for example, to pleas of the Crown.<sup>134</sup> It could also be dropped before it was effective; Eynon son of Sanne, who was accused of having stolen a hive of bees, defended at the first session of the county court by thwertnic, but at the second session, he put himself into an inquest and was eventually

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<sup>130</sup> TNA CHES 29/1, m. 8 d.; Calendar, case 175, p. 24; Stewart-Brown, 'Thwert-ut-nay and the Custom of Thwertnic', p. 19.

<sup>131</sup> TNA CHES 29/1, m. 3; Calendar, case 68, p. 10.

<sup>132</sup> Stewart-Brown, 'Thwert-ut-nay and the Custom of Thwertnic', p. 20.

<sup>133</sup> White, *The Magna Carta of Cheshire*, p. 49.

<sup>134</sup> TNA CHES 29/1, m. 3; Calendar, case 54, p. 8.

acquitted.<sup>135</sup> It is not entirely clear, in addition, who could use *thwertnic* and who could not. While the Magna Carta of Cheshire seems to imply that this right could be enjoyed only by barons' men, that is their tenants, one case in the Macclesfield eyre roll in 1286 indicates that William de Chisseworth, taken on suspicion, paid half a mark to deny the charge by *thwertnic*, which suggests that other persons in the county could enjoy this right.<sup>136</sup> Whether it was also the case during Edward's lordship is uncertain as seven of the eight references to the use of *thwertnic* in the plea roll of 1259-60 concern men belonging either to the seneschal's or the constable's liberty, the traditional barons of the earl of Chester. With regard to the last case, nothing suggests that William de Bostok, who answered by *thwertnic*, was not a baron's man.<sup>137</sup>

Overall, the evidence contained in the different plea rolls clearly emphasises the ambiguous position of the county of Chester during the thirteenth century. On the one hand, local communities were firmly conservative and adamant about preserving the administrative and legal framework inherited from the earls. On the other hand, records clearly show that measures originally introduced in the realm by the king spread to Cheshire, thus showing the popularity of common law procedures,<sup>138</sup> and that they were used normally there as in any other county. The law administered in the county was not so different from the rest of the realm, even though certain regional characteristics still existed. Interestingly, the analysis of the judicial organisation in Cheshire also shows that Edward did not attempt to modify it, and this indicates that, as for the rest of the administration, he was careful about preserving the existing administrative structure.

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<sup>135</sup> TNA CHES 29/1, m. 10; Calendar, case 206, p. 28.

<sup>136</sup> Calendar, case 24, p. 226.

<sup>137</sup> TNA CHES 29/1, m. 1; Calendar, case 5, p. 2.

<sup>138</sup> For this particular subject, see notably Carpenter, *The Struggle for Mastery*, pp. 233-42.

### 3: The Lord Edward and the Administration of Justice in the County of Chester

Investigating Edward's administration of justice in Cheshire leads inevitably to an analysis of his wider relationship with the law. Addressing such an issue is difficult for two main reasons. The first is that, as noted above, contemporaries held contradictory views about Edward's administration of justice.<sup>139</sup> The second reason is that many historians have presented Edward as a legislator king, anxious to dispense good justice to all. A great part of this reputation, based on his legal achievements, was certainly deserved and led Sir Edward Coke, a seventeenth-century judge and scholar, to describe him as the 'English Justinian'.<sup>140</sup> This view was commonly acknowledged and has continued to influence other English scholars such as Stewart-Brown, who believes that the 'experiments in his county court of Chester' performed by Edward at the time may explain 'the successes achieved in legal reforms by that king.'<sup>141</sup> There is a risk, therefore, of regarding Edward's lordship of Chester in the light of his later legal achievements as king.

In the 1960s, Kenneth McFarlane was the first to challenge his reputation as legislator. In an interesting article in which he investigates the attitude that Edward I adopted with certain earls, he demonstrates that the king was ready to manipulate law to his own advantage when extensive territorial possessions could be gained. Like the anonymous author of *The Song of Lewes*, McFarlane considers that 'even in the very last year of his life Edward I was still inclined to prefer his own wishes to his own laws'.<sup>142</sup> Two decades later, Prestwich argues that, although Edward I wished to dispense justice to everyone and to improve litigation, his concerns were primarily practical.<sup>143</sup>

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<sup>139</sup> Above, p. 76.

<sup>140</sup> E. Coke, *The Second Part of the Institutes of the Laws of England: Containing the Exposition of Many Ancient and Other Statutes* (2 Vols., London: Clarke and Sons, 1809), I, p. 156.

<sup>141</sup> *Calendar*, p. xvi.

<sup>142</sup> K. B. McFarlane, 'Had Edward I a Policy Towards the Earls?', *History*, 50 (1965), pp. 145-59, at p. 151.

<sup>143</sup> Prestwich, *Edward I*, pp. 269-70 and 294-7.

Recent research has shed more light on the subject. Marc Morris suggests that, despite the remarkable improvements in litigation achieved during the first years of his reign, in reality, Edward I had only a limited interest in law and in the administration of justice.<sup>144</sup> For Caroline Burt, Edward was clearly driven by the desire to restore the Crown's rights and give better access to royal justice for everyone who sought it, although he could occasionally disregard the law when it suited him. She also argues that Edward had a clear understanding of the general issues that plagued his administration of justice, notably the corruption and the misdeeds of his officials, and that he was ready to intervene personally to solve these problems. Overall, as she notes, even though Edward encountered certain hindrances, the administration of justice did improve during his reign.<sup>145</sup> Similarly, in his analysis of the relationship between the king and his earls, Andrew Spencer shows that Edward I was fairer than his father or his son, for he did not hesitate to judge the men who were close to him, even trusted earls such as those of Gloucester and Warenne. Edward's approach was pragmatic: he wished to enforce the Crown's rights and did so with care to prevent conflict. Moreover, Spencer argues that Edward's justice was not restorative, but rather expansionist, something notably reflected by his success in introducing royal justice in marcher lordships. Yet Edward's initiatives were not always successful. This is best exemplified by the quo warranto campaign which aimed to investigate private rights of jurisdiction, and this indicates that, even though Edward was motivated by his desire to improve justice, he did not necessarily have the practical understanding of how to do so.<sup>146</sup>

Interestingly, the evidence contained in the various Cheshire plea rolls and in Edward's surviving documents present a picture which is far more in line with what both Spencer and Burt have recently argued. There are, indeed, multiple references to Edward and

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<sup>144</sup> Morris, *A Great and Terrible King*, p. 366.

<sup>145</sup> See C. Burt, *Edward I and the Governance of England, 1272-1307* (Cambridge: Cambridge University Press, 2013).

<sup>146</sup> A. Spencer, *Nobility and Kingship in Medieval England: The Earls and Edward I, 1272-1307* (Cambridge: Cambridge University Press, 2014). See notably pp. 65-76.

records clearly indicate that he may have been more concerned with justice than previously thought. This was true in Cheshire, but also more widely in the rest of his apanage. It is unclear, however, whether he developed a genuine interest for law in his early years. Little is known of his education. According to Matthew Paris, Hugh Giffard was Edward's teacher, but what he taught him remains unknown.<sup>147</sup> Henry III's eldest son probably learnt the basics of reading, geography and history, as was common for thirteenth-century aristocratic children. Morris supposes that special care may have been focused on history, particularly that of the royal family, which outlined a variety of individuals, such as Richard I, whose achievements would inspire and develop Edward's ability to rule.<sup>148</sup> After 1246, Edward was initiated into a martial education, which included the use of weapons such as the bow, sword and lance, as well as learning to ride and hunt. It is probably during these years that Edward also developed a taste for chivalry.<sup>149</sup> From 1250 onwards, he also travelled regularly with his own household, visiting different royal residences, such as Woodstock, Oxford, Silverstone, Guildford, Havering, and Gillingham.<sup>150</sup> When Edward was granted his apanage in February 1254, some of his tutors continued to accompany him in the following months.<sup>151</sup>

Even though there is nothing to suggest he developed a special interest in law, or that he received a specific education in legal matters, Edward was actively involved in the justice in Cheshire. A very good case in point was the dispute between Roger de Venables and the abbot of Chester over the vacancy of the church of Astbury in 1260. Edward had originally asked the justiciar of Chester to send him the records of the assize of darrein presentment held

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<sup>147</sup> Hugh Giffard and his wife Sybil cared for Edward in his early years. Hugh was formerly constable of the Tower of London and he died shortly before Edward's seventh birthday, CPR 1232-47, pp. 127, 237 and 481; Chron. Maj., IV, p. 553.

<sup>148</sup> Morris, *A Great and Terrible King*, p. 8.

<sup>149</sup> Receiving a martial education at an early age was nothing exceptional for aristocratic children. About a century earlier, William Marshal, when he was only five or six, was reported 'playing knights' with King Stephen, N. Orme, *From Childhood to Chivalry: The Education of the English Kings and Aristocracy, 1066-1530* (London: Methuen, 1984), p. 184.

<sup>150</sup> Prestwich, *Edward I*, p. 7.

<sup>151</sup> This was the case with Bartholomew Pecche, for example, who was with Edward in Spain for his wedding in late September 1254, in Morris, *A Great and Terrible King*, p. 19.

in his county court (*in curia nostra cestrie*). After examining the case, Edward ordered the justiciar to admit the objection the abbot had raised that the church was not vacant, and asked him to remit the matter to the bishop of the diocese (the bishop of Lichfield and Coventry), if the abbot wished to maintain his objections, before proceeding to judgment on a specific date. Roger de Venables, however, alleged that he had not been duly summoned in court – he had apparently been summoned only four days before – and thus the case was postponed for a fortnight. In the following session, Venables argued that the abbot had misrepresented the matter to Edward and his council, for the writ he had received from the king's son was of a later date than that of the abbot. Venables ordered the case to proceed according to the customs of the county (*secundum consuetudines comitatum*). The abbot, on the other hand, replied that the mandate he had obtained from Edward should be executed, in response to which the justiciar said that he had done so and that when he would receive the reply from the bishop concerning the vacancy, it would be possible to proceed further. The bishop's response was eventually known after an inquest was made. Bringing the bishop's letter in court on 13 July 1260, the abbot of Chester declared that the church was not vacant. It was thus decided that the parson should enjoy possession of the church and that, when a vacancy occurred, Roger de Venables should prosecute his claim to the advowson as he might find expedient. Finally, on 31 August 1260, Edward wrote to the justiciar of Chester to instruct him that, as Venables had presented a clerk to the bishop of Lichfield on account of an assize formerly taken, he should cancel whatever had been done by the aforesaid inquisition.<sup>152</sup>

Beyond the information it supplies on local affairs,<sup>153</sup> this case is particularly interesting for the light it throws on Edward's attitude and his role in the administration of justice in Cheshire. As this dispute reveals, he took a personal interest in the litigation, notably in addressing the different parties involved and in listening to their arguments

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<sup>152</sup> TNA CHES 29/1, mm. 7, 9 d. and 12; Calendar, case 143, p. 21, case 193, p. 26 and case 233, pp. 32-3.

<sup>153</sup> Interestingly, this case was mentioned in the *Annales Cestrienses*, Ann. Cest. pp. 76-9.

separately. This is also reflected by the instructions he issued to his officials, and by the different mandates and writs he sent to the litigants. This seems to have been a relatively common procedure. In the partition of the lands of David de Malpas, for example, the jurors were ordered by Edward to deal with the suit according to the rules he had established with his council.<sup>154</sup> He also regularly launched inquisitions to investigate certain cases. The dispute concerning Adam, son of William, and Guy de Provence was settled in favour of the latter after an inquisition was taken by writ of Edward.<sup>155</sup> Similarly, in the suit between Patrick de Neston and Cecily, widow of William de Deganwy, and others for a tenement in Brocton, it was agreed by the barons of the said liberty and by the justiciar to adjourn the case to the next county court session, so that an inquiry might be made by ‘the desire and the council of Edward’.<sup>156</sup>

Edward could also act as warrantor for some of the litigants in Cheshire. This was nothing exceptional: lords usually acted as warrantors for their men and it was their duty to defend their tenants ‘against all men who can live and die’ if ever they were attacked by process of law.<sup>157</sup> The plea roll indicates that Edward acted twice as warrantor, once in the suit concerning the dower of Mabil, widow of Richard de Doun, and again when he warranted William son of Iowel, by letters patent.<sup>158</sup>

Records also demonstrate that Edward did not decide alone on the procedures to follow; several cases reveal the existence of a council. Unfortunately, the evidence does not provide much detail and it is unclear how it was organised. It is likely that it was formed by the men of his household who accompanied him across the realm. Litigants and officials in Cheshire could appeal to the king’s son concerning various disputes. Presumably, they would send letters or come to Edward in person to explain their situation. The king’s son would,

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<sup>154</sup> TNA CHES 29/1, m. 1; Calendar, case 2, p. 1. As the writing is faded, the roll is quite indistinct.

<sup>155</sup> TNA CHES 29/1, m. 4 d.; Calendar, case 94, p. 13.

<sup>156</sup> TNA CHES 29/1, m. 12; Calendar, case 230, p. 32.

<sup>157</sup> Pollock and Maitland, *The History of English Law*, I, p. 306.

<sup>158</sup> TNA CHES 29/1, m. 4; Calendar, case 75, p. 11 and case 86, p. 12.

then, examine and discuss with his council the different claims before issuing instructions to the litigants or to the justiciar of Chester, as he did in the dispute between the abbot of Chester and Richard de Venables.<sup>159</sup>

Although its principal function was to inspect and to discuss how to deal with the different cases presented, one example suggests that this council also had authority to judge. This concerned the dispute between the daughters of David de Malpas over the partition of the lands he formerly held. Originally initiated in the county court prior to November 1259, this dispute lasted for several years due to the inability of the two parties to accept a settlement. Edward took an early interest in this case, notably as we have seen, by ordering the jurors appointed to act according to the rules he had made with his council. Despite these instructions, the jurors failed to please both parties: Urian de St Pierre and his wife Idonea agreed with the partition, but William, son of Robert Patrick, and his wife refused their share, which was eventually taken into Edward's hands, arguing that the division of lands was unjust. In February 1262, the parties again appeared in court, but Urian and Idonea produced letters from John le Breton, the seneschal of the king's son, saying that the justiciar was not to prosecute the case for it 'had been determined before Edward and his council'. It had been decided that as the lands of David de Malpas had been divided into two main parts by men elected for the purpose by consent, the dispute was over. Yet, surprisingly, this did not suffice. Prosecutions continued until April 1262, when the two parties finally settled their differences and agreed on common partition of the lands.<sup>160</sup>

Edward's council was different from the curiae which are also mentioned in his surviving documents. Indeed, records indicate that Henry III's eldest son held courts similar to the courts *coram rege* while he travelled in his dominions. The types of cases dealt with in these courts are unclear, but the surviving records suggest that they concerned civil business.

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<sup>159</sup> On Edward's council, see H. Wait, 'The Household and Resources of the Lord Edward, 1239-1272' (University of Oxford, unpublished D.Phil thesis, 1988), pp. 283-5.

<sup>160</sup> TNA CHES 29/1, mm. 1 and 1d.; Calendar, case 2, p. 1, case 7, pp. 2-3 and case 237, pp. 33-4.

As for the court *coram rege*, people were summoned to appear in the court before the king's son where he was, and the cases were settled directly.<sup>161</sup> Such *curiae*, however, seem to have existed only for matters related to Gascony and Ireland, for nothing in the records shows that any of the cases prosecuted in the county court of Chester were ever judged in this type of court.

The fact that Edward was able to intervene personally to determine the outcome of certain cases indicates that he was aware of a significant part of the litigation that was treated in the county court. The dispute between Roger de Venables and the abbot of Chester is here particularly revealing. Although Edward's itinerary shows that he remained in the London area for most of 1260, he was still able to issue instructions to the different parties involved in Cheshire.<sup>162</sup> To do so, he had previously ordered the justiciar of Chester to send to him in London within a fortnight after Easter the records of the assize of *darrein presentment* and of the suit concerning the church of Astbury.<sup>163</sup> This seems to have been a common practice for the king's son: in the dispute between Ralph de Mobberley and Richard, canon of Rocester (Staffordshire), relating to a moiety of the advowson of Mobberley, he ordered that the records of this suit should be sent to him, sealed by the justiciar of Chester (Fulk de Orreby) and four other knights.<sup>164</sup> As for issuing the charters related to the county of Chester, this demonstrates that Edward was relatively well-organised, for he was able to follow affairs dealt with in Cheshire even when he was away. In addition, he also sent his own men to the region to oversee certain cases; in the proceedings concerning David de Malpas' inheritance,

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<sup>161</sup> TNA C 61/2, mm. 8 and 11, and SC 1/12/13; Studd, 'A Catalogue', acta 145-6, pp. 261-3, acta 269, p. 325 and acta 981, p. 700. There are also two cases related to two squires released from prison, who had to come before Edward in his court to answer complaints, although the offences they had committed are not mentioned, TNA C 61/3, m. 2; Studd, 'A Catalogue', acta 340, p. 363 and acta 349, pp. 367-8. This court also had authority to inspect and to enroll charters, TNA C 61/4, m. 2; Studd, 'A Catalogue', acta 830, p. 603.

<sup>162</sup> Edward remained in the London area from the beginning of February until the beginning of August when he paid a brief visit to Cheshire, Itinerary, pp. 47-52.

<sup>163</sup> TNA CHES 29/1, m. 11; Calendar, case 225, pp. 30-1; Studd, 'A Catalogue', acta 772, p. 575.

<sup>164</sup> TNA CHES 29/1, m. 11 d.; Calendar, case 227, p. 31; Studd, 'A Catalogue', acta 753, p. 566.

the jury which was appointed to decide over the partition of the lands was said to be chosen by ‘common consent, in the presence of Roger de Leybourne, deputy of Edward’.<sup>165</sup>

Edward does not appear to be involved in criminal litigation as much as in civil litigation. He is only mentioned in three cases judged as pleas of the Crown, and he only intervened personally twice. None of these offences were serious crimes. In the first, the coroners of Wirhal reported that Adam de Praers broke the fastenings (*serruras*), which in Edward’s name had been placed on the chattels of a certain Henry who had been charged with felony. Praers did not appear in the first court when he was called, but came in the second and was eventually acquitted.<sup>166</sup> In the second case, an inquest was made by writ of Edward concerning the land of Hanton and half a mill of Eggerton conferred by William de Malpas on his son Roger. The jury of inquisition found that William was of sound mind at the time of the grant, and that Roger had been in seisin when he was ejected by Gilbert Talbot.<sup>167</sup> In the last case, the warranty between William Lancelin and his wife on one side, and Richard, son of Richard de Doun, on the other, was put in respite by Edward’s command.<sup>168</sup>

Edward’s limited involvement in criminal as opposed to civil litigation remains difficult to explain. It might tentatively be argued that considering the complexity of the pleas of the Crown cases, he thought it safer to leave the matter to the appreciation and judgment of the county court of Chester. Civil litigation, moreover, was usually of a more sensitive nature than simple law-breaking, as it involved land or rights, and was probably of more interest to Edward. It is also possible that local communities were reluctant to see criminal offences committed within the county being dealt with beyond the Cheshire boundaries. This idea is notably supported by one case which is not recorded in the plea roll. It concerns William Boydel and Hamo de Mascy, two important local landholders, who were ordered on 5

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<sup>165</sup> TNA CHES 29/1, m. 1; Calendar, case 7, pp. 2-3.

<sup>166</sup> TNA CHES 29/1, m. 2 d.; Calendar, case 19, p. 5.

<sup>167</sup> TNA CHES 29/1, m. 3; Calendar, case 52, p. 8.

<sup>168</sup> TNA CHES 29/1, m. 5; Calendar, case 96, p. 13.

September 1260 to appear at Shotwick before the king's son to answer to certain crimes.<sup>169</sup> William de Boydell was accused of having stolen Edward's cows, then taken by the Welsh and retained in Wales, while the activities of Hamo de Mascy had provoked complaints from the poor.<sup>170</sup> On 6 September, however, the barons returned to Shotwick, unanimously telling Edward's familia that they would answer for any complaints or trespasses committed in the county court only, and before the justiciar of Chester, or in Edward's presence. This stresses the importance of the county court, for Shotwick was in the county and was located only six miles North-West of Chester.<sup>171</sup>

On the other hand, evidence shows that Edward was entitled to deal with the most serious offences. This is revealed by the charter of privileges which he issued for the burgesses of Macclesfield on 29 May 1261.<sup>172</sup> The provisions granted in this charter were not necessarily exceptional: the town was to be a free borough and the burgesses were to have a merchant guild and various exemptions from common taxes. More specifically, Edward granted that if any of the burgesses 'was to fall in our mercy for any forfeiture, [he or she] shall not give but 12d before the judgment, and after the judgment, a reasonable amercement according to extent (quantitatem) of the offence, unless that forfeiture pertains to our sword'.<sup>173</sup> This is the only existing mention of Edward's pleas of the sword and it was an obvious reference to Ranulf III's own such pleas.<sup>174</sup> The exact criminal business which was encompassed by these is uncertain, but it is likely that they were similar to pleas of the Crown

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<sup>169</sup> According to the 1252 inquest of lands, Hamo de Mascy possessed five knights' fees in Dunham Massey, and William de Boydell held four knights' fees and a half at Dodleston, Calendar, pp. xlvi-xlvi.

<sup>170</sup> 'Willelmo de *Boydell* per cuius delicta et latronum suorum boves domini Edwardi capti fuerunt per Wallenses et fugati ac detenti in Wallia et Hamoni de Mascy de quo quamplures paupers questi sunt domino'.

<sup>171</sup> TNA C 61/4, m. 1 d.; Studd, 'A Catalogue', acta 844, p. 610.

<sup>172</sup> This is the only charter of privileges that has survived concerning Cheshire.

<sup>173</sup> Cheshire Record Office LBM/31 1/1; Studd, 'A Catalogue', acta 865, p. 621. The idea of being amerced reasonably and according to the offence committed is notably expressed in article 20 of Magna Carta granted by King John, see Carpenter, Magna Carta, pp. 46-7.

<sup>174</sup> See above, p. 79. There is a reference to Edward's pleas on the county court session of 18 November 1259, TNA CHES 29/1, m. 1; Calendar, case 5, p. 5.

elsewhere in the realm.<sup>175</sup> In referring to pleas of his sword in Cheshire, Ranulf III wanted to assert his local authority over the region, while enhancing his independence from the rest of the realm. It is not surprising, therefore, to note that pleas of the sword are mentioned in both Lucian the Monk's *De Laudae Cestrie*, a eulogistic history of Cheshire written at some point between 1188 and 1215, and in the *Magna Carta* granted by Ranulf III.<sup>176</sup>

The fact that Edward mentioned his pleas of the sword in this charter is highly significant. It underlines first his attempt to draw connections with the earls of Chester, a policy which was already reflected by his choices of justiciar.<sup>177</sup> By referring to the earls' past privileges, Edward certainly intended to benefit from their prestige and, like Ranulf III before him, it was a means of enhancing his own independence, and, potentially, of increasing his revenues from amercements. Furthermore, this stresses the extent of the judicial powers conferred upon him when he was granted the lordship of Cheshire. Having the possibility to deal with the most serious offences committed in the county meant that he had absolute freedom to administer justice without any interference. He was, in other words, the only source of justice, as the earl used to be.

There is other evidence to support this idea. Unlike the rest of the administration, documents do not indicate that Henry III tried to interfere with litigation in Cheshire. Only one example was recorded and seems to have been rather exceptional, for as Studd remarks, it was entered in the *curia regis* rolls.<sup>178</sup> It concerned Richard de Vernon in 1263-64, when William la Zouche was justiciar and when the city of Chester was pressed by both the barons and the Welsh. Required, as were the other local landholders in Cheshire, to defend the lands

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<sup>175</sup> White, *The Magna Carta of Cheshire*, p. 33; J. Alexander, 'New Evidence on the Palatinate of Chester', *EHR*, 85 (1970), pp. 715-29, at p. 725. As Alexander remarks, the pleas of the sword are also mentioned occasionally in the charters of the Norman earls.

<sup>176</sup> *Liber Luciani de Laudae Cestrie*, ed. M. V. Taylor (The Record Society of Lancashire and Cheshire, lxiv, 1912), pp. 10 and 65; White, *The Magna Carta of Cheshire*, p. 100. Ranulf III also referred in another occasion to the pleas of his sword in the charter of liberties he granted to the burgh of Frodsham between 1208-15, *Chs. of Earls of Chester*, act 371, p. 365.

<sup>177</sup> See above, pp. 35-6.

<sup>178</sup> *A Calendar of Acts of the Lord Edward Relating to Cheshire*, ed. J. R. Studd (2 Vols., *Cheshire History*, xv-xvi, 1985), II, acta 51, p. 7.

of the county, Richard de Vernon did not come and was thus prosecuted in the county court. Summoned to attend five sessions, he never appeared and was said to support Edward's enemies. By judgment of the county court, he was outlawed and the lands he held were seized by the justiciar for the king's son.<sup>179</sup>

After January 1266, Vernon tried to recover the lands which had been confiscated, a process which took several years.<sup>180</sup> He unsuccessfully sued Edward in the county court of Chester regarding his manors of Marple and Wibberley, but it was apparently decided by the judgment of the county that these manors were to remain into Edward's possession. Yet Vernon refused the verdict of the court and probably appealed to the king, for the case was presented before Henry III and his council at some point prior to May 1270. Unfortunately for Vernon, the king confirmed the judgment of the county court to be good in law. Finally, on 25 May 1270, Edward wrote to the justiciar of Chester and to the suitors and doomsmen of Cheshire to inform them of his father's decision, and to order them to carry out his judgment and see that the settlement was observed in the future.<sup>181</sup>

This is the only case indicating that Henry III ever heard legal cases concerning Cheshire. It is likely, however, that the king was only involved because Edward was the defendant. Appeals to the king, therefore, should not be regarded as a common procedure in Cheshire, but rather as an exceptional measure. Interestingly, this case demonstrates that, despite his extensive judicial powers, Edward was not above the law: he could still be sued by minor tenants in the county court just as any other lord. This underlines, too, his care to dispense fair justice – even though he was involved – and it is certainly in this light that the arbitration of his dispute with Richard de Vernon by Henry III should be considered.

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<sup>179</sup> TNA KB 26/198, m. 17/1; A Calendar of Acts, II, acta 51, p. 7. Vernon was apparently summoned to attend four county court sessions, but he never appeared, and so was summoned to a fifth session, 'by the special grace of the justiciar'.

<sup>180</sup> Vernon continued to support the barons after the Battle of Evesham. He was notably associated with Simon de Montfort the Younger in January 1266, at the Isle of Axholme, Bibliothèque Nationale de France, Clairambault 1188, f. 51.

<sup>181</sup> TNA KB 26/198, m. 17/1; A Calendar of Acts, II, acta 51, p. 7. Richard de Vernon, or his heirs, finally recovered his manors at some point before 1288, Calendar, p. 111.

Overall, the impression conveyed by the records is that Edward took a keen interest in the administration of justice in Cheshire. This sheds light on two aspects of his lordship. It shows, first, the central place he occupied in the judicial machinery. Whether it was acting as warrantor, examining the different disputes with his council, or issuing instructions to the court or the officials, Edward's activity was indispensable in the delivery of good justice expected by Cheshire inhabitants. Unlike Henry III,<sup>182</sup> however, there is no evidence that he ever presided over the county court of Chester during his lordship, although his visits to the region, averaging a month in length, left him enough time to do so. Secondly, the evidence underlines once again Edward's maturity in governing his estates. Even though he was still relatively young and had little experience in administering justice – he was only 20 in 1259 – he proved to be reliable and fair. This last trait is by far the most important. He took seriously his duty to administer justice, as shown by his desire to discuss cases with his council and by his care to address litigants' complaints.

Yet it remains difficult to determine whether Edward was proactive or reactive, or, in other words, if he decided to intervene in litigation first, or whether he only responded to complaints from petitioners. Apart from Mabil Doun's case concerning dower, where it is clearly stated that Edward was called to act as warrantor,<sup>183</sup> the evidence is not detailed enough to provide a precise answer. Looking at the examples mentioned above, it might plausibly be argued that that he was proactive. This offered him the opportunity to exert his lordship to the full without any restriction from his father. It might have been, in addition, a way to keep local tenants quiet. On the other hand, it is important to bear in mind that the justiciar of Chester, like other men from the county, was regularly in contact with the king's son, as the surviving witness lists of his charters attest. It is also quite possible, therefore, that

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<sup>182</sup> DRC, act 2, p. 29.

<sup>183</sup> TNA CHES 29/1, m. 4; Calendar, case 75, p. 11 and case 86, p. 12.

when these men travelled to see Edward in the rest of the realm, they brought with them the petitions and requests of local men which required his examination and judgment.

In any case, it is risky to analyse Edward's administration of justice in Cheshire between 1254 and 1272 only in the light of the surviving plea roll of 1259-60. Although his involvement is striking in its consistency, there remain some doubts as to his sincerity. Carpenter, for example, considers that his instructions to the justiciar of Chester in 1259 to 'exhibit common justice to everyone' were only an attempt to restore his public image.<sup>184</sup> Based on the events that took place between 1259-60, these doubts seem entirely justified. Indeed, after having experienced difficulties in Gascony, and again, in the marches after the Welsh rebellion of November 1256, the end of 1259 appeared to be a turning point for Edward: he finally had the opportunity to recover the freedom of action which had been limited by the reformers a year earlier.<sup>185</sup> Even though he had initially refused to comply with the measures imposed by the barons in 1258, in the autumn of 1259, the king's son spontaneously supported the initiative of the 'bachelors of the realm' who wanted to carry out the reforms issued one year previously. By taking the lead of this group of knights, Edward intended to restore his independence and demonstrate his power.<sup>186</sup>

In this context, it is also interesting to note that the timing of the sessions recorded in the plea roll of 1259-60, which testifies to his constant involvement, coincides with the political 'coup' he attempted. Allied with his uncle Simon de Montfort, he specifically expected to regain control of his estates and castles. The defining moment for Edward occurred at the end of 1259, when both Henry III and the Queen, along with Peter of Savoy and Richard de Clare, departed for France to ratify the Treaty of Paris. With the most influential people abroad, and the realm left in the hands of a moderate group of councillors led by the Bigods, Edward committed custody of Bristol Castle with all its liberties to Roger

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<sup>184</sup> Carpenter, *The Reign of Henry III*, pp. 250-2.

<sup>185</sup> Morris, *A Great and Terrible King*, pp. 20-1; Prestwich, *Edward I*, pp. 17-9 and. 26-7.

<sup>186</sup> Morris, *A Great and Terrible King*, pp. 41-2.

de Leybourne, while Roger de Clifford received the custody of the Three Castles in South Wales.<sup>187</sup> This was a clear act of provocation, for the custody of these castles had been withdrawn from Edward by the reformers, and because Bristol Castle was also claimed by Richard de Clare. But by doing so, he wanted to show that he was finally free to do as he pleased.<sup>188</sup>

The status quo was maintained for several months before Montfort and Edward decided to go further by holding a parliament in April, as the provisions issued by the barons stipulated. As he was still in France, the king asked for the parliament to be postponed, and he sent Richard de Clare to oversee his son's movements. Tension suddenly arose when Henry III ordered seven earls and almost a hundred of his lay tenants to be in London with arms by the end of April 1260, and to be ready to obey his orders. At the same time, the kingdom was on the verge of civil war; Edward and Montfort camped with their followers close to London, while Richard de Clare and his retinue were at Southwark.<sup>189</sup>

The crisis was eventually averted when Henry III returned with a large retinue of knights at the very end of April. Richard of Cornwall, with the help of the Archbishop of Canterbury, managed to reconcile Henry III with his son, and Roger de Leybourne was forgiven. In the meantime, the quarrel between de Clare and Edward over Bristol was settled for a few years. Even more importantly, peace and appeasement were resumed, at least for a while. For Edward, on the other hand, this was disappointing. His coup turned out to be a complete failure: by 18 May 1260, he was compelled to give up Bristol Castle, along with the Three Castles in South Wales, and the men he had appointed were removed.<sup>190</sup> Overall, the short period of independence he enjoyed led to nothing and both Eleanor and Henry III made sure he returned to the condition he had been in prior to December 1259.

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<sup>187</sup> TNA C 61/4, m. 4; Studd, 'A Catalogue', acta 742, pp. 560-1; Morris, *A Great and Terrible King*, p. 43; Prestwich, *Edward I*, p. 32.

<sup>188</sup> Morris, *A Great and Terrible King*, pp. 43-4.

<sup>189</sup> DBM, pp. 180-3; Morris, *A Great and Terrible King*, p. 44; Prestwich, *Edward I*, pp. 32-3.

<sup>190</sup> TNA C 61/4, m. 3; Studd, 'A Catalogue', acta 790-3, pp. 584-5; Prestwich, *Edward I*, p. 33.

Edward's significant involvement in the judicial administration of Cheshire, therefore, might perhaps be better understood in the light of these political machinations. His plan was ambitious and his strategy risky. If he wanted to succeed in the realm, he had to control the county of Chester and one way to do so was to dispense the good justice that was expected by local communities to convince them of his good faith and lordship. In such a way, he could focus on recovering his castles and his power. To what extent, then, was his commitment to dispense justice in Cheshire only the consequence of his desire to have a free hand in the realm?

Although it is hard to gauge his sincerity, it is still possible to address this question by looking at the administration of justice in the rest of his apanage. There is enough evidence to dismiss the idea that Edward's involvement in justice was only circumstantial. This can be observed in the early years of his lordship. Already in October 1255, while still in Bordeaux, a series of orders demonstrates that he ensured good justice throughout his French dominions. On 26 October 1255, for example, he sent letters patent announcing the creation of a tribunal of three members to hear complaints of denial of justice, false judgments, and oppressions against the bailiffs. He also granted the members of the commission full power to punish any erring officials, and asked them to swear an oath to render justice according to the laws and the customs of the land, except for the most difficult cases which were to be determined in the presence and on the advice of the seneschal.<sup>191</sup>

Other documents, all issued in October 1255, underline the same desire to dispense justice. On 23 October 1255, the king's son had instructed his seneschal of Gascony, Stephen Longespée, to see that justice was done with regard to specific issues that Fergeant d'Estissac had laid before him about certain persons residing on his lands.<sup>192</sup> The same day, the seneschal was also instructed to launch an inquest against those who had damaged Gaillard de

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<sup>191</sup> TNA C 61/2, m. 1; Studd, 'A Catalogue', acta 590, pp. 590-1.

<sup>192</sup> TNA C 61/2, m. 3; Studd, 'A Catalogue', acta 548, p. 459.

la Roche's possessions and vineyards.<sup>193</sup> Later, at an unknown date, the seneschal was required to do justice in the court of Saint-Sever after Easter in a suit between different litigants.<sup>194</sup> Similarly, on 21 October 1255, the provost (preposito) of Castillon and St Emilion was ordered to see that justice was done to Guillaume Emeric who held lands at Mayrens, and who had been ejected unjustly by his enemies the previous month.<sup>195</sup>

As evidence demonstrates, Edward took a keen interest in justice early on, and, as in Cheshire a few years later, he did not hesitate to intervene personally in the litigation. Such an attitude is all the more interesting, since he was only sixteen at the time and had probably little knowledge of the judicial procedure or of the local customs. One can already glimpse the maturity he displayed later in his lordship of Chester. More importantly, it indicates that he had the same desire to deliver good justice to local tenants whether in Cheshire or in the rest of his apanage. This view is also supported by the different instructions he issued concerning the Channel Islands and Ireland, which he did not visit during the whole period of his lordship. A good case in point was the suit between the abbey of Mont Saint-Michel and William de Chaeny concerning lands purchased by Baldwin de Ver in Guernsey. This dispute lasted for several years. In March 1263, Edward had originally sent letters patent to Gilbert Talbot and Thomas de Boulton, the bailiffs of the Channels Islands, requiring them to be obedient to Ralph d'Aubeny and William de Saumareis whom he had appointed as judges in the suit.<sup>196</sup> Such instructions, however, did not suffice, for Edward had to reappoint Ralph and William in November 1265 to sit with the bailiff of the Channel Islands and to determine the suit according to the laws and the customs of the land.<sup>197</sup> As Ralph d'Aubeny had declined to take cognisance of Edward's instructions, they were not carried out, and in November 1267

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<sup>193</sup> TNA C 61/2, m. 2; Studd, 'A Catalogue', acta 550, p. 460.

<sup>194</sup> TNA C 61/2, m. 2; Studd, 'A Catalogue', acta 556, p. 464.

<sup>195</sup> TNA C 61/3, m. 1; Studd, 'A Catalogue', acta 531, p. 452. As the membrane is faded, the latter part of this writ is difficult to read.

<sup>196</sup> Studd, 'A Catalogue', acta 884, pp. 634-5.

<sup>197</sup> *Ibid.*, acta 919, p. 659.

the king's son had to order the bailiff to determine the issue of the suit.<sup>198</sup> Yet the dispute was only settled three years later, after it was shown in the courts of both Henry III and Edward that William and his wife had been conjointly enfeoffed by Baldwin in Guernsey. Finally, in July 1270, Edward ordered the new bailiff, or his deputy, to restore certain lands, possessions and liberties which formerly belonged to Baldwin de Ver, to Felicia, wife of William de Chaeny.<sup>199</sup>

The evolution of this case over the years is interesting because it illustrates Edward's commitment to the delivery of justice. The dates of some of his instructions are also particularly revealing here. In November 1265, despite Montfort's death and defeat at Evesham, many reformers still held out in various places and the realm was far from being pacified. Meanwhile, in July 1270, Edward was only weeks away from embarking on a dangerous journey to the Holy Land, to which significant human and financial resources had been devoted.<sup>200</sup> Yet the fact that he dealt personally with such a minor suit clearly indicates that he was truly aware of his judicial responsibilities.

Documents relating to Ireland do not suggest anything different. As for the rest of his apanage, they stress his commitment to exhibit good justice to everyone. Two examples are worthy of interest. The first concerns Robert, son of William de Carreu. William had originally come before Edward to claim certain lands and possessions in the towns of Laskolkenery and Rathmulan. As these were later claimed by his son, on 21 August 1266, Edward asked David de Barry, the justiciar of Ireland, to go in person with several other members of his council to Dungarvan to enquire into the rights claimed by Robert. His orders never seem to have been executed; Edward had to reiterate similar instructions in July

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<sup>198</sup> *Ibid.*, acta 957, p. 684.

<sup>199</sup> *Ibid.*, acta 1003, pp. 713-4 and acta 1039, p. 742.

<sup>200</sup> Morris, *A Great and Terrible King*, pp. 74 and 92. For his crusade, the magnates and knights had agreed to the collection of the twentieth, and Edward had borrowed some £17,500 from Louis IX, Prestwich, *Edward I*, p. 72.

1267.<sup>201</sup> As for the dispute between William de Chaeny and the abbey of Mont Saint-Michel, it emphasises Edward's wish to settle by all means every case presented before him. The second example occurred some months later, between 28 October and 9 November 1266. Even though he was present at Kenilworth with royalist forces to find a peaceful settlement with the insurgents,<sup>202</sup> he continued to deal with litigation. He notably ordered the justiciar to go in person, or to send his deputy, to Waterford to listen to recent grievances of citizens who had accused the men of Ross of having seized their goods and disrupted the traffic of their ships. The justiciar was thus instructed to act accordingly and to arrest any of the burgesses proved guilty.<sup>203</sup>

Yet as constant as his involvement in judicial affairs might have been according to the surviving records, it is unclear how Edward could have effectively managed to dispense justice in an apanage that stretched from France to England and from Wales to Ireland. Henry III, in comparison, experienced severe problems in administering law in the later part of his reign, although his kingdom was smaller than his son's apanage and was far more united in the legal aspect. Pressed by the community of the realm, the king even had to order on 4 August 1258 the holding of inquiries by four knights in each county into all excesses, trespasses and acts of injustices committed by anyone, including royal officials.<sup>204</sup>

More specifically, with regard to Cheshire, it is hard to imagine how Edward could have maintained a constant interest in the litigation there between 1254 and 1272. Indeed, after the grant of his apanage, he only returned to England in November 1255 and he left the realm at the end of August 1270 for the Eighth Crusade. During these fifteen years, he also spent extensive periods of time in France, notably in 1261-2, where he had to deal with

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<sup>201</sup> TNA SC 1/12/25; Studd, 'A Catalogue', acta 936, p. 671.

<sup>202</sup> Both Prestwich and Morris emphasise, however, that Edward had little to do with the negotiations that went on between the royalists and the former rebels, Prestwich, *Edward I*, p. 57; Morris, *A Great and Terrible King*, p. 77.

<sup>203</sup> Studd, 'A Catalogue', acta 939, pp. 673-4.

<sup>204</sup> DBM, pp. 112-5.

important affairs in Gascony.<sup>205</sup> In these conditions, it is unlikely that he was in a position to assume the judicial role he had in the administration of Cheshire.

Furthermore, Edward's behaviour when it came to justice was not always exemplary as is notably illustrated in 1269 by Robert de Ferrers' case. As earl of Derby, Ferrers possessed substantial estates in Staffordshire, Derbyshire, Nottinghamshire and Lincolnshire.<sup>206</sup> Due to political miscalculation and his personal hatred of Edward, he first sided with the barons during the rebellion, although this did not prevent Montfort from imprisoning him in February 1265 for the threat he presented to his regime.<sup>207</sup>

Released in October 1265, Ferrers had to pay 1,500m to purchase a royal pardon. Such a heavy fine pushed him eventually to join the last rebels, but he was captured in May 1266 and imprisoned until May 1269.<sup>208</sup> When he finally appeared before the king on 3 May, he received all his lands and titles back and agreed to pay the enormous fine of £50,000 before 9 July.<sup>209</sup> Yet, later that day, he was taken to Cippenham by Edward and had to seal – under duress, as he later claimed – a document which forfeited his lands if he did not pay the fine within two months. At odds with the king and his son, and with no support in court, Ferrers defaulted, and his lands were immediately transferred to Edward's younger brother Edmund, who had assumed virtual control of Ferrers' lands and goods since the summer of 1266.<sup>210</sup> Although Edward was not the direct beneficiary of the spoliation, the significant role he

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<sup>205</sup> See J. P. Trabut-Cussac, *L'Administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 à 1307* (Genève: Librairie Droz, 1972), pp. 21-5.

<sup>206</sup> In the mid-1250s, the extent of Ferrers' possessions was worth £1,500 per year. He only received his lands, however, after his majority in 1260, J. R. Maddicott, 'Ferrers, Robert de, sixth earl of Derby (c.1239–1279)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/9366>, accessed 8 June 2016].

<sup>207</sup> *Ibid.*

<sup>208</sup> Spencer, *Nobility and Kingship in Medieval England*, pp. 182-3.

<sup>209</sup> Maddicott, 'Ferrers, Robert de'.

<sup>210</sup> Spencer, *Nobility and Kingship in Medieval England*, pp. 183-4. Henry of Almain, William de Valence, earl of Pembroke, John de Warenne, earl of Surrey, William de Beauchamp, earl of Warwick, Roger de Somery, Thomas de Clare, Robert Walerand, Roger de Clifford, Hamo Lestrangle, Bartholomew de Suthlery and Robert de Brywes were chosen as sureties by Robert de Ferrers to ensure his payment to Edmund; TNA DL 41/383; Studd, 'A Catalogue', acta 980, p. 699.

played clearly indicates that he approved of it.<sup>211</sup> Ultimately, this shows that as much as he desired to dispense good justice in his apanage, his actions could still be dictated by self-interest and those of his kin. This is also confirmed by his attitude after the battle of Evesham: even though he offered some generous settlements to the rebels in exchange for their surrender, he did not renounce entirely his share of spoils.<sup>212</sup>

In conclusion, the analysis of Edward's administration of justice in the county of Chester between 1254 and 1272 reveals three main features. It underlines, first, his commitment to dispense justice in the county. Far from being the unruly young lord with little respect for law sometimes depicted by both chroniclers and historians alike, evidence indicates that he was clearly aware of the judicial responsibilities he had to fulfil, and that he repeatedly tried his best to dispense justice in Cheshire, and, more widely, in the rest of his apanage. Although it is possible that part of his motivation to do so was not entirely disinterested, as the Ferrers case illustrates, and that he may have ignored his responsibilities from time to time, his commitment to deal with the litigation remains striking by its consistency. Such a feature is all the more significant when one considers the dramatic context in which he had to evolve between 1254 and 1272.

Second, despite his considerable judicial powers in Cheshire, Edward did not introduce new laws or procedures, nor did he attempt to reform the judicial machinery there. Overall, this is quite revealing of his lordship: rather than modifying the administrative structure of the county, as his father had done before him, he simply governed it as it was. Ultimately, this questions Edward's position in the county. It is not clear whether he was given much latitude from Henry III to alter things in Cheshire, although he certainly could do

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<sup>211</sup> Maddicott, 'Ferrers, Robert de'; Prestwich, Edward I, p. 61. Ferrers brought his case before King's Bench in 1274, but he never recovered his estates; only Chartley Castle was restored to him in 1275. This aimed to prevent Ferrers from bringing further action into court 'by giving him something to lose', Spencer, *Nobility and Kingship in Medieval England*, pp. 187-9; McFarlane, 'Had Edward I a Policy?', pp. 149-51.

<sup>212</sup> For Edward's attitude after the battle of Evesham, see below, pp. 241-44.

so in Gascony.<sup>213</sup> It could also be possible that he had no choice to implement changes in Cheshire, for reforms there, as the creation of the office of escheator suggests, were met with strong resistance from local inhabitants.<sup>214</sup>

Finally, significant as his powers were, Edward seems to have used them with care. Even though Prestwich argues that the profits linked to his different courts were relatively high for 1256, thus suggesting that his ‘lordship was severe’,<sup>215</sup> there is good reason to assume that his judicial administration in Cheshire was fair. He probably understood early on that dispensing good justice was a way of keeping the local communities under his control, and he was certainly anxious to preserve peace in a region which was already under pressure from the Welsh, and where his lordship seems to have been contested on occasions, as his aborted meeting in September 1260 with his barons at Shotwick attests. It is quite likely, moreover, that Edward enjoyed being responsible for judicial administration, for this was the only way through which he could exert his lordship to the full without interference from his father or from the reformers.

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<sup>213</sup> See below, pp. 263-4.

<sup>214</sup> CR 1247-51, pp. 185-6; TNA CHES 29/1, m. 1; Calendar, case 5, p. 2.

<sup>215</sup> Prestwich based his judgment on the only financial account roll which has survived for Edward’s estates. This was audited at his exchequer in Bristol and covers the years 1255-57. Unfortunately, Cheshire is not mentioned at all in this account, TNA SC 6/1094/11; Prestwich, Edward I, p. 20.

### **Chapter 3: The Lord Edward, the County of Chester and Wales**

On 17 July 1256, the Lord Edward made his first visit to the county of Chester, where the clergy and people alike came to greet him. He stayed there for three days, receiving the homage and fealty of English and Welsh nobles, travelled to Wales to inspect his castles and lands, and then returned to England on 3 August. A few months later, on 1 November, the Welsh prince Llywelyn ap Gruffudd, helped by his brother Dafydd, forcibly seized and occupied the cantred of Englefield and the valley of Mold, only ten miles distant from Chester. Llywelyn submitted these territories to his lordship and received there the homage and fealty from Edward's men.<sup>1</sup> After almost a decade of peace, England and Wales were at war again.

Was Edward's visit the original cause of the outbreak? It would seem so, but only if we believe a letter written in February or March 1257 by Llywelyn ap Gruffudd to Richard of Cornwall, Henry III's brother. In the letter, the Welsh prince not only blamed Edward, 'who laboured to destroy us and our people', but also the king's bailiffs who 'had acted against us, our people, and the terms of the peace', before regretting that his complaints addressed to the king about these matters were to no avail.<sup>2</sup> It soon made no difference. By December 1256, the whole of Perfeddwlad was under Llywelyn's power, except for Edward's castles of Dyserth and Degannwy.<sup>3</sup> The war had begun: Llywelyn was only a couple of miles away from Chester and the county suddenly felt under a pressure that it had not known for several decades.

The Welsh rebellion turned out to be one of the major events of the thirteenth century. It had significant repercussions on the way that both Edward and Henry III exerted their

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<sup>1</sup> Ann. Cest., pp. 72-3.

<sup>2</sup> AWR, act 357, pp. 497-8.

<sup>3</sup> J. Beverley-Smith, *Llywelyn ap Gruffudd, Prince of Wales* (Cardiff: University of Wales Press, 1998), p. 91.

power, and was the starting point of one of the worst crises the English realm experienced. Its consequences go beyond the scope of this study, as war recommenced between England and Wales in 1276-77 and 1282-83. The Welsh threat would only be removed with the death of the two princes Llywelyn ap Gruffudd in 1282, and Dafydd in 1283. The barbaric execution of Dafydd – hanged, drawn and quartered on 2 October<sup>4</sup> – illustrates not only Edward I’s deep anger, but also his wish to settle a conflict that had begun almost three decades earlier when he was simply the Lord Edward.

To understand fully Edward’s lordship of Chester in relation to Wales, it is necessary, first and foremost, to consider the relationship that existed between the areas. It is equally important to examine what the Welsh influence was over the county, and how their common border was substantially different from those of other border counties. The first part of this chapter will explore these issues; the second will observe more closely the people who were involved in the area during the conflict, and particularly Edward’s officials and their role on the Anglo-Welsh border. His personal role and itinerary, as well as the involvement of other Cheshire tenants, will also be assessed in detail.

### **1: The County of Chester: between England and Wales.**

The creation of the earldom of Chester in response to the Welsh threat in North-Wales supposes that the relationship was tumultuous between Cheshire and Wales in the ensuing decades. Historians usually consider that the border between the two was a ‘hot frontier, characterized by a high degree of militarization in response to endemic warfare, usually, though not exclusively in Wales.’<sup>5</sup> Evidence, on the other hand, suggests a different interpretation. Raids and skirmishes were regular occurrences, but attacks were separated by

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<sup>4</sup> AC, p. 107.

<sup>5</sup> P. Morgan, ‘Cheshire and Wales’, in *Power and Identity in the Middle Ages, Essays in Memory of Rees Davies*, ed. H. Pryce and J. Watts (Oxford: Oxford University Press, 2007), pp. 195-210, at p. 196.

extensive periods of peace.<sup>6</sup> Meanwhile, the relationship between Cheshire and Wales evolved progressively. Although the early years of the earldom were clearly marked by the aggressive attitude of the first earls and their officials,<sup>7</sup> different kinds of contact were then established. This is notably reflected by the rapprochement in the 1140s between Ranulf II, fourth earl of Chester, and two Welsh leaders, namely Cadwaladr ap Gruffudd, king of Gwynedd, and Madog ap Maredudd, prince of Powys.<sup>8</sup> Yet this contact was not sufficient to prevent Cheshire from subsequently being raided in 1146, 1170, and perhaps again in 1175.<sup>9</sup>

Ranulf III's succession to the earldom of Chester in 1188-9 saw the beginning of a new dynamic on the frontier. Worried at first by the rise of Llywelyn ap Iorwerth who controlled Gwynedd and a great part of Powys by 1208,<sup>10</sup> the earl consolidated his position on the border. The author of *Brut* indicates that in 1210, the earl built Holywell Castle and rebuilt Degannwy Castle, which Llywelyn ap Iorwerth had destroyed. Ranulf's fear soon proved accurate as the Welsh prince ravaged his lands shortly thereafter. King John reacted by launching a campaign in North Wales and mustering English and Welsh lords at Chester. Ranulf's precise role in this unsuccessful enterprise remains unclear, as sources indicate that he spent most of 1211 and 1212 in Cheshire protecting his estates.<sup>11</sup> The *Annales Cambriae* record further troubles in 1213 in northern Wales – the exact location is not mentioned – and these seem to be the last attacks in the Cheshire region until 1245.<sup>12</sup>

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<sup>6</sup> See F. Suppe, *Military Institutions on the Welsh Marches: Shropshire, AD 1066-1300* (Woodbridge: Boydell, 1994), appendix I, pp. 154-61. Suppe records in this appendix all the raids and campaigns that occurred on the Anglo-Welsh border from 1065 to 1296.

<sup>7</sup> A. T. Thacker, 'The Earls and their Earldom', in *The Earldom of Chester, a Tribute to Geoffrey Barraclough*, ed. A. T. Thacker (Chester Archaeological Society, N. S., lxxi, 1991), pp. 7-21, at p. 10.

<sup>8</sup> *Ibid.*, p. 12. Cadwaladr ap Gruffudd accompanied Ranulf II on various occasions and also married his sister Alice, Chs. of Earls of Chester, act 28, pp. 39-47, act 64, pp. 76-7 and act 84, pp. 96-7; H. Pryce, 'Owain Gwynedd (d. 1170)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/20979>, accessed 18 June 2016].

<sup>9</sup> *Ann. Cest.*, pp. 20-1 and 24-5. According to Roger de Hoveden, Welsh raids took place around St Asaph in 1175, *The Annals of Roger de Hoveden*, ed. H. T. Riley (2 Vols., London: H. G. Bonn, 1853), I, p. 397; Suppe, *Military Institutions*, pp. 156-7.

<sup>10</sup> A. D. Carr, 'Llywelyn ab Iorwerth (c.1173-1240)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/16874>, accessed 20 June 2016].

<sup>11</sup> *Brut*, pp. 189-91; Soden, *Ranulf de Blondville: The First English Hero* (Stroud: Amberley, 2009), p. 56.

<sup>12</sup> *AC*, p. 69.

Perhaps surprisingly, Ranulf III's departure in June 1218 for the Fifth Crusade proved the occasion to establish a durable peace with Llywelyn ap Iowerth. As he was going away for several months, Ranulf probably thought it safer to secure a truce with the Welsh prince before leaving for Egypt. Meanwhile, Llywelyn was probably only too happy to acquire the friendship of such a powerful earl. The truce was prolonged until Ranulf returned in August 1220, when, as the *Annales Cestrienses* report, he was received with great veneration by his own people and greeted also by Llywelyn. This moment ultimately modified the nature of the relationship between Cheshire and Wales. Ranulf started to strengthen his ties with the Welsh, notably by organising the marriage of John the Scot, son of his sister Mabel and David, earl of Huntingdon, to Llywelyn's daughter, Helen, in 1222.<sup>13</sup>

The marriage was surely an important step in Ranulf's mind. His second marriage to Clemence de Fougères had been childless, and he had probably given up the idea of having an heir himself. By marrying off his successor to the daughter of the Welsh prince, Ranulf III not only cemented the links between the two areas, but also secured the county's future at the same time. Probably motivated by resentment towards royal government dominated by Hubert de Burgh,<sup>14</sup> Ranulf pushed his entente with Llywelyn further in the subsequent years. He acted as surety for Llywelyn's obedience to the king whilst an English campaign was about to begin, and he concluded a month-long truce during the summer of 1224 without the king's approval.<sup>15</sup>

In building an alliance with Llywelyn, Ranulf changed the balance of power in the area. The earldom of Chester no longer acted as a bulwark against Wales, and Wales and Cheshire were now coexisting in peace. Yet, as careful as Ranulf was, he could not have

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<sup>13</sup> *Ann. Cest.*, pp. 50-3; Thacker, 'The Earls and their Earldom', p. 17.

<sup>14</sup> R. Eales, 'Ranulf (III), sixth earl of Chester and first earl of Lincoln (1170-1232)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn, Oct 2008) [<http://www.oxforddnb.com/view/article/2716>, accessed 20 June 2016].

<sup>15</sup> The Dunstable annalist describes Ranulf as Llywelyn's 'intimate friend' (*familiaris et amicus*), *Ann. Mon.*, III, p. 82; *Chs. of Earls of Chester*, act 415, pp. 412-3; Soden, *Ranulf*, p. 99.

planned that his successor would die without an heir from his body only five years after his own death in 1232. The death of John the Scot in June 1237 and the royal takeover of the county of Chester turned out to be one of the most important events of Henry III's reign for its lasting consequences. For the king, this was an exceptional occasion, not only for the comfortable revenues it brought the Crown.<sup>16</sup> The alliance between Llywelyn ap Iorwerth and the earl of Chester had inevitably prevented the king from enforcing his authority over a region where his power was yet to be established.

Meanwhile, on the other side of the border, Llywelyn had taken advantage of the earl of Chester's friendship in North Wales gradually to assert his domination of the other Welsh princes and to extend his influence over the central marches and in South Wales.<sup>17</sup> Although peace had mostly prevailed between England and Wales in the 1230s, Llywelyn was far more powerful in 1237 than he had been at the beginning of Henry III's reign.<sup>18</sup> Yet the death of Joan, Llywelyn's wife and Henry III's sister, in February 1237, followed by John the Scot's in June, weakened Llywelyn's position. Throughout her life Joan had worked to maintain peace and concord between her brother and her husband, and her death meant that Llywelyn's connection with the English court was seriously undermined.<sup>19</sup> Moreover, after the swift annexation of Cheshire, Henry III could directly threaten Llywelyn by using Chester as a bridgehead for striking into his powerbase in Gwynedd.

Interestingly, nothing in the records indicates that the royal takeover of 1237 was followed by immediate discontent in Cheshire or in Wales. In the summer of 1241, Henry III visited the county of Chester to 'fasten' the succession of Llywelyn ap Iorwerth, who had died

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<sup>16</sup> The exact value of the county of Chester is hard to determine; Maddicott estimates that it was worth £1,000 per year under Edward's lordship, but this seems unlikely. Indeed, the justiciar of Chester encountered difficulties in paying the farm of 1,000m introduced in 1250; Maddicott, *Simon de Montfort* (Cambridge: Cambridge University Press, 1994), p. 321; below, pp. 145-6 and 192-3.

<sup>17</sup> Beverley-Smith, *Llywelyn ap Gruffudd*, pp. 24-5; Carpenter, *The Struggle for Mastery: Britain 1066-1284* (London: Penguin Books, 2003), pp. 324-5 (check).

<sup>18</sup> Carpenter, *The Struggle for Mastery*, pp. 323-6 (check).

<sup>19</sup> On the life and role of Joan, see L. Wilkinson, 'Joan, Wife of Llywelyn the Great' in *Thirteenth Century England: Proceedings of the Durham Conference*, ed. M. Prestwich, R. Britnell and R. Frame (Woodbridge: Boydell, 2005), pp. 81-94.

in 1240, between his sons Dafydd and Gruffudd. The negotiations were to Henry III's advantage: in order to secure his inheritance, Dafydd had notably to give up the cantred of Englefield, and to restore all the lands that his father had seized to their original lords. He also had to hand over his half-brother Gruffudd as hostage.<sup>20</sup> The real trouble for Cheshire only really started when Gruffudd died whilst escaping from the Tower of London in March 1244. His death marked the beginning of a series of events which not only disrupted the stability established by Ranulf, but which rapidly undermined Henry III's domination over the region. Dafydd, using the pretext of his half-brother's death, launched several raids on Cheshire throughout 1244 and 1245 – the first in over three decades.<sup>21</sup> Henry III responded by mustering an impressive army: the *Annales Cestrienses* report that Richard of Cornwall and Simon de Montfort along with five other earls were present, but his campaign achieved little, and after securing a truce in October 1245, he left the region. Four months later, on 25 February 1246, Dafydd died, and his death left Cheshire more or less in peace until the 1256 outbreak.<sup>22</sup>

As evidence demonstrates, the border between Cheshire and Wales was thus more than a 'hot frontier'. Warfare was endemic, especially during the eleventh and twelfth centuries, but surviving records show that peace mostly prevailed. This was especially true for the county of Chester in the decades preceding the grant of 1254. More particularly, evidence indicates that some more peaceful kinds of contact existed. Domesday Book reveals, for example, that there were already Welsh freemen in Cheshire under the first earl of Chester.<sup>23</sup> John Dodgson, meanwhile, by analysing Cheshire places-names, noted that a significant number of fields indicated a Welsh influence in their naming. These fields were mostly

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<sup>20</sup> Beverley-Smith, *Llywelyn ap Gruffudd*, p. 34. Dafydd notably promised to restore Mold to Roger de Montalt, see *Chron. Maj.*, IV, pp. 321-3.

<sup>21</sup> *Brut*, p. 239; *Ann. Cest.*, pp. 62-3. The Cheshire pipe rolls for 1242-45 record various items linked to the Welsh attacks, CIPR, pp. 79-80.

<sup>22</sup> *Ann. Cest.*, pp. 64-7.

<sup>23</sup> *The Domesday Survey of Cheshire*, ed. J. Tait (Chetham Society, N. S., lxxv, 1916), p. 171, for example. These were probably settled before Hugh d'Avranches was appointed earl of Chester.

concentrated on the south-western boundary of the county, although similar examples can be found in central Cheshire.<sup>24</sup> Based on these observations, Dodgson supposes that there were some important Welsh settlements in Cheshire that subsisted throughout the medieval and early modern period. The Welsh were, of course, surrounded and dominated by local English communities which seem to have been respectful of their neighbours and of their practices. In some parts of the county, conspicuously in the township of Shocklach Oviatt and beyond, Welsh presence was apparently such that local communities were ready to adopt their practices of field-names. On this basis, Dodgson concludes that even though the Welsh population ‘was not a majority’, it was nonetheless ‘socially influential’ over other local communities.<sup>25</sup>

The Welsh presence is corroborated by literary evidence. Lucian the Monk<sup>26</sup> refers several times to the Welsh in the city of Chester. Due to the proximity of Chester and the border, he describes the city as a meeting place for England and Wales, where the Welsh were regular visitors. His text suggests that the Welsh held a significant place in the city and that they often interacted with the local inhabitants, to the point where they developed a common culture. As Lucian’s comments, ‘through the long admixture of customs, [the Welsh and the Chester inhabitants are] similar to a great degree.’<sup>27</sup>

Proximity was not the only reason for the Welsh presence in the county. Trade was important in the area and constituted one of the main components of the Cheshire/Wales relationship. Wales was far from being as productive as its English neighbour, and had to rely

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<sup>24</sup> J. McN Dodgson, *The Place-Names of Cheshire* (7 Vols., English Place-Name Society, xlv-xlviii, liv and lxxiv, Cambridge: Cambridge University Press, 1970-97), V, part 2, pp. 356 and 368. The map p. 356 is very representative of this state of affairs.

<sup>25</sup> *Ibid.*, p. 369.

<sup>26</sup> Unfortunately, as most of Lucian the Monk’s references to the Welsh are missing from the edition of *Liber Luciani de Laudae Cestrie*, ed. M. V. Taylor (The Record Society of Lancashire and Cheshire, lxiv, 1912), I had to rely on *Mapping the Medieval City, Space, Place and Identity in Chester c.1200-1600*, ed. C. A. Clarke (Cardiff: University of Wales Press, 2011), which includes parts of the manuscript not yet edited.

<sup>27</sup> M. Faulkner, ‘The Spatial Hermeneutics of Lucian’s *De Laude Cestrie*’, pp. 78-98, at p. 78; L. H. McAvoy, ‘*3e beoð þe anren of Englonð . . . as þah 3e weren an cuent of . . . Chester*’: Liminal Spaces and the Anchoritic Life in Medieval Chester’, pp. 99-113, at page 103.

massively on imports such as salt, cloth, and even grain, for some basic needs.<sup>28</sup> Commercial exchange already existed under the earls, as Lucian the Monk relates that the Welsh were particularly generous in supplying Chester with meat.<sup>29</sup> It seems, however, that trade was more vital for the Welsh than it was for Cheshire communities, and the English kings regularly took advantage of this situation. In May 1231, for example, Henry III ordered the sheriffs of Herefordshire, Shropshire, Staffordshire, Wigorn, and the justiciar of Chester, to refuse any English supplies passing through Wales.<sup>30</sup> The aim was obviously to put Wales under pressure by starving part of its population. Yet trade was such an important matter for Cheshire and Wales that even the regular troubles which affected the northern area did not entirely prevent the exchanges; the terms of the treaties agreed during the Welsh rebellion usually included some provisions to ensure that commerce would continue. The truce of August 1260 between Edward, Henry III and Llywelyn ap Gruffudd, for example, granted that the lands were to be open for both peoples for trading.<sup>31</sup>

Other records provide a different perspective on the Welsh presence in Cheshire. As visible as it was, it seems it was by no means important. This is notably revealed by the surviving *acta* from the earls of Chester. Despite the rapprochement masterminded by Ranulf II with the Welsh in the 1140s, very few of these *acta* are concerned with Wales. Of the four hundred and sixty-nine surviving documents from the earls of Chester recorded by Barraclough, only three of them, all issued by Ranulf III, can be directly associated with Welsh affairs. The earliest one, dated 1211-12, is a remission for the canons of Trentham of the obligation to provide one foot-soldier to serve in Wales. The second concerns the agreement concluded in 1222 with Llywelyn ap Gruffudd regarding the marriage between his daughter Helen and Ranulf's nephew John the Scot. The last dated August 1224, is linked to

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<sup>28</sup> Suppe, *Military Institutions*, p. 25.

<sup>29</sup> Faulkner, 'The Spatial Hermeneutics', p. 78.

<sup>30</sup> CR 1227-31, p. 588. It is most surprising to find Henry III sending orders to the justiciar of Chester in 1231.

<sup>31</sup> AWR, act 342, pp. 508-12. See also act 331, p. 503 and act 343, p. 513.

the exile of Falkes de Breauté and the keeping of the truce between Ranulf III and Llywelyn ap Iorwerth.<sup>32</sup>

The sparse number of documents relating to Wales is surprising. Although understandable for the first earls of Chester, whose priorities originally lay in the Midlands,<sup>33</sup> it is quite hard to explain for Ranulf III, who maintained a closer relationship with the Welsh. It is quite possible that it reflected the small significance the region and its inhabitants represented for the earl of Chester. This view is supported by the contents of the Magna Carta of Cheshire: even though it contains many different provisions relating to common life in the county, it does not include a single reference to Wales or to anything Welsh.<sup>34</sup>

Even more telling are the surviving witness lists of the charters issued by the earls; judging on the names, very few charters were witnessed by Welshmen. Those witnessed by Cadwaladr ap Gruffudd in the 1140s, and the agreement over the marriage of John the Scot and Helen, attested by at least seven Welshmen, are exceptions.<sup>35</sup> Apart from these two documents, only one Welsh witness can be confirmed, in one of Hugh II's acts, and he only appears once in all the charters.<sup>36</sup> This is quite revealing about the power and influence the Welsh had in the region: although the earl's entourage was composed of men from the entire earldom, no Welsh were part of his retinue. This is also revealed by the appointments of officials: the offices of justiciar and chamberlain were held by different persons over the decades, some of whom, such as Philip de Orreby, Ranulf III's greatest justiciar, were sometimes complete strangers to the county.

The lack of Welsh importance in Cheshire is corroborated by later sources, especially the evidence relating to the county court of Chester. Based on the diverse composition of the

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<sup>32</sup> Chs. of Earls of Chester, act 315, pp. 314-5, act 411, pp. 407-9 and act 415, pp. 412-4.

<sup>33</sup> Thacker, 'The Earls and their Earldom', p. 13.

<sup>34</sup> For the text of this charter, see G. White, *The Magna Carta of Cheshire* (Chester: Cheshire Local History Association, 2015), pp. 20-4.

<sup>35</sup> Chs. of Earls of Chester, act 28, pp. 39-47, act 64, pp. 76-7, act 84, pp. 96-7 and act 411, pp. 407-9.

<sup>36</sup> Cuioc son of David witnessed a charter issued in 1163-73, *ibid.*, act 171, p. 176.

court available for the thirteenth century, it appears that no Welshman acted as suitor or doomsman in the county court. It would be wrong to assume, however, that their absence was linked to the fact that they did not hold lands in the county.<sup>37</sup> Although no Welshman is mentioned in the three surviving lists of Cheshire tenants from 1252, 1277-78 and 1288, some documents indicate that there were Welsh individuals who still possessed tenements in Cheshire, and that even though they were only sub-tenants, they could technically take part in the county court.<sup>38</sup> As this court also had the function to express the interests of local communities, their absence suggests they were not represented and had little control over any business treated in the county.

The suit of court was not the only place where the Welsh were not present. The chartulary of St Werburgh, as well as the Domesday roll of Chester, shows that the Welsh do not appear on the charters issued within Cheshire's limits. Indeed, although these two sources together contain about ninety charters, with a witness list issued at various points during the twelfth and thirteenth centuries, not a single Welshman can be found as witness. The only Welshmen mentioned are those producing grants of lands,<sup>39</sup> but their number is quite limited and the rest of the charters strongly suggest that they played only a minor part in common transactions conducted in the county.<sup>40</sup>

Overall, by looking at the surviving evidence, it would appear regardless of how numerous the Welsh communities were in Cheshire, that the English and the Welsh formed, at least on baronial and knightly levels, two distinct ethnic groups which had little interaction. There was probably more interaction further down the social scale, especially among the peasants, artisans and those involved in market trading, as Lucian the Monk implies in his

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<sup>37</sup> As in the rest of the realm, suit of court in Cheshire relied on tenure of land, Calendar, p. xxxii.

<sup>38</sup> See for example TNA CHES 29/1, m. 8; Calendar, case 187, p. 26; CIM, i, act 59, p. 18.

<sup>39</sup> See for example Char. St Wer., II, act 645, p. 359 and act 646, p. 360.

<sup>40</sup> The analysis of The Cartulary of Lilleshall Abbey, ed. U. Rees (Shropshire Archeological and Historical Society, 1997) reveals the exact same feature for Shropshire during the same period. This cartulary, which includes more than four hundred charters, shows that few Welshmen appear and that they rarely witnessed acts issued in Shropshire.

description of the city of Chester. However, as evidence for these social classes is lacking, it is difficult to assess how important and how frequent any contact was.

Other Cheshire records do not say much about Welsh presence in the county. The *Annales Cestrienses* report most of the major events that occurred between Cheshire and Wales during this period, but remain silent on Welsh communities within Cheshire. The surviving plea rolls show that the Welsh could still plead in the county court, and evidence does not imply that special provision was required or even made for them. More interesting are the surviving pipe rolls available for Cheshire. They indicate that regular expenditure was authorised on the stocking and garrisoning of the castles in Wales throughout the 1240s, as well as for their repair and improvement.<sup>41</sup> As much as £450 was spent between Christmas 1241 and 1242, for example, on Beeston and Rhuddlan castles and their garrisons, suggesting that the king was anxious to enforce his control over the area.<sup>42</sup>

Furthermore, the accounts available indicate that several Welsh lords regularly visited the county. A number of them were resident as hostages, for example Einion Fychan and Wrennoc son of Kenric, and twenty-one other persons in 1241-42, for which warders (*custodibus*) and nurses (*nutricibus*) were provided to assist them at a cost of £173 4s 10d.<sup>43</sup> Some of these hostages stayed several years in Cheshire; in 1246-47, £115 was spent on the custody of the same Einion Fychan and seven other hostages.<sup>44</sup> Rhodri ap Gruffudd, brother of Llywelyn ap Gruffudd, is also known to have faced a similar fate, as he was in prison at Chester from 1242 until at least the early 1250s.<sup>45</sup>

Other Welsh lords were regularly present in Cheshire on a free basis, some even receiving grants of money from the king for being at his service. They included Gruffudd ap

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<sup>41</sup> CIPR, pp. 68, 77, 90 and 94.

<sup>42</sup> *Ibid.*, pp. 71-3.

<sup>43</sup> *Ibid.*, p. 71.

<sup>44</sup> *Ibid.*, p. 90.

<sup>45</sup> *Ibid.*, pp. 77 and 98.

Madog and Gruffudd ap Gwenwynwyn who received £13 between 1242 and 1245,<sup>46</sup> and Tudur ab Ednyfed who received various sums of money between 1245 and 1250.<sup>47</sup> In addition, Senana, Gruffudd ap Llywelyn's wife, was granted robes and money for her sustenance in the 1240s.<sup>48</sup> Perhaps surprisingly, this expenditure can be understood in the light of events in Wales. Llywelyn ap Gruffudd was building up his supremacy to the detriment of other Welsh lords, such as Gruffudd ap Gwenwynwyn for example, and a few of them, reluctant to submit, preferred to leave.<sup>49</sup> The regular visits of these important lords in Cheshire also demonstrate that part of the Welsh aristocracy saw the county as a refuge, even if it meant allying with the English king.

Fleeing their homeland was also a means for the Welsh aristocracy to create different means of contact with their English counterparts, notably through marriage. Although evidence is limited for the lowest social classes, it is still possible to assess the number of intermarriages between the Welsh and Cheshire's main tenants, as there were recorded more regularly in the thirteenth century. George Ormerod, a nineteenth-century historian, analysed the genealogies and marriages of the different Cheshire landholding families. Even though his work contains some errors, the genealogies he established can be verified through external evidence.<sup>50</sup> It is, therefore, interesting to notice that despite Ranulf III's rapprochement with Welsh leaders and John the Scot's wedding with Llywelyn's daughter, only four mixed marriages can be asserted with any certainty. The first saw Hawise Lestrangle marry Gruffudd

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<sup>46</sup> *Ibid.*, p. 79.

<sup>47</sup> *Ibid.*, pp. 88 and 93.

<sup>48</sup> *Ibid.*, pp. 71 and 78. Interestingly, Senana had previously concluded an agreement with Henry III in August 1241 concerning the release of her husband, Gruffudd, and her son, held in prison by Dafydd ap Llywelyn. Roger de Montalt had notably acted as her surety, *Chron. Maj.*, IV, pp. 316-9.

<sup>49</sup> T. F. Tout, 'Gruffudd ap Gwenwynwyn (d. 1286)', rev. A. D. Carr, *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/11694>, accessed 30 April 2016].

<sup>50</sup> For the Meols, the Sotterleys and the Helsbys, three landholding families in Cheshire, Ormerod does not provide genealogies for the thirteenth century. They were modest landholders, as the amount of their combined possessions in Cheshire did not amount to three knights' fees, *Calendar*, p. xlvi. For the genealogies established by Ormerod, see *The History of the County Palatine and City of Chester* (3 Vols., London: Lackington, Hughes, Harding, Mavor, and Jones, 1819).

ap Gwenwynwyn and occurred in 1242. Hawise was Hamo Lestrangle's sister, one member of Edward's affinity in Cheshire. As Emma Cavell notes, her marriage served to create a political alliance between the Lestranges of Knockin, well established in Shropshire, and the rulers of South Powys.<sup>51</sup> Gruffudd was a Welsh baron raised in England during his youth and residing in Cheshire between 1242 and 1245. He supported Gruffudd ap Llywelyn in the early 1240s and, faithful to Henry III, he did not hesitate to wage war against Llywelyn ap Gruffudd before coming to terms with him in 1263. Yet he plotted against Llywelyn in the 1270s and remained loyal to Edward I until his death in 1286.<sup>52</sup>

The second wedding was between Emma, sister of James de Audley, and Gruffudd ap Madog, before March 1258, and most probably in the early 1240s. Gruffudd was a prince of Powys whose family-seat was in Llangollen,<sup>53</sup> and who granted different possessions to Emma over the years. He notably endowed her at Maelor Saesneg, with the manor of Overton and different townships, sometime between 1257 and 1266, with the manor of Eyton in 1268-69, and with other lands in Cynllaith.<sup>54</sup> Even though he was the second most important of the Welsh princes, Gruffudd ap Madog had a more modest career. His main ambition was to protect his principality of Powys from both Llywelyn and the English. He was loyal to Llywelyn ap Iorwerth and supported Gruffudd ap Llywelyn in the struggle with his brother Dafydd. Like Gruffudd ap Gwenwynwyn, he was present in Cheshire between 1242 and 1245, and, close to Henry III, he only decided to join Llywelyn ap Gruffudd in 1257. Unfortunately for him, his marriage with Emma de Audley did not prevent his lands from

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<sup>51</sup> E. Cavell, 'Noblewomen in Shropshire and the Adjacent March of Wales: 1150-1350' (University of Oxford, unpublished Ph. D thesis, 2007), p. 303.

<sup>52</sup> Tout, 'Gruffudd ap Gwenwynwyn'.

<sup>53</sup> A. D. Carr, 'Madog ap Gruffudd Maelor (d. 1236)', Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004; online edn, Jan 2011) [<http://www.oxforddnb.com/view/article/17764>, accessed 27 June 2016].

<sup>54</sup> AWR, acts 515-6, pp. 718-21 and act 520, pp. 722-3. Interestingly, the land that Emma de Audley was granted in Maelor Saesneg was denominated in the grant as 'patriam'.

being subsequently raided by the Cheshire men in 1262-63.<sup>55</sup> He was then one of Llywelyn ap Gruffudd's pledges for the Treaty of Montgomery in 1267, before dying in 1269.<sup>56</sup>

Carr argues that Emma and Gruffudd had only four sons,<sup>57</sup> but it seems that they also had a daughter, Margaret, who married John de Arderne before 1268-69.<sup>58</sup> This was the third wedding. John was the son of Peter de Arderne, lord of Aldford, and grandson of Walkelin de Arderne.<sup>59</sup> The Ardernes were an important family in Cheshire. Walkelin held seven knights' fees in the county and achieved a significant royal career.<sup>60</sup> Little is known about Peter, but John served Edward; he was with the king's son in his first campaign in Wales in the summer of 1257, and in October 1268 he was granted lands in the county of Roscommon in Ireland.<sup>61</sup>

The last wedding was between Beatrice de Malpas and Rhodri ap Gruffudd, Llywelyn ap Gruffudd's youngest brother.<sup>62</sup> The date of the marriage is unclear but was no earlier than 1254. Beatrice was the daughter of David de Malpas, whose family was less important in Cheshire than that of the Audleys or the Ardernes: they held only six knights' fees, conjointly with the Patricks, at Malpas.<sup>63</sup> None of her relatives are known to have achieved a significant career in the service of the king or his son. Similarly, even though Rhodri was Llywelyn's brother, his achievements were modest. He spent his entire minority and his early years as hostage to the king in Chester, where he was still in 1254.<sup>64</sup> He may have been imprisoned again by his brother, appearing only sparingly in records during his lifetime, before dying in 1315.<sup>65</sup>

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<sup>55</sup> *Ibid.*, act 353, pp. 525-6.

<sup>56</sup> Carr, 'Madog ap Gruffudd Maelor'.

<sup>57</sup> *Ibid.*

<sup>58</sup> DRC, act 54, p. 17.

<sup>59</sup> TNA CHES 29/1, m. 7; Calendar, case 146, p. 21.

<sup>60</sup> Calendar, p. xlvi. For Walkelin de Arderne's career, see above, fn 161, pp. 56-7.

<sup>61</sup> CPR 1247-58, p. 601; CChR 1257-1300, p. 149; J. R. Studd, 'A Catalogue of the Acts of the Lord Edward, 1254-1272' (University of Leeds, unpublished PhD thesis, 1971), acta 968, pp. 691-2.

<sup>62</sup> Ormerod, *The History of the County, II*, p. 333.

<sup>63</sup> Calendar, p. xlvi.

<sup>64</sup> CIPR, pp. 77 and 98.

<sup>65</sup> Beverley-Smith, *Llywelyn ap Gruffudd*, pp. 74 and 607. The fact that Rhodri only died in 1315 suggests that he was probably very young during Edward's lordship. This might explain why he hardly appears in the records before 1272.

Even if other intermarriages in local communities almost certainly took place,<sup>66</sup> these are the only weddings between the families of Cheshire tenants and the Welsh of which we can be certain. These recorded marriages are interesting for several reasons. Indeed, it is important to note that three of the four marriages were made with Welsh lords present in Cheshire in the 1240s, either as hostages, or in the king's service.<sup>67</sup> The alliances concluded through these unions were beneficial for both local families and Welsh lords. They served to increase their possessions on either side of the border, as Emma de Audley's example illustrates. More significantly, it was a way for these families to strengthen their position in an area that was traditionally exposed to Welsh raids and English retaliations. It is not surprising, therefore, to find that the weddings occurred in a period that saw renewed tension between England and Wales. The fact that two of them were made with Gruffudd ap Madog and Gruffudd ap Gwenwynwyn, two lords reluctant to submit to Llywelyn's quest for supremacy, is characteristic: intermarriage appeared a better alternative for them and they probably welcomed the prospect of allying with well-established families on the other side of the border.

Interestingly, the same pattern of intermarriage can, more or less, be found in Shropshire during the same period. Cavell has shown that highest-ranking individuals in Shropshire, such as the fitz Alans, were looking for marriages with other powerful families, in Herefordshire, or Gloucestershire.<sup>68</sup> The 'next level down', such as the Corbets, Pantulfs and fitz Warins, could look to other Shropshire families, as well as Welsh dynasties. This was also true in Cheshire, and was the case with the Audleys, the Ardernes and the Malpas, who, by marrying one of their heirs, usually a daughter, to a Welsh lord, strengthened the position of

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<sup>66</sup> For example, a certain Isabelle was married to Griffin de Albomonasterio at some point in the 1260s or 1270s, DRC, act 11, p. 21.

<sup>67</sup> Although this raises the question of Henry III's involvement in these intermarriages, there is nothing in the records which indicates that the king encouraged these unions.

<sup>68</sup> John fitz Alan was also a Cheshire landholder who possessed five knights' fees in the county, Calendar, p. xlvi

their families in a region that was likely to be raided. Furthermore, as Rees Davies pointed out long ago, these marriages were also favoured by the Welsh themselves, who wanted to adopt the *modus vivendi* of their English counterparts. The knightly class, however, does not seem to have mixed with the Welsh in Shropshire or in Cheshire; they preferred instead to marry into other families in their own counties.<sup>69</sup>

The special relationship that Cheshire maintained with Wales from 1070 onwards also begs the question whether, as in Shropshire or Herefordshire, a Cheshire march existed. This issue is quite important for the expression was found in a letter issued by a royal official in 1245 and recorded by Matthew Paris.<sup>70</sup> The reference remains quite problematic as not all the historians consider that a Cheshire march did indeed exist. Helen Fulton, for example, describes Chester as a marcher city where neighbouring communities on the West and South belonged ‘to a common culture of the march’.<sup>71</sup> Max Lieberman, on the other hand, who wrote extensively about their history, remains silent on the subject.<sup>72</sup> Did a Cheshire march exist, then?

The evolution of the Cheshire border was substantially different from those of Herefordshire and Shropshire during the twelfth and thirteenth centuries. While the earldom of Chester survived until 1237, those of Hereford and of Shropshire, also created by William I in the aftermath of the Norman Conquest, both disappeared by 1102, thus leaving the lords of these regions, eventually called marches, with no direct control from a superior authority or from the king. Characterised by a significant freedom of action, these lords progressively

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<sup>69</sup> Cavell, ‘Noblewomen in Shropshire’, p. 84. In Cavell’s own words: ‘there was little possibility of intermarrying with the Welsh princely dynasties, who were beyond their reach, and little to be gained from marriage into the less elevated strata of Welsh society’. See also R. R. Davies, *Conquest, Coexistence and Change: Wales 1063-1415* (Oxford: Oxford University Press, 1987), p. 233.

<sup>70</sup> *Chron. Maj.*, IV, p. 482.

<sup>71</sup> H. Fulton, ‘The Outside Within: Medieval Chester and North Wales as a Social Space’, in *Mapping the Medieval City: Space, Place and Identity in Chester c. 1200-1600*, ed. C. A. Clarke (Cardiff: University of Wales Press, 2011), pp. 149-68, at p. 152.

<sup>72</sup> See M. Lieberman, *The March of Wales, 1067-1300: A Borderland of Medieval Britain* (Cardiff: University of Wales Press, 2008), and *The Medieval March of Wales: The Creation and Perception of a Frontier, 1066-1283* (Cambridge: Cambridge University Press, 2010).

developed different jurisdictions, practices and organisations, and although they were theoretically still submitted to the king of England, these areas evolved separately from the English kingdom for almost two centuries.<sup>73</sup> These lords had considerable power compared with the other lords in the rest of England, and regarded themselves as kings in their own dominions. They could wage war whenever they felt like, they judged all criminal cases including the most serious cases in their own court, and they did not pay taxation outside their lordships. These special rights were acknowledged by the king, and some of them were even enshrined in Magna Carta granted by King John and Henry III.<sup>74</sup>

Due to certain similarities, it would be easy to consider Cheshire to have been a march: royal jurisdiction did not run in the county, and royal officials, except for the period between 1237 and 1254, did not have any right there either. In addition, the revenues for the county were accounted at Chester by the local chamberlain. Meanwhile, further references to a Cheshire march, beyond those of Matthew Paris, can be found in different sources, such as the chronicle of William Rishanger, the *Flores Historiarum* and the *Annales Londonienses*, when reporting Llywelyn ap Gruffudd's devastation in the march of Chester and his destruction of Dyserth and Degannwy castles in 1263.<sup>75</sup>

The term was also used in royal documents: in an appointment dated 18 August 1258, James de Audley and Peter de Montfort were to receive amercements for the trespasses against the truce between Llywelyn and his men on one side, and the king and his men on the other, on the days and places that they were to provide in the marches of Shropshire and Cheshire until Michaelmas.<sup>76</sup> Similarly, in May 1252, William de Axemue and John Gumbaude were appointed by the king to assess the tallage in the borough, towns and other

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<sup>73</sup> Suppe, *Military Institutions*, pp. 3-4.

<sup>74</sup> Lieberman, *The March of Wales*, pp. 2 and 61.

<sup>75</sup> Rishanger, *De Bellis*, p. 14; *Flores Hist.*, II, p. 483; *Annales Londonienses*, *Chronicles of the Reigns of Edward I and Edward II*, ed. W. Stubbs (2 Vols., Rolls Series, 1882-83), I, p. 59. Interestingly, the reports of these events in both Rishanger's chronicle and in the *Flores Historiarum* are almost identical.

<sup>76</sup> TNA C 66/72, m. 2; CPR 1247-58, p. 650.

demesnes belonging to the king in Cheshire, but also in the Four Cantreds and in ‘all the march beyond the county [of Chester]’ (in tota marchia extra comitatum).<sup>77</sup>

Yet evidence is strong enough to believe that the area between Cheshire and Wales was not a march in the sense that historians usually conceptualise the term. The county of Chester did not develop special privileges and a special jurisdiction because local lords had much freedom to do, but rather because these rights had been granted by William I long before the marcher lordship even appeared, to an earl of Chester who managed to retain, as his successors did, the privileges. This explains why so many castelries emerged in the course of the twelfth century in Shropshire rather than in Cheshire: local barons still submitted to the earl of Chester’s power.<sup>78</sup> In addition, the Cheshire frontier with Wales was not as stable as other border counties. The territories that lay in Flintshire often changed hands during the twelfth and the thirteenth centuries. Therefore, there were not on the Cheshire border the conditions necessary to develop an independent lordship which could have then evolved into a march. The royal takeover of 1237 did not permit their creation either. Although the county retained its distinctive characteristics, royal officials kept the area under close control and this certainly limited the initiative of the local lords. It is important to underline, moreover, that the law observed there was either common law or Welsh law. The marcher law, the very symbol of the strength and of the independence of the marches, does not appear at all in the records from the whole northern area, where Cheshire and Wales had a common border.

How then can references to a Cheshire march in the records be explained? From the evidence, it is clear that contemporary minds used the expression ‘a march’ (marchia) to denominate the territories on both sides of the Anglo-Welsh border. In doing so, they acknowledged the whole frontier area, although they did not distinguish between the regional characteristics that existed along the border, nor did they reckon differences in the way that

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<sup>77</sup> TNA C 66/63, m. 7; CPR 1247-58, p. 139.

<sup>78</sup> Suppe, *Military Institutions*, p. 34. This state of affairs is notably reflected by the map of the castles on the Welsh marches in Lieberman, *The March of Wales*, p.136, map 8.

scholars do today.<sup>79</sup> Despite contemporary mentions, evidence shows that the area between Cheshire and Wales was anything but a march. In the end, this may partly explain the relatively little interaction that existed between Cheshire and Wales: contacts were hard to establish with no secured lordship strongly implanted in an area which was all the more troublesome as its border was fluid. The fact that no marcher lordships existed beyond the Cheshire limits, on the other hand, enabled the earls of Chester during the thirteenth century to control the region more closely, and thus bring a stability that did not exist in other border counties.

As the sequence of events demonstrates, therefore, by the end of Ranulf III's lordship, the county of Chester had observed its distance from the Crown and reached a place exactly in the middle between England and Wales. This balance was only disrupted by the royal takeover of 1237. Henry III, eager to enforce his power over the marches, jeopardised the whole area less than two decades later. Although on the surface everything appeared calm, Welsh resentment was brewing in the late 1240s, and Llywelyn ap Gruffudd soon took advantage of it.

## **2: The Lord Edward, the County of Chester and the Welsh Rebellion of 1256-67.**

The county of Chester held a central place in the war between England and Wales, not only because of its location, but because it was where the conflict started and ended. In November 1256, Llywelyn ap Gruffudd invaded the valley of Mold and began a war which lasted for more than a decade. After the war, the Welsh prince had to pay regular sums of money to the king at Chester Abbey according to the terms of the peace sealed at Montgomery.<sup>80</sup> Yet one might wonder why Llywelyn originally decided to attack Cheshire in

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<sup>79</sup> This is notably what Lieberman argues, in *The March of Wales*, p. 7. On this subject, see also Lieberman, *The Medieval March of Wales*, pp. 1-22.

<sup>80</sup> AWR, act 363, p. 540.

particular. Due to Ranulf III's policy, the region had been extremely quiet compared to the rest of the marches. While only two attacks upon the Cheshire area occurred from 1200 to 1256, more than twenty Welsh raids or campaigns are recorded in the rest of the marches – mostly Shropshire – during the same period.<sup>81</sup> Moreover, Cheshire and Flintshire were strongly defended. The author of the Brut reports that Ranulf III had built Holywell and Degannwy castles in 1210. Similarly, to secure his lordship over the area, Henry III had reinforced Degannwy Castle and built Dyserth Castle. Together with Chester, Hawarden and Rhuddlan, they formed a strong chain of castles which controlled the North of the Four Cantreds.<sup>82</sup> Why then did Llywelyn attack in North Wales rather than in the central or southern marches?

To address this question, it is necessary to consider the events that occurred in the aftermath of Dafydd ap Llywelyn's death in 1246. Henry III, despite a fruitless military campaign in 1245, had managed to bring the surviving princes Llywelyn and Owain ap Gruffudd to terms. The peace treaty sealed at Woodstock on 30 April 1247 was surprisingly harsh for them. In substance, Henry III claimed homage from the Welsh nobility, including Owain and Llywelyn ap Gruffudd, and formalised his takeover of the Four Cantreds (Rhos, Rhufoniog, Dyffryn Clwyd, and Englefield) and the restitution of Mold, taken by Dafydd in March 1245. What they received in exchange was ridiculously small; Henry III granted them only a reduced lordship in the rest of North Wales.<sup>83</sup> To a great extent, the Treaty of Woodstock was one of Henry III's main achievements. In confining the Welsh princes beyond the River Conwy, he secured the western flank of the county of Chester, and had now all the freedom necessary to enforce his power over the central marches. The Four Cantreds, moreover, represented the most prosperous lands in Wales, and could be used as a bridgehead

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<sup>81</sup> Suppe, *Military Institutions*, pp. 158-60.

<sup>82</sup> Brut, p. 189; CIPR, pp. 77, 94 and 98; M. Morris, *A Great and Terrible King: Edward I and the Forging of Britain* (London: Windmill, 2009), p. 28 and see map of the castles in Wales p. 30.

<sup>83</sup> AWR, act 312, pp. 484-5; Ann. Cest., pp. 62-3.

to conduct further military operations into the country.<sup>84</sup> In just ten years, Henry III had not only significantly enlarged the Crown's possessions in Cheshire and North Wales, but had also removed the threats represented by the earldom of Chester and Wales thanks to the premature deaths of John the Scot and Dafydd ap Llywelyn.

Henry III's biggest mistake was to confer the administration of this region on uncompromising English royal officials under the supervision of the justiciar of Chester. They tried by every means to enforce English laws and practices in a region that was mostly composed of Welsh communities which had never experienced any rigorous administration. As in Cheshire during the same period, the English presence rapidly aroused discontent in the area. This is reflected by the increasing volume of complaints recorded in the royal chancery from 1251 onwards. Some of the problems related to breaches of local customs and the king regularly had to take some measures against his justiciar. For example, in May 1251, Alan la Zouche was ordered to allow the king's men of 'Treward' to have the same customs in the wood of 'Treward' that they had previously enjoyed in the time of Llywelyn and Dafydd.<sup>85</sup> Other issues concerned the justiciar's exactions: Kenewrec ap Ithel complained to the king that he had been unjustly disseised by Alan la Zouche of certain lands without any judgment. Henry III commanded la Zouche to give back the said lands, and to refrain from enforcing any claim which the king might have to those lands.<sup>86</sup>

This kind of problem was not local, but widespread throughout Perfeddwlad. Indeed, still in May 1251, the communities of Rhos, Rhufoniog and Dyffryn Clwyd complained to Henry III that Alan la Zouche had established new customs that were not only 'unused and unheard of', but also contrary to the peace of the Treaty of Woodstock. Henry III asked his

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<sup>84</sup> Morris, *A Great and Terrible King*, p. 27.

<sup>85</sup> CR 1247-51, p. 442.

<sup>86</sup> *Ibid.*, p. 541.

justiciar to observe the customs that existed at the time of Llywelyn ap Iorwerth, and even planned on dealing with the complaint with his council in October.<sup>87</sup>

Despite the king's instructions, grievances continued, and in January 1253, Henry III set up a commission composed of four men, two Welshmen (Gruffudd ap Gwenwynwyn and Hoel ap Madoc) and two Englishmen (Richard de Vernon and William de Axemue) to hear and to determine the possible trespasses committed by Alan la Zouche and his bailiffs against the king and his men of the Four Cantreds.<sup>88</sup> Yet, complaints from the Welsh communities only stopped in October 1253 after the king ordered la Zouche to respect the Welsh practice concerning the partition of the inheritance of Gruffudd ap Bromfield.<sup>89</sup> It remains unclear whether the appeasement was due to la Zouche's change of policy in the area, as nothing in the documentary evidence suggests that such a thing occurred. More likely, as most affairs relating to the county of Chester and Perfeddwlad were addressed after February 1254 to Edward, the most plausible explanation is that the complaints – if they ever existed – have not survived.

Alan la Zouche is now commonly regarded by historians as having stirred up troubles in Wales by his behaviour. Both Arthur Roderick and John Beverley-Smith notably argue that his obligation to find 1000m to pay the farm forced him to increase the fiscal pressure over Cheshire and Welsh communities, which subsequently aroused discontent in the region.<sup>90</sup> Even though there is certainly some truth in this statement,<sup>91</sup> Roderick and Beverley-Smith have failed to appreciate that troubles did not start with Alan la Zouche's appointment as justiciar in July 1250: tensions already existed under John de Grey's justiciarship. This is initially revealed by an order from the king to John de Grey in November 1247 not to prevent

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<sup>87</sup> Ibid.

<sup>88</sup> CPR 1247-58, p. 171. For the other complaints, see also CR 1251-53, pp. 263, 465 and 483.

<sup>89</sup> CR 1251-53, p. 511.

<sup>90</sup> A. J. Roderick, 'The Four Cantreds', *Bulletin of the Board of Celtic Studies*, 10 (1941), pp. 246-56, at p. 252; Beverley-Smith, *Llywelyn ap Gruffudd*, p. 79.

<sup>91</sup> Matthew Paris notably accused la Zouche of having increased the farm beyond measure, *Chron. Maj.*, V, p. 227.

Tudor ap Ednyfed to have freely and peacefully the inheritance of his wife in northern Wales.<sup>92</sup> Such an order, merely months after the Treaty of Woodstock, suggests that Grey was abusing his authority as justiciar. This impression is, moreover, corroborated by an incomplete letter from Owain and Llywelyn ap Gruffudd addressed to Henry III at some point between October 1249 and July 1250. In this letter, the Welsh princes reported that Grey had disseised some Welshmen of their lands and corn in the area, and that despite their protests, and the king's letters, Grey had refused to surrender the said properties. Llywelyn and Owain eventually begged the king 'to do proper justice'.<sup>93</sup>

As these two entries show, it would be wrong to regard Alan la Zouche as the only source of troubles in the region. The few complaints that have been recorded for John de Grey suggest that it was not necessarily la Zouche's exactions, or his obligation to find money by any means, that angered the Welsh, although his personality might also have been a factor. Instead, the discontent in the Four Cantreds simply resulted from the English occupation of the region and from their desire to control it. This view is notably supported by the fact that when the Welsh eventually revolted in November 1256, Alan la Zouche had been replaced as justiciar of Chester by Gilbert Talbot for more than a year.<sup>94</sup> No formal complaints from the Welsh about Talbot have been recorded, and chronicles and annals, unlike with la Zouche, do not even mention his name. Interestingly, tensions in North Wales mirrored those occurring in Cheshire during the same period, and the nature and the extent of the complaints from local communities there indicates it was royal control of the northern area as a whole which was now progressively resented.<sup>95</sup>

Ultimately, this explains why Llywelyn ap Gruffudd decided to strike in North Wales first, despite its strong defensive settlements, rather than in the central or southern marches.

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<sup>92</sup> CR 1247-51, p. 5.

<sup>93</sup> AWR, acta 315, pp. 487-8.

<sup>94</sup> Gilbert Talbot seems to have replaced la Zouche on the king's order on 16 September 1255, CR 1254-56, p. 134.

<sup>95</sup> Below, pp. 189-94.

His choice was both symbolic and strategic. Along the Shropshire and Herefordshire border, there was little to be gained from rebellion. The English exactions and the Welsh retaliations were regular occurrences in the area, and previous Welsh revolts there had achieved nothing. In Perfeddwlad, on the other hand, the situation was different: people there had known peace before discovering the harshness of English occupation. In invading the region, Llywelyn was sure to gain the support of local communities that had been persecuted by English officials. Both anonymous authors of *Brut* and *Annales Cambriae* describe how the magnates of Wales, ‘despoiled of their liberty and reduced to bondage’, went to Llywelyn and told him that they ‘preferred to be slain in battle for their liberty than to suffer themselves to be trampled upon in bondage by men alien to them’. Llywelyn, moved to tears, agreed to their request and decided to lead the revolt.<sup>96</sup> In responding to their call, he placed himself as their natural lord and protector. His strategy rapidly proved successful; he invaded Perfeddwlad in November 1256, subdued these territories to his power, and received the homage and fealty of Edward’s men from the region. The Welsh flow was such that only the castles of Dyserth and Degannwy held out.<sup>97</sup> By controlling North Wales and in securing the loyalty of local communities there, Llywelyn became endowed with sufficient land and human resources to conduct further military operations along the border.

The fact that Llywelyn attacked a region which was theoretically under Edward’s control, and that local people immediately joined the Welsh prince without resisting, suggests that Henry III’s eldest son had failed to address the existing problems in the area. The view is commonly held that his disastrous policy towards Wales led to the outbreak of war in November 1256. More precisely, alongside la Zouche’s exactions, some historians have argued that Geoffrey de Langley’s harsh rule in Wales and his attempt, according to Edward’s

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<sup>96</sup> *Brut*, p. 247; *AC*, p. 90. Both versions of this episode are almost identical.

<sup>97</sup> *Ann. Cest.* pp. 72-3; Morris, *A Great and Terrible King*, p. 31.

desire, to establish 'a unitary lordship' merging Cheshire and North Wales, initially triggered the Welsh rebellion.<sup>98</sup>

Although Edward's responsibility cannot be denied, it is necessary to examine more closely the sequence of events before November 1256 as this assertion mostly relies on the accounts of Matthew Paris and the Dunstable annalist. Geoffrey de Langley first appeared in Wales in March 1254, but his formal appointment by Edward only occurred at the end of May. As Prestwich astutely remarks, Langley's nomination had not been Edward's original choice, but was probably made at the Queen's insistence as he was one of her former officials. His arrival in Wales supposedly aroused discontent. Various annals and chronicles report that his attempt to introduce English methods of administration via shires and hundreds was greatly resented by the Welsh, and that it later led to their revolt.<sup>99</sup> Langley's administration in Wales was probably severe; the Dunstable annalist notably describes how he 'boastfully claims that he had the Welsh in the palm of his hand'.<sup>100</sup> As late as February 1258, he also thought it prudent to secure a pardon from the king for any offence he may have committed in Wales, England or Scotland, so that the king or his heir could not bring any charge against him on account of the war in Wales.<sup>101</sup>

Disastrous as Langley's policy was, it had, in effect, little to do with the tense situation in Perfeddwlad. The record of his formal appointment by Edward is the most complete to have survived for any official during the period of his lordship and it provides important details about his responsibilities in the region. On 24 May 1254, Langley was appointed chief steward of all Edward's lands in England and Wales, with the exception of the county of Chester and the areas in North Wales retained in the custody of Alan la Zouche, namely Rhos,

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<sup>98</sup> M. Prestwich, *Edward I* (Berkeley and Los Angeles: University of California Press, 1988), p. 17; Morris, *A Great and Terrible King*, p. 31; J. R. Studd, 'The Lord Edward's Lordship of Chester, 1254-72', *Transactions of the Historic Society of Lancashire and Cheshire*, 128 (1979), pp. 1-25, at p. 18; Roderick, 'Four Cantreds', p. 247.

<sup>99</sup> *Ann. Mon.*, III, pp. 200-1; *Chron. Maj.*, V, p. 592; *Chronica Johannis de Oxenedes*, ed. H. Ellis (Rolls Series, 1859), pp. 208-9; Prestwich, *Edward I*, p. 17.

<sup>100</sup> *Ann. Mon.*, III, p. 200.

<sup>101</sup> CPR 1247-58, p. 616.

Rhufoniog, Dyffryn Clwyd, and Englefield.<sup>102</sup> Based on the terms of the Bazas Charter, this only conferred on him, in theory, authority over the following territories: the town and castle of Bristol; the Three Castles in Monmouthshire; the castles of Montgomery, Cardigan and Carmarthen; the castle of Builth; the castle of the Peak with its honour; and Stamford and Grantham. This meant that, except for the castle of Montgomery, de Langley controlled only lands located in South Wales and miles away from the former centre of rebellion. Despite the allegations by the Dunstable annalist and other chroniclers, therefore, it is unlikely that the appointment of Geoffrey de Langley by Edward – under his mother’s influence – was the cause of the Welsh rebellion; he was just not involved where the situation was most critical. More simply, the outbreak of November 1256 was the natural outcome of the disastrous policy initiated by Henry III after the Treaty of Woodstock.<sup>103</sup>

Such an interpretation supposes, however, that Edward had been unable to address the complaints of Welsh communities living under his lordship, a view that is not entirely accurate. Even though he had been granted his apanage more than two-and-a-half years before the beginning of the war, Henry III’s eldest son had not had much occasion to spend time in England, as he had travelled to France to get married and be knighted. Inevitably, this distracted him from his other estates in England and Ireland. When he arrived in Gascony in June 1254, moreover, the situation there was disastrous: the duchy was on the verge of civil war and finances were exhausted. Edward had to spend the first months of his lordship trying to reestablish order in Gascony, but his careful approach was eventually successful and peace was restored by the time he left the region in October 1255.<sup>104</sup>

Unfortunately, after his arrival in England in November, Edward has a tendency to shrink from view. Records of his activities have not survived and documentary evidence

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<sup>102</sup> TNA C 61/4, m. 1; Studd, ‘A Catalogue’, acta 6, p. 187, acta 11, p. 189 and acta 15, p. 191.

<sup>103</sup> Beverley-Smith, *Llywelyn ap Gruffudd*, p. 88.

<sup>104</sup> Trabut-Cussac, *L’Administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 à 1307* (Genève: Librairie Droz, 1972), pp. 9-15. For an analysis of Edward’s lordship of Gascony between 1254 and 1272, see *ibid.*, pp. 3-40.

indicates only that he remained in the South of England until his visit to Chester in the summer of 1256, and, apart from the information supplied by the *Annales Cestrienses*, nothing else is known about this.<sup>105</sup> Nevertheless, there is little doubt that Edward was aware of the critical situation in both Cheshire and Perfeddwlad; an entry in the close rolls reports that Edmund de Lacy, plus two members of his household, were away in Wales in Edward's service at the beginning of October 1256, just weeks before the Welsh outbreak.<sup>106</sup> Where in Wales these men were and what their exact mission was is unclear, but Edmund de Lacy was a substantial lord,<sup>107</sup> constable of Chester and heir to the earldom of Lincoln, and his presence in Wales in Edward's service a short time before the revolt suggests that a major operation was taking place there. On the other hand, it is the only indication that Edward attempted personally to address problems in Wales. The castle of Montgomery was supplied with weapons at the end of October, which supports the idea that further troubles were, indeed, expected, but these instructions were sent by the king, not his son.<sup>108</sup>

Considering Welsh movements in the first weeks of the rebellion, however, such measures appear insufficient, if not useless, and show that Edward had either underestimated the seriousness of the crisis in North Wales, or had not paid enough attention to the region. This remains all the more difficult to understand, and contrasts markedly with Edward's attitude in 1254-55 in Gascony where, with no prior experience of lordship, he had personally dealt with local problems with great success. For example, he had not hesitated to summon Gascon lords to appear before him to settle various disputes, to appoint new clerks to assist

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<sup>105</sup> Itinerary, pp. 28-32; *Ann. Cest.*, pp. 72-3. Both Prestwich and Morris have suggested that Edward's visit in the summer of 1256 may have increased tensions in the region. There is no evidence to substantiate their view, and it is important to note that the Welsh only revolted in November 1256, more than three months after the king's son left the area, Prestwich, *Edward I*, p. 17; Morris, *A Great and Terrible King*, p. 31.

<sup>106</sup> CR 1254-56, p. 450.

<sup>107</sup> Edmund de Lacy was, moreover, closely connected to the royal family. He had married Alice Saluzzo, Queen Eleanor's cousin, and granddaughter of the count of Savoy in 1247. His importance was reflected in 1255, when he was ordered, along with other great nobles, including the king's half-brothers and several earls, to conduct the king of Scotland to Henry III, see *Chron. Maj.*, IV, p. 628; CPR 1247-58, pp. 421 and 441; L. Wilkinson, *Women in Thirteenth Century Lincolnshire* (Woodbridge: Boydell, 2007), p. 50. I am grateful to Andy Connell for these references.

<sup>108</sup> CR 1254-56, p. 370.

the main officials in the duchy, and to bring hostages with him to England to maintain the peace.<sup>109</sup> Yet surprisingly, Edward's apparent disregard for Welsh affairs may perhaps be explained in the light of these events in Gascony. Restoring peace in the duchy had proved to be a long and painful process, for which significant financial and human resources had been devoted. Confronted with a similar situation in North Wales, an area with which he was unfamiliar, it is likely that Edward was reluctant – at not yet seventeen – to deal with another mess caused by the short-sighted policy of his father.

a) 1256-1258

As critical as things were in North Wales, Llywelyn ap Gruffudd's invasion of Perfeddwlad in November 1256 seems to have taken both the king and his son by surprise. In one of his letters addressed to Llywelyn, the king expressed his astonishment that the Welsh prince had attacked Edward's lands despite the fidelity he owed to the king, and, even more importantly, despite the talks between them that had taken place shortly before.<sup>110</sup> This last element indicates that both rulers were regularly in contact and, although the exact tenor of the talks remains unknown, it implies that Henry III, unlike his son, had tried to find a peaceful outcome with Llywelyn. The invasion probably came as a surprise for Edward as well, as he was still at Windsor on 6 November.<sup>111</sup>

Henry III and Edward adopted very different attitudes shortly after the outbreak of war. The king spent the first weeks of the conflict writing to Llywelyn to settle peacefully the matter on the border.<sup>112</sup> He was joined by Richard of Cornwall, who attempted to act as mediator between his brother and Llywelyn. In February or March 1257, the earl of Cornwall

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<sup>109</sup> Trabut-Cussac, *L'Administration Anglaise*, pp. 10-1 and 14; below, p. 258.

<sup>110</sup> CR 1256-59, pp. 107-8.

<sup>111</sup> CChR 1226-57, pp. 453-4; Studd, 'A Catalogue', acta 620, pp. 494-6.

<sup>112</sup> CR 1256-59, pp. 112 and 115.

wrote to the Welsh prince asking him to surrender the lands he occupied to the king and his son.<sup>113</sup> Unsurprisingly, Llywelyn refused to comply and argued that these territories were his by the rights of his ancestors, and that surrendering them would expose him and his men to severe retaliation from Edward. If this may have been a convenient pretext from Llywelyn to keep his fresh conquests, his letter also reveals that he twice sought for an agreement just after the revolt. He formerly proposed to give back the Four Cantreds as well as a generous sum of money to Henry III, Eleanor of Provence, and their son, in exchange for keeping the whole of North Wales (Gwynedd) himself.<sup>114</sup> His offer having been refused, Llywelyn alternatively proposed to surrender the commotes of Creuddyn and Prestatyn, together with a sum of money. If they failed to reach a lasting peace, Llywelyn was prepared to pay 1,500m to secure a truce of seven years. His proposals, as the previous one, were ultimately rejected.<sup>115</sup>

It is difficult to understand why the king and his son did not accept the prince's first offer; recovering the Four Cantreds and receiving a substantial sum of money was certainly more appealing than a full-scale war. Llywelyn, moreover, describes in a letter how his messengers waited in vain at the royal court for a response, and this indicates that he expected to negotiate exclusively with the king, not his son.<sup>116</sup> Overall, this is quite revealing of Edward's status during the conflict: although he controlled the territories affected by the Welsh revolt, he was regarded by Llywelyn as a lord of secondary importance, and later exchanges with the king demonstrate that the Welsh ruler regularly ignored the king's son altogether during negotiations.<sup>117</sup>

The failure of such an agreement, however, was probably due to Edward. Deeply affected by the Welsh assault on his lands, he wanted to retaliate against the intruders and to

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<sup>113</sup> AWR, act 327, pp. 497-8.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Interestingly, Edward was probably present with his father when Llywelyn's messengers were there, Itinerary, pp. 32-3; WL, II, pp. 101-5.

<sup>117</sup> See below, pp. 161, 163 and 182.

‘continue until their extermination’.<sup>118</sup> If Matthew Paris is to be believed, one of his first moves after Llywelyn’s invasion was to rush to Wallingford to meet with his uncle Richard of Cornwall and secure a loan of 4,000m to prepare an offensive.<sup>119</sup> Even though this episode sounds plausible, it is quite possible that Paris was confused here with another loan of 4,000m which Edward borrowed from the same uncle in September 1254.<sup>120</sup> Similarly, it remains unclear why the king’s brother would have agreed to lend him such a large sum for a military operation, while trying at the same time to settle the matter peacefully with Llywelyn. In any case, evidence clearly shows that Edward was trying to obtain more money: he contracted two further loans for a total of 500m from the royal exchequer in late 1257 and early 1258, even though it is impossible to say with certainty whether this sum was used specifically for his campaigns of 1257.<sup>121</sup>

The fact that Edward asked for financial support from his uncle and father, to the tune of more than a quarter of his annual income, is quite revealing of his impuissance. Although he was endowed with significant territorial possessions, these were not enough to provide him with sufficient resources to address the various problems that arose in his apanage. Perhaps more than his poor choice of officials, or his alleged inability to restrain their exactions in North Wales, this may have been the reason why he refused to deal with the Welsh issue in the first place.

Due to lack of records in both Edward’s and the royal chanceries, the first campaign of 1257 has received little attention from historians. Hilary Wait, however, using the only financial account that exists for the whole period of Edward’s lordship, has shed new light on his first real military operation. Wait’s work shows that Edward’s campaign involved

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<sup>118</sup> Chron. Maj., V, p. 593.

<sup>119</sup> Ibid.

<sup>120</sup> TNA C 61/1, m. 2; Studd, ‘A Catalogue’, acta 52, p. 213. A grant issued by the king in November 1256 shows that his eldest son had, indeed, borrowed large sums of money from Richard of Cornwall, although the exact amount and date are not mentioned, CPR 1247-58, p. 532.

<sup>121</sup> CL 1251-60, pp. 417 and 419.

significant human and financial resources: more than 2,300 foot soldiers were dispatched to different localities mostly situated in the central marches and South Wales, under the command of important marcher lords, namely Humphrey de Bohun, Roger Mortimer and Richard de Clare. In the meantime, another force led by John Lestrange and Gruffudd ap Gwenwynwyn, ‘with many others under the Lord Edward’s standard’, conducted raids from Montgomery Castle, while Stephen Bauzan led action in West Wales.<sup>122</sup>

As ambitious as the campaign was, it achieved nothing. According to Matthew Paris, the winter was so wet and difficult that year that Wales was inaccessible to English troops. Worst of all, the operation ended up being a complete failure: Stephen Bauzan was killed in a skirmish outside Carmarthen on 2 June 1257, and the troop he commanded was utterly defeated.<sup>123</sup> Surprisingly, Henry III’s eldest son did not take part in the campaign he had organised; records indicate that he remained around the London area until the beginning of July 1257.<sup>124</sup> Such an attitude on Edward’s part is difficult to understand, especially for someone who enjoyed tournaments and chivalry: it was for him the perfect occasion to demonstrate his martial skills. It is possible that he initially underestimated the level of Welsh resistance and expected his forces to defeat the enemy without his military command – after all, his campaign involved considerable numbers of men. Alternatively, it can be plausibly argued that he did not feel concerned by the Welsh situation – as seemed the case during the period of 1254-56 – and that he did not consider that it was his duty to lead the army.

With the disaster in Wales, Henry III had little choice but to address the rebellion more seriously. Jointly with his eldest son, he decided to launch two simultaneous operations: one commanded by himself and his son in North Wales, and another led by Richard de Clare in

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<sup>122</sup> AC., pp. 92-3; H. Wait, ‘The Household and Resources of the Lord Edward, 1239-1272’ (University of Oxford, unpublished D.Phil thesis, 1988), pp. 50-1. Stephen Bauzan was with Edward in Gascony in 1254 and again at Southwark in March 1257, TNA C 61/1, m. 1, and C 53/50, m. 6; Studd, ‘A Catalogue’, acta 37, p. 202 and acta 622, p. 497.

<sup>123</sup> Chron. Maj., V, p. 593; AC., p. 94; Prestwich, Edward I, p. 18.

<sup>124</sup> Itinerary, pp. 33-5.

Deheubarth. Most of the royal army was summoned to be at Chester on 8 August 1257, where the king and his son arrived on 5 August.<sup>125</sup> Edward once again took an important part in the preparation of this campaign. He first contracted with Boniface of Savoy, his great uncle and archbishop of Canterbury, another loan of £1,000 for 'our war in Wales' on 18 July 1257 and used the money over the summer to raise troops and supplies in Ireland to be sent to Wales for the campaign.<sup>126</sup>

Despite the careful preparations, this expedition, like the previous one, achieved nothing due to lack of coordination. After spending the first weeks of August in Chester, the king and his son went into Wales and reached Degannwy on 25 August. There, they waited fifteen days for the supplies from Ireland, before returning to Chester on 8 September 1257. Staying in Chester for another week and promising to return on Whitsun the following year, Henry III called off a campaign that he had never really wanted, and returned to Westminster in October, leaving Llywelyn a free hand to control Perfeddwlad.<sup>127</sup> Meanwhile, although he left Chester as early as 8 September 1257, Edward continued to support the expedition in South Wales led by Clare. Alan la Zouche, on his behalf, was still gathering troops and supplies in Ireland to be sent to Cardigan and Carmarthen in September 1257.<sup>128</sup> Moreover, when visiting Monmouth on 15 November, Edward ordered the justiciar and the chamberlain of Ireland to provide everything that Roger de Clifford and Robert Walerand, both sent by Edward, might request for the defence of South Wales.<sup>129</sup>

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<sup>125</sup> CR 1256-59, pp. 139-41; Ann. Cest., pp. 74-5.

<sup>126</sup> In exchange, Edward had to grant the manor of Eltham in Kent and the lands in the Rape of Hastings, TNA C 66/71, m. 4; Studd, 'A Catalogue', acta 626, p. 500. Meanwhile, in June 1257, Edward had already borrowed jointly with his parents the sum of 10,000m from various Italian merchants, CPR 1247-58, pp. 562-3; Studd, 'A Catalogue', acta 624, pp. 498-9. The orders relating to the organisation of supplies in Ireland by Edward have been edited in J. F. Lydon, 'Three Exchequer Documents from the Reign of Henry the Third', Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature, 65 (1966-67), pp. 1-27, at pp. 20-4; Studd, 'A Catalogue', acta 627-664, pp. 500-18.

<sup>127</sup> Ann. Cest., pp. 74-5; CR 1256-59, pp. 90-1; Itinerary, p. 37; Beverley-Smith, Llywelyn ap Gruffudd, pp. 104-5.

<sup>128</sup> Ann. Cest., pp. 74-5; Lydon, 'Three Exchequer Documents', pp. 23-4; Studd, 'A Catalogue', acta 666-75, pp. 518-22.

<sup>129</sup> Lydon, 'Three Exchequer Documents', pp. 26-7; Studd, 'A Catalogue', acta 676, p. 522.

Cheshire, despite its location, does not seem to have played an important role in the two campaigns of 1257. Chester served as a mustering point for the royal army in August 1257, but the county's resources were not exhaustively used: supplies were originally gathered and shipped from Ireland, and only a few Cheshire men appear to have taken part in the campaigns. Based on the king's summons, his different orders and his letters of protection, a list of about thirteen names only, with various levels of connection with Cheshire, can be drawn.<sup>130</sup> These men fulfilled different missions. In August 1257, John fitz Alan, Hamo Lestrangle and Giles de Erdington were assigned by the king to defend the march around Montgomery Castle,<sup>131</sup> while John de Grey was entrusted by Edward to protect the whole Anglo-Welsh border from Chester to South Wales.<sup>132</sup> Urian de St Pierre was responsible for accepting any Welshman, except those specifically mentioned, within the king's and Edward's peace.<sup>133</sup> With regard to other listed men, they simply accompanied the king and his son in Wales, and some of them (John and Walkelin de Arderne, Fulk de Orreby and Walter de Vernon) stayed there after the king and his son left the area.<sup>134</sup> Roger de Montalt, who had replaced Gilbert Talbot as justiciar of Chester in May 1257, also went into Wales.<sup>135</sup>

The men who served in the campaigns of 1257 were pretty much the same as those who were subsequently employed by Edward and his father on the border. A few more names should be added to the list: James de Audley, whose lands were raided by the Welsh in 1257

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<sup>130</sup> John fitz Alan, John and Walkelin de Arderne, Giles de Erdington, John de Grey, Hamo Lestrangle, Edmund de Lacy, Roger de Montalt, Fulk de Orreby, Urian de St Pierre, Laurence de Sandford, and Walter de Vernon. There is uncertainty concerning William de Cestre, but his name suggests that he was originally from Cheshire, CPR 1247-58, pp. 553, 569, 586, 569, 595-7, 600-2 and 659; CR 1256-59, p. 147. Wait argues that James de Audley was also part of the 1257 campaigns; Wait, 'The Household and Resources', p. 337. I have not found evidence to substantiate her claim, and, moreover, Audley was in Aachen for Richard of Cornwall's coronation during the spring of 1257, CPR 1247-58, pp. 589-90.

<sup>131</sup> CR 1256-59, p. 147. Although John fitz Alan was a Shropshire lord, he also held six knights' fees in Cheshire; Calendar, p. xlvi. Like Hamo Lestrangle, most of his actions during the war occurred in Shropshire. Moreover, John fitz Alan does not appear in Edward's acta. Giles de Erdington does not appear on the list of landholders for 1252, but he held a manor in Cheshire at Marbury as well as lands in Shropshire, CChR 1226-57, pp. 277 and 409. He does not appear to have been associated with Edward, and he later played an important role in the Baronial Movement of Reform, and subsequently on the Montfortian side, see below, p. 235.

<sup>132</sup> CPR 1247-58, p. 553.

<sup>133</sup> Ibid., pp. 600-1.

<sup>134</sup> Ibid., pp. 569, 586, 595-7, 601-2 and 659.

<sup>135</sup> Ibid., p. 597; Ann. Cest., pp. 74-5.

while he was with Richard of Cornwall in Aachen, and probably Thomas de Orreby and William la Zouche.<sup>136</sup> In total, they were the only Cheshire men clearly identified involved on the Anglo-Welsh border during the war. They formed a group of slightly more than fifteen individuals, all differing in wealth, experience and importance. Although fairly small, the group included some powerful marcher lords, such as James de Audley, Roger de Montalt, John fitz Alan and Hamo Lestrangle, who performed different missions for the king and his son throughout the conflict, although some of them served longer than others: John and Walkelin de Arderne, Giles de Erdington, Edmund de Lacy, Laurence de Sandford, and Walter de Vernon, in particular, do not appear to be associated with any further action on the border after the campaigns of 1257.<sup>137</sup>

Why there were no more Cheshire men involved is unclear. Of the twenty-five families identified in the inquest of lands of 1252, only six took part in the campaigns of 1257, and, apart from Edmund de Lacy, they were by no means the most important. Laurence de Sandford and John de Grey only possessed either scraps of lands or isolated properties in the county, as did Giles de Erdington, Urian de St Pierre or Hamo Lestrangle.<sup>138</sup> In comparison, the Mascys held five knights' fees, the Venables ten, and the Mainwarings four-and-a-half, but they did not play any role during the war.<sup>139</sup> That Cheshire tenants were summoned separately by Edward and that his orders have not survived is a possibility,<sup>140</sup> but this raises the question of why Roger de Montalt and John fitz Alan, for example, were

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<sup>136</sup> Chron. Maj, V, p. 656; It seems, indeed, that Audley's manor of Kenardesle in Shropshire was raided by the Welsh in 1257. In an inquisition of 1277, it was reported that he had conferred its custody in 1257 on his brother-in-law Gruffudd ap Madog, who lost it against the Welsh. Audley managed to recover it, but he was ejected again by the Welsh until Hamo Lestrangle took it over and retained it during the war, CIM, i, act 1059, pp. 322-3. For Thomas de Orreby and William la Zouche, see below, pp. 167, 169-71 and 177.

<sup>137</sup> See below, pp. 162, 164, 167 and 179.

<sup>138</sup> Giles de Erdington, Hamo Lestrangle and Urian de St Pierre do not appear on the landholders list of 1252.

<sup>139</sup> Calendar, pp. xlvi-xlvii.

<sup>140</sup> This is suggested by the summons to all Cheshire landholders in 1263-64 to defend the county against the Welsh, although it is worth bearing in mind that nothing indicates that Edward specifically issued such instructions, TNA KB 26/198, m. 17/1.

specifically summoned by the king for the summer campaign of 1257. Was it because they also held lands from the king outside the county of Chester?

This could be the case, but it is crucial to reiterate that the main families in Cheshire were not only inactive on the border during the conflict, but also within the internal affairs of the county. Moreover, Edward's acts and witness lists, the royal chancery records, and the documents issued by the different Welsh lords all point towards the same group of Cheshire individuals identified above. Various explanations can be advanced instead. As these families did not have any experience of royal service, it can be plausibly argued that the king and his son were reluctant to rely on them in such a difficult period. It is also possible that some of them were physically unable to perform any service because of their age, condition, or gender. This hypothesis would explain why, except on rare exceptions, the members of the most prominent families in Cheshire rarely appear in royal chancery records, or in transactions conducted within the county. Alternatively, by ignoring the main tenants, the king and his son perhaps sought to avoid putting more strain upon a region which was directly exposed to Welsh attacks, as a result mainly of their policy since 1247 and their inability to protect these estates.

After the failures of the two campaigns, and following short visit to Monmouth in November, Edward left the border to spend the winter in the South East with his father, where he continued to organise supplies from Ireland to be sent to Wales, to Cardigan and to Chester.<sup>141</sup> Then, on or before 8 February 1258, he granted to Roger Mortimer all the lands held by Owain ap Maredudd and Owain ap Yarudod in Colwyn Uwch Mynydd (Radnor), for the service of one knight at each summons of the host to England, and of three knights at each summons of the host to Wales. The granting of these lands was part of Edward's deliberate strategy: although Owain ap Maredudd had made peace with Henry III after Dafydd ap

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<sup>141</sup> Lydon, 'Three Exchequer Documents', p. 26; Studd, 'A Catalogue', acta 678-85, pp. 523-7; Itinerary, pp. 37-9; WL, II, pp. 116-7.

Llywelyn's death in March 1246, he rallied Llywelyn ap Gruffudd when he was offered Edward's lands around Llanbadarn Fawr and the castle of Builth in December 1256. He then remained faithful to the Welsh prince until his death in March 1265.<sup>142</sup> In granting his lands to Mortimer, therefore, Henry III's eldest son not only punished Owain for his betrayal, but also strengthened his position as well as that of Mortimer in the march. This indicates that, despite recent military setbacks, Edward still maintained a relative interest in Wales.

On the other side of the border, however, Llywelyn decided to slow down. After his initial progress in Wales, he understood that the only way to maintain his position was to have his status formally acknowledged by the other Welsh princes as well as by the English king. Early in 1258, Llywelyn secured the recognition of his superiority over the other Welsh lords and styled himself 'Prince of Wales'. But to retain this suzerainty, Llywelyn had yet to receive official recognition from the English king. This was to be his main ambition from early 1258 to the end of 1262, and explains the defensive attitude he adopted: he desperately needed to reach an agreement with Henry III to retain the superiority he had achieved in Wales.<sup>143</sup>

Even though Llywelyn stopped in Wales, troubles in the English realm did not. The inability of both Edward and his father to repel the Welsh prince's advance added more strain on a country where growing discontent was palpable.<sup>144</sup> In addition, various lords, principally those who maintained large interests in the marches or in Wales such as Richard de Clare and William de Valence (who had suffered severe destruction of his Pembrokeshire estates), were understandably worried and upset to witness that Llywelyn's rise to power was not met with a strong response from the king.<sup>145</sup> Llywelyn's ascendancy also aroused suspicion and dissensions among the great magnates. Matthew Paris reports that William de Valence

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<sup>142</sup> TNA C 53/48, m. 4; Studd, 'A Catalogue', acta 686, pp. 527-8; AWR, p. 12.

<sup>143</sup> Brut, p. 251; Beverley-Smith, Llywelyn ap Gruffudd, pp. 109 and 117.

<sup>144</sup> See notably below, pp. 186-7 and 199-200.

<sup>145</sup> A. Jobson, *The First English Revolution: Simon de Montfort, Henry III and the Barons' War* (London: Bloomsbury, 2012), pp. 17 and 19-20.

accused some nobles in the king's court of having treacherously assisted the Welsh. Such accusations particularly infuriated Clare and Montfort, whose angry reaction forced the king to intervene.<sup>146</sup>

Yet, despite ongoing tension and domestic problems, Henry III and his son were still prepared to launch another military campaign. A year earlier, the king had promised to return to Wales for Whitsun and on 14 March 1258, he ordered his forces to muster at Chester by 17 June. Although the list of those summoned included seven earls and more than a hundred lay tenants, only four Cheshire individuals can be clearly identified, Roger de Montalt, James de Audley, John fitz Alan and Edmund de Lacy.<sup>147</sup> Henry also summoned a parliament in April 1258 to deal, albeit not exclusively, with the crisis in Wales.<sup>148</sup> This decision proved to be a bad move: barons and great magnates were becoming increasingly hostile to the king's personal rule and the recent military setbacks in Wales were deeply resented. On the occasion of the April Parliament, these men allied together and confronted Henry. Gathering again at Oxford just a few weeks later, they imposed drastic restrictions upon Henry III's prerogatives through the Provisions.<sup>149</sup> Confronted with severe opposition across the realm, the king could do nothing but cancel the campaign and negotiate a truce with Llywelyn. His son's position was hardly more enviable: he was also deprived of his freedom of action and was probably running short of money, too.<sup>150</sup> With no other option, he too agreed to the truce.

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<sup>146</sup> Chron. Maj., v, pp. 676-7; D. Carpenter, *The Reign of Henry III* (London: Hambledon Press, 1996), p. 193.

<sup>147</sup> CR 1256-59, pp. 294-7 and 299. Gruffudd ap Gwenwynyn, Hamo Lestrangle's brother-in-law, as well as John Lestrangle, were also summoned.

<sup>148</sup> The other main issue was to discuss the papal demand for a new tax concerning the Sicilian Business. Indeed, in 1254, Henry III had accepted the pope's offer of the Crown of Sicily for his son Edmund in return for the outstanding payment of 135,000m, Morris, *A Great and Terrible King*, p. 36; Prestwich, *Edward I*, p. 24. For more detail on the Sicilian Business, see Carpenter, 'What Happened in 1258', in *The Reign of Henry III*, pp. 183-97 and below, p. 186.

<sup>149</sup> Prestwich, *Edward I*, pp. 24-5. For a recent account of the crisis of 1258, see Jobson, *The First English Revolution*, pp. 15-27.

<sup>150</sup> TNA C 66/73, m. 13; CPR 1258-66, p. 13; Studd, 'A Catalogue', acta 697, p. 535. Edward granted the wardship of the lands and heirs of Walter fitz Robert with their marriage on 23 June 1258, which he had received only two months before from his father, to Stephen Longespée for the sum of 3,000m, 2,000m of which had already been paid to him. After Longespée's death in 1260, the wardship returned to Edward.

The truce was thus sealed at Oxford on 17 June 1258 and was to last until 1 August 1259, with each side retaining possession of the lands and castles conquered so far. The terms of the truce were not necessarily exceptional: penalties were set in place for those breaking the truce, and freedom of movement and trade across the border was allowed with special licence. The truce also granted the right for the king and his son to access and to supply Degannwy and Dyserth castles; if this was impossible because of any impediment, supplies were to be transported by Llywelyn and his guards, at the summons of the justiciar of Chester.<sup>151</sup> The terms employed were quite revealing of Edward's status: although he technically had control over the region, Henry III specifically referred to 'his castles and his men' when mentioning Dyserth and Degannwy.

The truce put an end to the first phase of the war. For Edward, it was a bitter pill to swallow. Reluctant to address the Welsh problem in the first place, he proved incapable of protecting his lands once the revolt started, despite the considerable means involved. Meanwhile, his refusal to negotiate with Llywelyn prevented him from reaching a swift agreement with the Welsh prince, and the war was about to continue on the border at his expense. In the end, even though he had demonstrated that he could successfully deal with some difficult situations, as he did in Gascony in 1254-55, these two years ultimately marked the utter failure of his lordship in the region. Perhaps more importantly, Cheshire was now directly exposed to Welsh attacks for the first time in over five decades. As it had done under the earls, it was now serving, yet again, as a bulwark against Wales. Nevertheless, Edward should not be judged too harshly. In 1256-58, he was still a young lord with little experience of war or leadership. He had to rule local communities that were deeply resentful towards English administration, in an area that was, moreover, almost unknown to him. With limited

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<sup>151</sup> AWR, act 331, pp. 503-4.

resources and little support from his father, it is hard to envisage how he could have done any better.

b) 1258-1262

The next phase of the conflict lasted until the end of 1262 and was a succession of renewals and breaches of the truce on both sides of the Anglo-Welsh border. During this period, Llywelyn tried above all to obtain the formal recognition of his position from the English king. With a truce secured for a year and with his freedom of action restrained by the Provisions of Oxford, Edward seems to have focused on other business. Unfortunately, details about his activities have not survived; records only indicate that he mostly remained in the South of England after he left Oxford in June, before paying a brief visit to Wales at the end of November or in early December 1258.<sup>152</sup> At the end of 1258, the king sent his envoys to the ford of Montgomery to discuss prolonging the truce and the various infringements that had occurred. Later, on 11 June 1259, he sent eight new envoys to Montgomery on 'behalf of himself and of his son' to make and receive amercements for interceptions and trespasses against the truce.<sup>153</sup> Of the ten envoys sent to the border in 1258-59, three were connected to Cheshire, namely James de Audley, who was involved in the talks that took place in December 1258, Roger de Montalt and John fitz Alan, who acted as diplomats in June 1259. Their presence in Montgomery was not surprising; all the men involved in the negotiations were substantial marcher lords directly concerned by the threat posed by Llywelyn. More specifically, Audley and Montalt, who probably owed their place there to the position they

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<sup>152</sup> Itinerary, pp. 40-2; CLR 1251-60, p. 441.

<sup>153</sup> CR 1256-59, pp. 330 and 466-7; CPR 1258-66, p. 27; Beverley-Smith, Llywelyn ap Gruffudd, p. 121.

occupied in the different reformers' councils, were empowered by the king to prorogue the truce with Llywelyn.<sup>154</sup>

As the truce technically ended on 1 August 1259, Henry III summoned his army on 12 June to be at Chester on 8 August for a new operation against the Welsh, but as with his aborted campaign of 1258, this never took place.<sup>155</sup> Instead, through the intermediary of the envoys sent to the border in June, the truce was renewed until 1 August 1260.<sup>156</sup> The extent of Edward's involvement in these proceedings is unknown, but it is likely that he ignored them altogether, as he travelled to France in the early spring of 1259 for a tournament, and attended another one at Blyth in Northumberland on 12 June while negotiations were being conducted.<sup>157</sup> Meanwhile, the terms of the truce are a good indication that he was not consulted: it was sealed between the king and his men, whether English or Welsh, on the one side, and Llywelyn and his men on the other. As for Edward, he was not even mentioned in the document.<sup>158</sup>

Appeasement on the border allowed Llywelyn to secure what he had gained so far. In October 1259, he wrote to the king making various propositions to retain the lands and fealty of Wales as his grandfather Llywelyn ap Iorwerth had held them. He first offered to do homage to the king and to marry one of his nieces. If the king refused, he was ready to pay 11,000m to him, 2,000m to the queen, and 3,000m to Edward over eighty years, as well as surrendering the two commotes of Prestatyn and of Creuddyn, and all marcher lands in Wales occupied by himself and his men. Failing to secure a peace, he was prepared to pay £700 for a seven-year truce.<sup>159</sup>

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<sup>154</sup> Below, pp. 208-10; CPR 1258-66, p. 27.

<sup>155</sup> CR 1256-59, pp. 480-1.

<sup>156</sup> CPR 1258-66, p. 34.

<sup>157</sup> Itinerary, p. 43. On 2 June 1259, the king issued instructions to prohibit the tournament at Blyth, CPR 1258-66, p. 27.

<sup>158</sup> CPR 1258-66, p. 34.

<sup>159</sup> AWR, act 338, pp. 506-7; CR 1259-61, pp. 4-5.

All his demands were ultimately rejected by the king who replied that he could not answer Llywelyn's propositions as some members of his council were abroad and that he himself was about to go to France.<sup>160</sup> As for the rest of the negotiations between the two men, Edward held only a secondary role: Prestatyn and Creuddyn were technically his lands but Llywelyn continued to address the king directly in all discussions. Similarly, although he was present when his father received Llywelyn's letter, there is nothing to suggest that either party sought after his opinion on the matter.<sup>161</sup> With regard to the king, he was anxious to preserve the peace in this sensitive area while he was away, and he instructed Roger de Montalt, the abbot of St Werburgh, the prior of Northop, and a further six arbitrators including Tudur ap Ednyfed, to go to Northop about ten miles from Chester, to inspect infractions of the truce.<sup>162</sup> These orders demonstrate that even though Edward was not necessarily involved on the border, some Cheshire men, notably the justiciar of Chester, still played a decisive role in dealing with the Welsh.

Interestingly, the truce was also the occasion for the king's son to plan his coup of 1259.<sup>163</sup> Although he spent most of his time in the South East during this period, he still issued various instructions concerning Cheshire and the marches. On 1 November 1259, he withdrew the custody of all the most important castles in Cheshire and North Wales (Degannwy, Dyserth, Chester, Beeston and Shotwick) from Roger de Montalt, seneschal of Chester, to give them to Fulk de Orreby, freshly appointed justiciar of Chester.<sup>164</sup> In May 1260, John Lestrangle junior replaced his brother Hamo as constable of Montgomery Castle in Mid Wales.<sup>165</sup> Appointing new men – all connected to Cheshire – was a way for the king's son to enforce his authority over areas threatened by the Welsh raids. Similarly, in June and

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<sup>160</sup> CR 1259-61, pp. 4-5.

<sup>161</sup> Itinerary, pp. 44-5; WL, II, p. 125-6.

<sup>162</sup> CR 1256-59, pp. 4-5; Beverley-Smith, Llywelyn ap Gruffudd, p. 124.

<sup>163</sup> See above, p. 115-6.

<sup>164</sup> TNA C 61/4, m. 5; Studd, 'A Catalogue', acta 711-2, pp. 546-7. This appointment remains surprising; Roger de Montalt was the seneschal of Chester and a lord with experience. For his replacement, see below, pp. 215-6.

<sup>165</sup> TNA C 61/4, m. 3; Studd, 'A Catalogue', acta 795-6, p. 586.

August 1260, he made sure to stock up carefully his castles in North Wales with crops and wine imported from other territories in his apanage.<sup>166</sup>

In the meantime, Edward also granted William de Bolleville in November 1259 a tenth part of a knight's fee in the county of Carmarthen for his service before endowing in December Guy de Provence and Roger de Clifford with some minor possessions to the North and East of Chester.<sup>167</sup> By distributing lands on the border, and especially in the county of Chester, Henry III's eldest son probably sought to reward his supporters, as much as he was trying to consolidate his position in the region. Finally, in March 1260, he granted a licence to the burgesses of Cardigan to take murage to enclose their town.<sup>168</sup> As these measures show, Edward did not ignore the frontier entirely during his political coup of 1259-60. His instructions, on the other hand, were not exceptional: they only intended to maintain the status quo in this sensitive area. In adopting a defensive attitude, he could focus on recovering his freedom of action elsewhere in the realm.<sup>169</sup>

After the ultimate failure of his coup in May 1260, it is possible that Edward secretly hoped for a new campaign in Wales where Llywelyn was becoming more and more threatening. Then, on 17 July 1260, the Welsh prince took and completely razed the fortress of Builth in Powys, which had originally been granted by Henry III to his son.<sup>170</sup> On 1 August 1260 Henry III reacted by summoning his army at Shrewsbury and Chester for 8 September. Once again, the list of tenants was impressive: more than eighty of them, including three

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<sup>166</sup> TNA C 61/4, mm. 2 and 3; Studd, 'A Catalogue', acta 798, p. 587 and acta 827, pp. 601-2. The supplies came from Ireland and the Channel Islands.

<sup>167</sup> At Shotwick and at Weaverham, TNA C 61/4, mm. 3 and 5; Studd, 'A Catalogue', acta 716, p. 549 and acta 751-752, pp. 564-5. The grant to Guy de Provence, who also held land in Oldfield and Pensby through his marriage to Alice de Heswall, was for his lifetime only. Interestingly, Roger de Leybourne, or his heirs, was to hold his grant until he was provided by Edward, or his heir, with land (*terra pacis*) of equal value in England or in Ireland. In February 1259, Edward had also granted the manor of Rushton (East Cheshire) to John de Grey, Cheshire Forest Eyre Roll of 1357, ed. P. M. Hyll and J. Heery (The Record Society of Lancashire and Cheshire, cli, 2015), pp. 179-80.

<sup>168</sup> TNA C 61/4, mm. 1 and 3; Studd, 'A Catalogue', acta 774, p. 576.

<sup>169</sup> It is probably in this light too that his approval for lifting the embargo on trade in the area should be regarded, CR 1259-61, pp. 30-1. This measure was taken by Henry III in February 1260, but he had to receive his son's as well as his council's approval first. The order to lift the embargo was sent to all the sheriffs of the border counties, but no mention was made of Cheshire.

<sup>170</sup> AC, p. 98; Beverley-Smith, Llywelyn ap Gruffudd, p. 127.

earls, were to be at Shrewsbury on 8 September, while thirty-one other men and another three earls were summoned at Chester. As in 1258 and 1259, men connected to Cheshire formed only a minority: Gruffudd ap Gwenwynwyn and John fitz Alan were required to be at Shrewsbury, and only James de Audley and John Lestrangle at Chester.<sup>171</sup>

As Beverley-Smith argues, the campaign of 1260 probably owed more to Edward than to his father. After all, Builth was his castle, and he appears to have been the only one who desired a strong military response against the aggression of Llywelyn. Moreover, in the summer of 1260, he was now allied with Simon de Montfort, and could count on his firm support for any military operation.<sup>172</sup> Henry III, however, rapidly changed his mind; two days after summoning his army, he was sending arbitrators to the Ford of Montgomery to receive amends concerning breaches of the truce. On 10 August 1260, the king sent new envoys, including James de Audley, to discuss prolonging the peace. This inconsistency could only be the result of conflicting opinions within the royal council, and without the full support of his barons, a truce appeared a better alternative to Henry III than another potentially disastrous military enterprise.<sup>173</sup>

That Edward was unaware of this sudden change of heart is plausible; he was with his father until 5 August and only left London after 8 August 1260 to be in Cheshire about ten days later. Meanwhile, the development of negotiations between Henry III and Llywelyn was not communicated to him.<sup>174</sup> Yet, unlike the suggestion made by Smith, he probably knew about the truce secretly renewed at Montgomery on 22 August 1260, as Fulk de Orreby, the

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<sup>171</sup> CR 1259-61, pp. 191-4. James de Audley was with Henry III when he originally summoned his army, WL, II, p. 129.

<sup>172</sup> Beverley Smith, *Llywelyn ap Gruffudd*, p. 128. Interestingly, Roger Mortimer, who had the custody of Builth, was pardoned by the king and his son, in the presence of various magnates, for any responsibility in the loss of the castle, but Edward, then, rejected this decision, *ibid.*; CPR 1258-66, p. 85.

<sup>173</sup> CR 1259-61, p. 89; CPR 1258-66, pp. 88-9; Beverley-Smith, *Llywelyn ap Gruffudd*, p. 129.

<sup>174</sup> *Itinerary*, pp. 51-2; CR 1259-61, p. 89; CPR 1258-66, pp. 88-9.

justiciar of Chester, acted as his representative as well as his father's.<sup>175</sup> His absence at Montgomery, moreover, was certainly not caused by ignorance or disinterest, but was due, instead, to his obligation to be in Cheshire to deal with local affairs.<sup>176</sup>

Although new articles were added to the agreement between the English and the Welsh, the terms of the truce were, in fact, very like previous ones sealed at Oxford in June 1258, with each side retaining seisin of the lands, men, castles, and other possessions which it held at signing the truce at Oxford. The king and his son were still allowed access to Dyserth and Degannwy castles, and provisions for breaching of the truce were arranged.<sup>177</sup> The English expedition, initially planned for 8 September, was aborted a week before.<sup>178</sup>

After Henry III called off the campaign in September 1260, Edward decided to remain in Cheshire. Taking advantage of the truce, he appointed some new officials; Urian de St Pierre and Robert de Pulford, two Cheshire tenants, were ordered to take control of Hawarden and Degannwy castles, while Fulk and Thomas de Orreby were required to extend his lands around Hawarden. Furthermore, he took measures to stock his castles in North Wales with grain, corn, wine and weapons, and pardoned Kenewrek ap Ithal for his involvement in the Welsh war, although this last order was subsequently cancelled.<sup>179</sup>

With the peace secured on the border for at least two years, and with his authority enforced in Cheshire, Edward could now focus on other affairs. As he returned to Westminster in October, he decided to form an alliance with Richard de Clare and Simon de Montfort. Together, they took over the royal government and replaced most of the powerful lords in the royal council. Now free to decide his own movements, Henry III's eldest son

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<sup>175</sup> Beverley-Smith, *Llywelyn ap Gruffudd*, p. 130. Simon Passelowe and the prior of Wenlock acted on the English side, and the bishop of Bangor and the abbot of Aberconwy on the Welsh one, AWR, act 342, pp. 508-12.

<sup>176</sup> See below, pp. 218-20.

<sup>177</sup> AWR, act 342, pp. 508-12.

<sup>178</sup> CR 1259-61, pp. 200-1.

<sup>179</sup> TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 842, p. 609, acta 846-7, pp. 611-2, acta 851, pp. 613-4 and acta 853-4, p. 615. As Studd points out, Hawarden castle was probably a threat to the Welsh; the castle was razed in 1265 and the Treaty of Montgomery clearly stipulated that no castle was to be built there for thirty years at least. The writ concerning Kenewrek ap Ithal was crossed out on the membrane.

departed for France at the end of the month to deal with his estates in Gascony and other matters.<sup>180</sup>

The next two years, from the end of the summer 1260 to the summer of 1262, were relatively quiet on the border, mostly because of Llywelyn's desire to achieve a lasting peace with the king as well as formal recognition of his position in Wales. From 1261-62, the Welsh prince tried to engage the king in negotiations, particularly after he resumed power in the summer of 1261, but these were ultimately refused by Henry III in January 1262 on the grounds that he could not address the demands without consulting his son, who was still in Gascony.<sup>181</sup> Edward, on the other hand, does not seem to have expressed any interest whatsoever in the situation on the border. It was, somehow, a lesson he had learned from 1256-58: although he was the most important lord in the marches, he knew that without his father's full support, there was nothing more he could do there.

Edward, moreover, was distracted by problems elsewhere in his apanage. The situation in the duchy of Gascony in the early 1260s was worrying. Alfonso X was supporting former local rebels who had been deprived of their possessions by the king, and two local families, the Colombs, who had the favour of Henry III, and the Solers, promoted by Edward, were openly fighting to assert their influence over the mairie of Bordeaux. In October 1260, Edward had to visit Gascony to deal with the problems in person. It was several months before order was restored, but when he left the region early in 1262, the situation had been resolved and his authority enforced.<sup>182</sup>

If Edward remained far from the Anglo-Welsh border, it was also because there was no need to stay there; contemporary annals and chronicles show that the period between the two summers of 1260 and 1262 was rather uneventful.<sup>183</sup> In the summer of 1262, however,

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<sup>180</sup> Morris, *Edward I*, pp. 46-8; *Itinerary*, p. 54.

<sup>181</sup> CR 1261-64, pp. 100-1; Beverley-Smith, *Llywelyn ap Gruffudd*, p. 134.

<sup>182</sup> Trabut-Cussac, *L'Administration Anglaise*, pp. 17-25.

<sup>183</sup> AC, pp. 99-100; *Ann. Cest.*, pp. 78-83; *Brut*, p. 253.

the truce agreed two years previously was about to expire, and England and Wales were once again on the verge of war.

c) 1262-1267

After almost two years of peace, tensions between the English crown and the native Welsh suddenly reached a new peak in the summer of 1262. This was surprising, as the truce had been renewed at Westminster on 4 May 1262, certainly in Edward's presence, and was to last until 24 June 1264.<sup>184</sup> Yet evidence reveals that infractions were becoming more and more recurrent on the border and that men connected to Cheshire were directly involved. As early as May 1262, Roger Mortimer and John Lestrangle raided the lands of Gruffudd ap Madog.<sup>185</sup> This first attack was rapidly followed by others. In August 1262, John fitz Alan, with other barons of the march were accused of having committed significant breaches of the truce against Llywelyn and his men.<sup>186</sup> Meanwhile, the justiciar of Chester was accused of preventing trade in the Cheshire area between English and Welsh merchants, despite the terms of the truce agreed in 1260.<sup>187</sup> Later in the same year, Llywelyn complained to Henry III that he had suffered attacks from the barons of the march, although according to the Welsh prince, the barons of Cheshire (*Cateric*'), Staffordshire and Shropshire were not involved.<sup>188</sup>

Possibly in September 1262, however, he reported in a letter addressed to the king that the lands of Gruffudd ap Madog had once more been plundered by the justiciar of Chester and his men. Even worse, Llywelyn relates how during a parley fixed between himself and the said justiciar, where Gruffudd ap Madog was present, the justiciar, the sons of John Lestrangle

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<sup>184</sup> AWR, act 349, p. 522; Itinerary, p. 63.

<sup>185</sup> AWR, act 350, p. 522; CR 1261-64, p. 128.

<sup>186</sup> AWR, act 352, p. 525; CR 1261-64, pp. 133-4.

<sup>187</sup> AWR, act 343, pp. 512-3. The exact date of this document is uncertain. It was probably drawn up between 22 August 1260 and 24 June 1264, perhaps in December 1261 or January 1262.

<sup>188</sup> *Ibid.*, act 351, pp. 522-4, July-December 1262.

and some Cheshire barons, failed to appear and pillaged another part of Gruffudd ap Madog's land in the meantime. Deeply aggrieved by the repeated attacks, Llywelyn eventually finished his letter with a warning note: he asked for the king's intervention and if he was denied justice, he was ready to retaliate.<sup>189</sup>

It remains difficult to understand why some Cheshire men felt the need to stir up trouble on the border before the end of the truce. Similarly, as surviving documents provide no precise indication, it is not easy to identify the justiciar of Chester responsible for these attacks. Based on the evidence, it could only be Thomas de Orreby (September 1261-December 1262) or William la Zouche (potentially January 1263-December 1264). But as most of the events reported seem to have been committed before December 1262, there is little doubt that it was Thomas de Orreby.

Why he decided to resume hostility in 1262 is unclear. It can tentatively be argued that some Cheshire men may have experienced severe devastation wrought upon their lands and possessions, and that they decided to take advantage of appeasement to retaliate against the Welsh, with the approval of the justiciar of Chester. After all, the Welsh still controlled *Perfeddwlad*, and pressure on the county was probably intense despite the truce, although it is necessary to note that Thomas de Orreby's lands were probably not affected.<sup>190</sup> It is unlikely that these raids received the support of the entire Cheshire community, as James de Audley, along with other men, was ordered in June 1262 by the king to go to the border to deal with breaches of the truce.<sup>191</sup> More specifically, the attack on the lands of Gruffudd ap Madog, James de Audley's brother-in-law, may also have been a personal vendetta directed by Thomas de Orreby and others against him for his decision to join Llywelyn in 1257.<sup>192</sup>

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<sup>189</sup> The exact date of this document is unclear; it was issued at some point between 28 February 1262 and 27 February 1263. A suggested date is on 26 September 1262, *ibid.*, act 353, pp. 525-6.

<sup>190</sup> It is only known that the Orreby's held some lands in the town of Chester, but the exact location of the rest of their lands in the county is unclear, *Char. St Wer.*, II, act 473, p. 277.

<sup>191</sup> CR 1261-64, p. 128.

<sup>192</sup> Carr, 'Madog ap Gruffudd Maelor'.

These military operations were probably conducted without Edward's approval. His itinerary shows that he was only present in the realm from about 22 February to 22 July 1262, and except for two short visits to Windsor and Bristol, he remained in the South East.<sup>193</sup> Furthermore, he probably knew by then that, apart from stirring up troubles on the border, there was little to be gained from these attacks. The raids by Cheshire men, therefore, should be regarded as isolated acts by resentful barons under the control of the justiciar of Chester, rather than as a deliberate strategy. This idea is supported by the sequence of events: Thomas de Orreby was replaced by William la Zouche on the king's order in December 1262 and his removal marked the end of his career in both Edward's and the king's services.<sup>194</sup>

Once again, Henry III and his son reacted differently to the disastrous situation on the border. Although both father and son sailed to France in July 1262, the king apparently tried to negotiate with Llywelyn, whilst conspiring at the same time to undermine his supremacy in Wales, while Edward seems to have ignored the problems altogether for there is nothing to suggest that he issued any instructions to prevent his barons or the justiciar of Chester from executing these attacks.<sup>195</sup> Quite possibly, Edward also had to follow his father – who had originally decided to go on pilgrimage to Rheims<sup>196</sup> – to deal with an important problem concerning the duchy of Gascony. After the death of Geraud de Malemort, the archbishop of Bordeaux, in 1260, Edward's officials had seized various places belonging to Malemort as well as the revenues of his archbishopric. When a new archbishop was eventually elected in 1262, however, he complained to the pope that the belongings had been unjustly taken by Edward with the king's help. The matter was serious, and a papal bull was apparently ready in

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<sup>193</sup> Itinerary, pp. 62-4.

<sup>194</sup> Thomas de Orreby was still alive in the early 1270s, *Char. St Wer.*, II, act 559, p. 318.

<sup>195</sup> On 22 July 1262, while in France, Henry III addressed a letter to Philip de Basset. Believing that Llywelyn was dead, the king declared in substance that Llywelyn had never been the true heir of Wales. He also claimed that the homage of the lords of Wales had belonged from the earliest time to none but the king, and that any attempt by Dafydd to assume authority over Wales should be frustrated by the marcher lords. It is unclear whether Llywelyn ever knew about this letter, CR 1261-64, pp. 142-3; Itinerary, p. 64; Beverley Smith, *Llywelyn ap Gruffudd*, pp. 145-6.

<sup>196</sup> Jobson, *The First English Revolution*, p. 81.

August 1262. Henry III, in Paris with Edward, quickly reacted by ordering his son to restore to the archbishop all possessions seized, and the problem was ultimately resolved a few months later.<sup>197</sup> Edward's involvement in the negotiations is unclear, but it is likely that he took an active part since it was his officials who were at the origin of the dispute.

Inevitably, this must have diverted Edward's attention from the Welsh border where tension quickly escalated. Indeed, by the summer of 1262, Llywelyn ap Gruffudd had probably realised that a peaceful settlement with Henry was impossible to reach in the current conditions. He believed the only way to receive the formal recognition of his position as Prince of Wales was through force. It was no surprise, therefore, that on 29 November 1262 he launched a series of attacks exclusively directed against Roger Mortimer's fortresses in Powys. Cheshire, despite the aggression of its barons, was not affected by Llywelyn's wrath.<sup>198</sup>

When Henry III finally returned from the Continent early in December 1262, Llywelyn was, more than ever, in a position of power on the border. Probably distraught by the situation, the king decided to send an angry letter to his son in which Edward was informed that the whole march of Wales was in danger, and that he had failed to protect his people, lands and castles in the area, and was, therefore, to return to England before Christmas as he had promised. More interestingly, the king accused his son and the men from parts of Cheshire of having shamefully broken the truce agreed with Llywelyn. As he was unwell, Henry III asked Edward to return as soon as possible to England to lead an expedition to protect the lands and castles from Llywelyn's attacks.<sup>199</sup>

Although the king may have been genuinely angry, it is not entirely clear how far his anger towards his son was justified. It is true that Edward had spent most of his time in France

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<sup>197</sup>Royal and Other Historical Letters Illustrative of the Reign of Henry III, ed. W. W. Shirley (2 Vols., Royal Series, 1862-66), II, pp. 104-6; Itinerary, p. 65; Trabut-Cussac, *L'Administration Anglaise*, pp. 26-7.

<sup>198</sup> Ann. Cest., pp. 82-3; AC, p. 100; Beverley-Smith, Llywelyn ap Gruffudd, p. 147.

<sup>199</sup> CR 1261-64, pp. 272-3.

since his departure in July 1262, but there is no record to indicate what he had been doing while overseas. It is impossible to ascertain that he was aware of the gravity of the situation on the border: it is likely that he had heard about the attacks committed by Cheshire men over the summer as he paid a short visit to Windsor sometime in November 1262, but Llywelyn certainly invaded Powys only after he left the realm.<sup>200</sup> In any case, Henry III's angry letter was quite revealing of the changing nature of Edward's position. Reduced to follow his father's initiatives at the beginning of the conflict, he was increasingly gaining his place within the realm: it was now Henry III who was seeking his support for the difficulties the kingdom was facing.

Despite his father's urgent call in December 1262, Edward only returned to England at the end of February 1263.<sup>201</sup> In the meantime, Thomas de Orreby had been removed from his office of justiciar of Chester on 25 December 1262 by the king, as 'the whole march of Wales was disturbed by Llywelyn ap Gruffudd and his accomplices, so that unless a speedy remedy is applied, great loss and peril may ensue'.<sup>202</sup> Alan la Zouche was sent to the defence of those parts, and his brother Eudes was entrusted the command of Edward's castles there, namely Beeston, Chester, and Shotwick. Edward was not consulted in this decision, as the king's writ specifically mentions that these orders were to be maintained until his son's arrival in those parts or until different instructions were sent.<sup>203</sup>

Yet after Edward's return at the end of February 1263, the situation rapidly worsened on the border. Llywelyn continued his operations, this time in Brecknockshire, and John de Grey reported to the king at the beginning of March 1263 that the men around Brecon had withdrawn from the king's fealty, and were now ready to follow the Welsh leader. Grey, with other marcher lords, launched raids on their lands, but Llywelyn responded by sending a force

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<sup>200</sup> Edward was at Windsor on 25 November 1262, and was said to be in Compiègne (France) on 7 December 1262, Studd, 'A Catalogue', acta 883, pp. 633-4; Itinerary, p. 65.

<sup>201</sup> Itinerary, p. 66.

<sup>202</sup> CPR 1258-66, p. 238.

<sup>203</sup> Ibid.

gathered from the whole of Wales and amounting to 180 barded horses and more than 10,000 foot soldiers, against which John de Grey tried unsuccessfully to engage. At the end of his letter, Grey asked the king to send more money for the defence of those parts.<sup>204</sup>

Henry III, however, in spite of his attempts to set up a meeting with Llywelyn to discuss the breaching of the truce, seems to have left the whole problem to his son by the end of March.<sup>205</sup> Early in April, Edward rushed to Herefordshire. One of his first actions there was to pardon Dafydd ap Gruffudd, Llywelyn's brother, and his men for their involvement in the Welsh war, and to promise him assistance in recovering his inheritance. Until that time, Dafydd was also granted Dyffryn Clwyd and Ceinmeirch.<sup>206</sup>

Although he was not actually in a position to grant these territories, as they were controlled by Llywelyn, this was a clever move: Edward was taking advantage of the situation by dividing the Welsh leaders and securing Dafydd's support. Edward then on went to Shrewsbury, where on 15 April, he urged his father to order the bishop of Hereford and William de Evereus to return to their own castles in Shropshire for the greater security of the march.<sup>207</sup> Staying a few days in Shrewsbury, the king's son arrived with John de Grey at Chester on or around 20 April.<sup>208</sup> Chroniclers report that he subsequently launched a short campaign in Wales either in April or early in May 1263, as he was at Worcester on 10 May 1263.<sup>209</sup> As with all his military undertakings since the beginning of the war, this expedition achieved nothing: the Welsh withdrew to the natural defences offered by their country and Edward only managed to stock these regions with arms and victuals before leaving the area.<sup>210</sup> Once more, the king was compelled to step up for his son in the Welsh affairs. On 25 May

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<sup>204</sup> CAC, pp. 17-8.

<sup>205</sup> CR 1261-64, pp. 293-4 and 297; Beverley-Smith, Llywelyn ap Gruffudd, p. 153.

<sup>206</sup> TNA C 66/79, m. 9; Studd, 'A Catalogue', acta 885, p. 635. As Beverley-Smith comments, the motives for Dafydd ap Gruffudd's defection remain unclear, Beverley-Smith, Llywelyn ap Gruffudd, fn 1, p. 154.

<sup>207</sup> TNA SC 1/3/76; Studd, 'A Catalogue', acta 886, p. 636.

<sup>208</sup> CAC, p. 19; TNA C 47/3/43.

<sup>209</sup> Flores Hist., II, p. 478; Ann. Mon., IV, p. 133. At Worcester, Edward was notably accompanied by James de Audley and John de Grey, CChR 1257-1300, p. 147; Studd, 'A Catalogue', acta 890, p. 639.

<sup>210</sup> Flores Hist., II, p. 478.

1263, he summoned the royal army to be at Worcester on 1 August. The host summoned was again impressive: it included more than a hundred and twenty tenants, although only four of them can clearly be associated with the county of Chester.<sup>211</sup>

Henry III's call to arms and his son's efforts on the border, however, did not prevent the situation from becoming even more critical in the realm and in the marches. As in 1258, failure to subdue Llywelyn led to the collapse of the king's authority in England. Indeed, marcher lords were infuriated to see the Welsh threat treated so leniently by the Crown and they directed their anger towards the king and his supporters.<sup>212</sup> Meanwhile, Edward's return to the realm at the end of February had made matters worse. As the Merton version of the *Flores Historiarum* reports, Edward came back to England with a large retinue composed mainly of French knights, upon whom he conferred the custody of his castles and various offices within his household. Such action proved intolerable to his friends and allies – many of whom were marcher lords – who had probably expected to enjoy much favour and largesse now that he had returned. With growing discontent in every corner of the land, and disappointed by Edward's attitude, his friends thus decided to call on Simon de Montfort. Still in France at the time, the earl of Leicester got back to England on 25 April 1263, and immediately took the leadership of the baronial opposition.<sup>213</sup>

Simon de Montfort's return to England at the end of April hastened the onset of open civil war. Armed confrontation commenced on 7 June in Hereford: coordinated attacks by marcher lords targeted royalist supporters' properties. Troubles escalated and by the beginning of July, thanks to the support of numerous knights and barons, Montfort managed to bring Henry III to terms.<sup>214</sup> With the threat posed by his uncle and former friends, Edward concluded a truce with Llywelyn and, on about 20 May, retreated from the border to rescue

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<sup>211</sup> Namely John Lestrange, Gruffudd ap Gwenwynwyn, James de Audley and John fitz Alan, CR 1261-64, pp. 302-6.

<sup>212</sup> Jobson, *The First English Revolution*, p. 82.

<sup>213</sup> *Flores Hist.*, III, p. 256; Maddicott, *Simon de Montfort*, p. 223.

<sup>214</sup> Jobson, *The First English Revolution*, pp. 86-93.

his parents.<sup>215</sup> In the following weeks, he tried to take various towns and cities in the South, including Bristol, but with Montfort's army approaching at the end of July to Windsor where he had sought refuge, he had no other option but to submit.<sup>216</sup> His discomfiture was soon followed by disastrous news. Taking advantage of Edward's absence on the border, in early August Llywelyn attacked his lands in Cheshire and razed Dyserth Castle. A month and a half later, 'the degenerate and unwarlike' men of Edward surrendered Degannwy Castle to Llywelyn.<sup>217</sup> Everything that had been gained since the Treaty of Woodstock in 1247 was lost: already in a position of power in South Wales, the Welsh prince now had full control of Perfeddwlad.

Inevitably, events in the realm diverted Edward and his father from the border. Virtually nothing is known about Edward's activities during this period: chronicles, annals, and his itinerary only indicate that he remained in the South East and at Windsor, trying to recover his freedom of action.<sup>218</sup> For the most part, and despite Llywelyn's advance, Edward also ignored Cheshire. In January 1264, both father and son went to France where Louis IX was supposed to arbitrate the dispute between Montfort and Henry III. Through the 'Mise of Amiens', the French king quashed the Provisions of Oxford and destroyed Montfort's official pretext for opposing the king.<sup>219</sup> In a critical position, Montfort naturally turned towards Llywelyn and by January 1264, they worked in open collaboration.<sup>220</sup> This event resumed hostility on the border: the lands of Mortimer, who had recently joined the royalist side, were targeted by Montfort. Edward, assisted by his uncle Richard of Cornwall, retaliated in

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<sup>215</sup> Ann. Mon., IV, p. 133.

<sup>216</sup> On 8 July 1263, at Windsor, Edward decided to secure Dafydd ap Gruffudd's support; he granted him Dyffryn Clwyd and Rhufoniog, TNA C 66/96, m. 4; Studd, 'A Catalogue', acta 891, pp. 639-40. Yet, as with his previous grant in April 1263 to Dafydd, he was not in a position to grant these lands; Morris, *A Great and Terrible King*, p. 57.

<sup>217</sup> Flores Hist., II, p. 483; Ann. Cest., pp. 84-5.

<sup>218</sup> Itinerary, pp. 71-5; Flores Hist., II, pp. 483-4; Ann. Mon., III, pp. 224-5; IV, p. 137.

<sup>219</sup> Morris, *Edward I*, p. 59.

<sup>220</sup> Beverley Smith, *Llywelyn ap Gruffudd*, p. 161.

February but these attacks were directed against the marcher lords who were resisting the king and his son, rather than against Llywelyn.<sup>221</sup>

It was in this difficult context that Henry III decided to summon – yet again – the royal army to Oxford before the end of March. More than a hundred tenants were expected to come, but no Cheshire men, with the exceptions of Reginald de Grey and of the abbot of Chester, appear in the list.<sup>222</sup> The army was allegedly gathered to fight against Llywelyn, but the warning note at the end of the summons made clear that Montfort and his supporters were the real targets.<sup>223</sup> Meanwhile, as the tenants rode to Oxford to join the king and his son, William la Zouche, justiciar of Chester, decided to put the city in defence against the Welsh and the reformers. To do so, he notably destroyed some religious houses and dug a ditch. Intriguingly, the *Annales Cestrienses* report that both William la Zouche and Dafydd ap Gruffudd assured the abbot of Chester that Edward would repay all damages, which he effectively did a few years later.<sup>224</sup> The presence of Dafydd ap Gruffudd, a Welsh prince, in Chester in March 1264 shows that Edward's strategy to attract support had been successful. This may explain why Edward did not visit Cheshire in 1264: he probably knew that the region was well-protected enough compared to the rest of the march, and he preferred to focus instead on raiding the lands of his English opponents in the Midlands in April.<sup>225</sup>

As the English realm was already engaged in civil war, Llywelyn decided to relieve the pressure on the border. No major action was intended by the Welsh in 1264, and the author of *Brut* even notes for that year that 'the Welsh lived in peace with the English, with Llywelyn ap Gruffudd prince over all Wales'.<sup>226</sup> Appeasement on the border was not surprising. For Llywelyn, there was no point in attacking England: on 14 May 1264, the

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<sup>221</sup> Flores Hist., II, p. 486; Beverley-Smith, Llywelyn ap Gruffudd, p. 162.

<sup>222</sup> CR 1261-64, pp. 377-9. It is important to note that when the king summoned his army, James de Audley and John de Grey were with Edward at Gloucester, CChR 1257-1300, pp. 246-7; Studd, 'A Catalogue', acta 895, p. 642.

<sup>223</sup> Prestwich, Edward I, pp. 42-3.

<sup>224</sup> Ann. Cest., pp. 86-9; TNA C 165/16, m. 12; Studd, 'A Catalogue', acta 994, p. 708.

<sup>225</sup> Ann. Mon., III, p. 230.

<sup>226</sup> Brut, p. 255.

royalist army led by the king and his son was utterly defeated by the reformers at Lewes and Simon de Montfort was now assuming control of the royal government.<sup>227</sup> Henry III's defeat at Lewes, however, was an impediment for the Welsh prince: he still needed official recognition to secure his position in Wales and Montfort, powerful as he was in the realm, was not the king. Although they cooperated in the marches for most of 1264-5, Llywelyn could not achieve his main ambition whilst his ally was holding the true king in custody; he needed Henry III to be free, even if this meant Montfort's defeat.<sup>228</sup>

On the other hand, the royalist defeat at Lewes preserved the county of Chester from further attacks, certainly because some local tenants supported the earl of Leicester there.<sup>229</sup> Moreover, on 5 January 1265, Llywelyn and Gruffudd ap Madog met Henry de Montfort at Hawarden to end the war between Cheshire and Wales. More precisely, the *Annales Cestrienses* specifically describe how, mutually giving and receiving the kiss of peace, Llywelyn and Henry de Montfort put an end to a conflict which had lasted eight years and nine months.<sup>230</sup> The scene was symbolic: Llywelyn wanted to end the conflict where it had started, and this reflected, once more, the unique position of the county of Chester during this period.

After sealing the peace in June, Montfort tried to push his alliance with Llywelyn further to keep control of the realm, but this was to no avail. Llywelyn's support, as well as that of Welsh contingents fighting on the battlefield, did not prevent the crushing defeat of the reformers and Montfort's death at Evesham on 4 August 1265.<sup>231</sup> The reformers being almost entirely wiped out, Llywelyn soon realised that the restoration of royal power would rapidly be followed by renewed tension on the border. This rapidly proved to be the case in Cheshire.

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<sup>227</sup> Jobson, *The First English Revolution*, pp. 112-9; Maddicott, *Simon de Montfort*, pp. 270-8.

<sup>228</sup> Beverley-Smith, *Llywelyn ap Gruffudd*, p. 165.

<sup>229</sup> For the level of support to Simon de Montfort in Cheshire, see below, pp. 234-7.

<sup>230</sup> *Ann. Cest.*, pp. 90-1. These annals report that it was Simon de Montfort who came to Chester, but there is little doubt that it was, in fact, his son Henry.

<sup>231</sup> Beverley-Smith, *Llywelyn ap Gruffudd*, pp. 171-2.

Just days after the battle, Edward rushed to Chester to recover control of the county, and operations rapidly intensified on the border: Hawarden Castle was taken and razed to the ground by Llywelyn despite an attempt by James de Audley to raise the siege, while the king and his son organised another expedition led by Hamo Lestrangle and Maurice fitz Gerald to fight in Wales.<sup>232</sup> Probably ill-prepared, this military expedition again ended badly; the English troops were utterly crushed by the Welsh, and both Lestrangle and Fitzgerald put to flight.<sup>233</sup>

In addition to seeing the ultimate failure of Edward's military undertakings on the border, this defeat more or less marked the end of the Welsh rebellion. On 28 November 1265, James de Audley was entrusted by the king with the power to make a truce with Llywelyn until Lent 1266.<sup>234</sup> Major campaigns and raids suddenly stopped, and stability essentially prevailed between England and Wales until the Treaty of Montgomery. Peace, however, took another two years to be achieved; pockets of resistance in the realm, as well as a mutual enmity and discordant views on the way to settle the rebellion between Gilbert de Clare and Roger Mortimer, prevented Llywelyn from reaching an agreement with the king.<sup>235</sup>

For Henry III's eldest son, on the other hand, and more generally for Cheshire, the conflict was over after the truce of November 1265. This is notably reflected by Edward's itinerary. After his visit to Cheshire in August 1265, he did not return to the border until September 1267, to ratify the Treaty of Montgomery. It is likely, moreover, that he did not feel the need to visit the county, as the region was at peace, and as the office of justiciar of Chester had been conferred upon a trusted and reliable servant, James de Audley, after the Battle of Evesham.<sup>236</sup> Meanwhile, the rare documents that have survived from him during this

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<sup>232</sup> CPR 1258-66, p. 489; Ann. Cest., pp. 94-5; Ann. Mon., II, p. 366.

<sup>233</sup> Ann. Mon., II, p. 366.

<sup>234</sup> CPR 1258-66, p. 512.

<sup>235</sup> Beverley-Smith, Llywelyn ap Gruffudd, p. 174.

<sup>236</sup> Itinerary, p. 105. He then visited Chester in October 1267; Ann. Cest., pp. 96-9. James de Audley resigned in 1267.

period show that he expressed little concern for the border thereafter. Only three of them can directly be associated with the war in Wales, and all were probably issued in September 1265. They are an *inspeximus* and confirmations of letters patent issued by the king in October 1257 to Maredudd ap Rhys, granting him territories and pardoning him for his involvement in the war.<sup>237</sup>

Finally, in June 1267, Henry III renewed negotiations with Llywelyn; in a letter sent to the Welsh prince, he expressed a desire to have peace and concord and to organise a meeting at Montgomery in August.<sup>238</sup> Talks went on for a few weeks, and on 29 September 1267, the Treaty of Montgomery was finally sealed. If the opening article was obviously a general pardon for all the attacks and trespasses committed upon the king's and Llywelyn's lands during the war, the central point was, of course, the official recognition by the king, 'with the consent of the Lord Edward', of Llywelyn ap Gruffudd as Prince of Wales, with all the barons of the land owing directly homage to him, apart from Maredudd ap Rhys. Llywelyn was still bound to swear homage and fealty to the English king and his heirs for the principality, homages, lands and grants he was receiving. More specifically, the treaty also included territorial changes that were particularly damaging to Edward. Llewelyn was to retain his acquisitions, notably Builth in Shropshire, and more importantly, most of Perfeddwlad. Furthermore, although Llywelyn released Robert de Montalt and returned all his lands of Hawarden, Montalt was forbidden from erecting any castle there for sixty years. The treaty which fulfilled Llywelyn's expectations came at a high price: the Welsh prince had to pay 25,000m, 5,000m of which were to be paid before Christmas 1267, and then 3,000m annually

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<sup>237</sup> TNA E 36/274, ff. 365, 367 d., 411 and 411 d.; Studd, 'A Catalogue', acta 906-8, pp. 650-3. Maredudd ap Rhys was lord of Ystrad Tywi and he joined the English side early in 1258 and was captured by the Welsh later that year. He was only released at the end of the war, Studd, 'A Catalogue', fn 1, p. 651.

<sup>238</sup> CR 1264-68, pp. 374-5.

at Chester Abbey until the whole sum was paid. This represented an enormous amount of money that Llywelyn struggled to pay.<sup>239</sup>

Despite this large sum, the treaty was in every other aspect very advantageous for the Welsh prince. However, it is hard to imagine that Edward was entirely pleased with what had been agreed. His former castles in Perfeddwlad (Degannwy, Dyserth, Rhuddlan), as well as Hawarden in Cheshire, and Builth in Shropshire, had all been destroyed during the war, and he now had to surrender possession of the Welsh lands he had received in 1254. As Prestwich notes, moreover, the treaty also marked the end of his Welsh interests. Edward granted Carmarthen and Cardigan to his brother Edmund in the autumn of 1265, and his lordship of the Three Castles would subsequently be withdrawn before being conferred by the king upon Edmund in November 1268.<sup>240</sup> Although there is no direct evidence, it is likely that this was Edward's own decision. Indeed, he had lost most of his Welsh territories to Llywelyn over a decade, and he may have been willing to be rid of this isolated and exposed lordship in South Wales to focus on his interests elsewhere in England.

In conclusion, the Treaty of Montgomery marked the complete failure of Edward's lordship concerning his Welsh dominions: he failed to protect the border, his people, his castles, and his lands. Even worse, he wasted important material and financial resources for more than a decade on enterprises that ultimately achieved nothing. Symbolic of his failure, he could not claim a single military victory or a successful operation against the Welsh during the war. His only success was to receive the allegiance of Dafydd ap Gruffudd and to secure his loyalty in subsequent years, although the impact this had on the course of the war seems to have been very limited.

Yet could he have done better? To address this question, it is necessary to reconsider, at least briefly, the sequence of events. He became lord at an early age in a region unknown to

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<sup>239</sup> AWR, acta 363, pp. 536-42.

<sup>240</sup> CPR 1258-66, p. 513; CPR 1266-72, p. 299; Prestwich, Edward I, p. 60.

him. In trying to consolidate his position after 1247, Henry III managed only to jeopardise English domination there, and when Llywelyn finally invaded the Four Cantreds, Edward was, like everyone in the area, no more than another victim of his father's short-sighted policy. Although he expected to deal with the situation by himself, he quickly understood after the failure of the 1257 campaigns that his actions would be to no avail without the resources and assistance of his father. The king, however, was not ready to provide more assistance to his son, who was quickly reduced to following his father's initiative after the summer of 1257. This impuissance is best reflected in the discussions between Llywelyn and Henry III: Edward was still the direct lord of the areas affected by the war, but the Welsh prince directly addressed the king with no mention of his son when an issue arose on the border. In fact, there is no indication that any correspondence existed between Edward and Llywelyn.

Henry III's call in December 1262 was for Edward a real opportunity to demonstrate finally his ability, but the failure of his expedition in 1263 and the events in the rest of the realm in 1264-65 rapidly put an end to his ambition on the border. The favourable outcome of Evesham and the end of the reform movement hardly changed his role in the war, as the conflict more or less ended after another disastrous English expedition he organised. Meanwhile, even though Henry III relied more resolutely on his son in the last years of the Welsh war, there is no evidence to suggest that Edward took any significant part in the negotiations that led to the Treaty of Montgomery in 1267. This was hardly surprising, as discussions had always been conducted exclusively between Henry III and Llywelyn, and as Edward had always displayed limited interest in his Welsh dominions. Despite his increasing importance in the realm, this does however show that he was still very much subject to his father's influence. In the end, although he probably welcomed the prospect of a firm peace with Wales, there is no doubt that Edward was upset by the terms of the treaty: he was

deprived of a great part of the lordship he had been granted in February 1254, and he would have to wait another decade to recover these lands.

It would be harsh, therefore, to consider the dramatic outcome of the war as Edward's personal responsibility. A lot had been lost through his mistakes, by his lack of military leadership, and by his inability to address problems in Perfeddwlad before 1256. But could he have done better? The answer is probably no: the Anglo-Welsh border and especially North Wales was a difficult region, and it had taken more than a century for the earls of Chester to defend and to control it. With fewer resources, with hardly any support from the king, and without any prior experience of the machinery of lordship or even of the area, Edward could only fail. Moreover, it is important to bear in mind that in Wales Edward was facing the most powerful prince of his time, a prince who had far more experience and was far more familiar with the challenges presented by the cut-throat world of Welsh politics than he was.

Along with Henry III's eldest son, the county of Chester was the other main victim of the war. The local communities there had lived more or less in peace and in security with the Welsh for a good part of the thirteenth century until the 1250s. After the Treaty of Montgomery, they were directly exposed to attack, as had been the case under the earls of Chester. This time, however, the direct ruler of the region was not the earl of Chester with considerable resources, but Edward, who was far from being independent financially, and who still struggled to establish his position in a realm exhausted by ten years of war and by internal crisis. In every respect, this war was a major setback for Cheshire: directly exposed on the border, with the main castles protecting its western flank destroyed, the county was now more vulnerable than ever. There is no extant source that gives a specific account of the extent of the damages in the region, but it is likely that the county suffered significant depredations, as during the summer of 1263, Llywelyn launched a series of raids on Cheshire before destroying the castles of Degannwy and Dyserth. The Cheshire pipe rolls, however,

show that that the farm decreased 20%, falling from 1000m in 1250-54, to 800m in 1270-4, perhaps, at least in part, as a result of attacks in the region or the loss of Welsh lands.<sup>241</sup> It is, perhaps, in this light that Edward's commitment to deliver fair justice and good lordship in Cheshire should be regarded: as the situation was disastrous on the border, he certainly had to try his utmost to deal with the internal affairs of the county to retain control over local inhabitants.

Existing records, on the other hand, shed an interesting light on the role played by Cheshire during the war. The county assumed a central position: even though its resources do not appear to have been overly used, some lords connected to the region were actively involved in the war. Those, like Roger de Montalt, or James de Audley, who were strongly established on the border, and had experience of dealing with the Welsh, were an invaluable resource that both Henry III and Edward did not hesitate to employ extensively. Somehow, they formed the spearhead of the English response. Their involvement took many different forms, either as captains of the forces in the marches, diplomats and negotiators, or simply, soldiers. Their range of duties is best exemplified by the justiciar of Chester who held all these roles as the war went on.<sup>242</sup> In the end, the Welsh conflict is revealing of Henry III's and Edward's lordships in the area. Although the king tried to bring in men foreign to the county of Chester after the takeover of 1237, he still relied heavily on local men, albeit only a minority of them, to act as defenders and diplomats whenever the Welsh problem emerged. This was also true for Edward, who prudently decided to follow his father's example.

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<sup>241</sup> CIPR, pp. 103 and 110.

<sup>242</sup> As a matter of fact, the Welsh rebellion may have strengthened the office of justiciar: as the offices of seneschal and constable of Chester were vacant during the conflict, the only important official remaining in the county was the justiciar.

## **Chapter 4: The Lord Edward, the County of Chester and the Baronial Movement of Reform and Rebellion, 1258-67**

On 4 January 1265, Henry de Montfort, eldest son of Simon de Montfort and cousin of the Lord Edward, arrived in Chester to receive in his father's name the fealty and homage of the citizens of the town, of nobles and free tenants of the county. The following day, Henry went to Hawarden to make peace with Llywelyn ap Gruffudd.<sup>1</sup> Although surprising, this scene related in the *Annales Cestrienses* that presents Simon de Montfort as the legitimate lord of the county of Chester was logical. Edward had been in Montfort's custody since the royalist defeat at Lewes (14 May 1264), and had granted him Cheshire on Christmas Eve 1264. After more than a century and a half under the direct control of the earls of Chester, the county was now changing hands for the third time in less than three decades.

Interestingly, this curious episode represents far more than Edward's inability to rule his dominions during the baronial movement of reform (1258-67); it illustrates the special place the county of Chester held during the period. Cheshire, as elsewhere in the realm, was not spared local unrest and evidence shows that Edward struggled to assert his lordship over the region. Quite revealing of this state of affairs was the unsuccessful ten-week siege maintained by his men on the castle of Chester in the summer of 1265, where Montfort's supporters had sought refuge.<sup>2</sup> These events inevitably ask two questions: to what extent were the troubles in Cheshire related to the wider events occurring in the rest of the realm? And more importantly, how did Edward seek to address them? To answer these, this chapter will be divided into two sections. The first will explore the lordship of the county of Chester from 1237 to 1258. Emphasis will be put on exploring the various complaints from local communities to the king and to Edward, and on the importance of the Provisions of Oxford.

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<sup>1</sup> *Ann. Cest.*, pp. 90-1.

<sup>2</sup> *Ibid.* pp. 94-5.

The second will consider Edward's lordship of the county of Chester from 1258 to 1267, and, more precisely, the relationship local communities maintained with the king's son, and with the baronial reform movement.

### **1: The County of Chester: Royal Control and Local Unrest, 1237-58**

The baronial movement of reform originally emerged for three main reasons. Most of the lesser lay lords and barons wanted, firstly, to divert Henry III from his intention to obtain the Crown of Sicily for his younger son Edmund. The Sicilian business started in 1254 when Henry III accepted Pope Alexander IV's offer of the Crown of Sicily for his son. Such an ambitious enterprise came at a cost: Henry had to pay the pope 135,000m before 1258 to obtain the Crown, and he had yet to conquer the kingdom of Sicily.<sup>3</sup> This soon proved problematic as by 1257, Henry III was already struggling to gather the funds promised. As the terms of Magna Carta forbade him from extorting money from his barons, the king had little option but to press his own officials to find money in different localities. Such a move had disastrous effects. Local communities throughout the realm were already complaining before 1254 about the financial pressures of royal government, and about abuses perpetrated by both royal and seigniorial officials. Greedy and corrupt, many of these officials were motivated by profit rather than good lordship.<sup>4</sup> This was the second motive of the reformers: to deal with the misdeeds of royal administrators. Finally, the barons wanted to get rid of the foreigners' influence in the royal court. This was especially true for the Lusignans, Henry III's half-brothers, who had arrived in England in 1247. Behaving with arrogance and little respect for laws and customs, the Lusignans soon crystallised the hatred of the whole realm, a feeling

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<sup>3</sup> D. Carpenter, *The Reign of Henry III* (London: Hambledon Press, 1996), p. 184; A. Jobson, *The First English Revolution: Simon de Montfort, Henry III and the Barons' War* (London: Bloomsbury, 2012), p. 13.

<sup>4</sup> S. Ambler, 'Simon de Montfort and King Henry III: The First Revolution in English History, 1258-1265', *History Compass*, 11 (2013), pp. 1076-87 at p. 1077; M. Fernandes, 'The Role of the Midlands Knights in the Period of Reform and Rebellion 1258-67' (University of London, unpublished PhD thesis, 2000), p. 31.

intensified through their constant protection by the king as well as his regular gifts to them.<sup>5</sup> In the difficult context of 1258 – chronicles report that bad harvests in previous years had caused a severe famine<sup>6</sup> – rebellion was inevitable.

Yet, what really lay at the heart of this rebellion was the need for reform. If the Sicilian business and the foreigners' influence at court were important sources of grievance, they were only the side-effects of the disastrous royal policies adopted by Henry III since the 1240s. 'Poor political judgment; the failure to consult with his magnates; a partiality for aliens; heavy financial exactions; oppressive officials; and the promotion of family interests to the exclusion of all else', as Adrian Jobson summarises, had caused general discontent throughout the kingdom.<sup>7</sup> But was this the case in Cheshire? To tackle this question, it is important to consider the events that occurred in the county after the royal takeover of 1237.

In annexing Cheshire, Henry III adopted a dual policy. First he appointed foreigners to the main offices in the county and he enforced his domination by submitting the local exchequer of Chester to the royal exchequer.<sup>8</sup> In the following years, the king continued to introduce more foreigners into the county, notably through the office of justiciar of Chester: John Lestrangle (1240-45), John de Grey (1245-50) and Alan la Zouche (1250-55) were all men who previously had no connection with the county or with the earl of Chester.<sup>9</sup> As the justiciar also assumed most of the financial administration of the county after 1240, appointing foreigners as justiciars was a way for the king to break the strong spirit of local independence and regularly assert his authority over the area. The same policy continued with

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<sup>5</sup> Carpenter, *The Reign of Henry III*, p. 191; H. Ridgeway, 'The Lord Edward and the Provisions of Oxford (1258): A Study in Faction', in *Thirteenth Century England: Proceedings of the Newcastle Upon Tyne Conference*, ed. P. R. Coss and S. D. Lloyd (Woodbridge: Boydell, 1986), pp. 89-99, at p. 94. More specifically, on Aymer de Lusignan, see S. Stewart, 'What Happened at Shere', *Southern History Society*, 22 (2000), pp. 1-20.

<sup>6</sup> *Ann. Mon.*, IV, p. 118; *The Chronicle of Bury St Edmunds, 1212-1301*, ed. A. Gransden (London: Nelson, 1964), p. 22.

<sup>7</sup> Jobson, *The First English Revolution*, p. 14.

<sup>8</sup> Above, p. 67.

<sup>9</sup> *Char. St Wer.*, I, p. v. On the justiciar of Chester, see above, pp. 34-8.

Edward, and it was not until May 1257 that a justiciar, Roger de Montalt (1257-59), was appointed from among local tenants.

On the other hand, the king, despite the change in financial administration in 1240, made sure he preserved the administrative framework as it was. More importantly, royal chancery records reveal that he tried to maintain the former rights and customs of the earls of Chester. In May 1241, for example, after an inquiry into the vacancy of the abbey of Chester revealed that the earl of Chester never used to take profits, but only held in custody the profits of the said abbey, the king instructed John Lestrange that this abbey should have the same status and liberties as it had formerly enjoyed under the earl of Chester.<sup>10</sup> A few months later, in September 1241, Henry III ordered the justiciar of Chester to hold all the woodlands of the county of Chester as they had been held under the Earl Ranulf.<sup>11</sup>

Such cases were not exceptional – other references to the former rights and customs from the time of the earls of Chester appeared in later records. In September 1245, for example, John de Grey received the order of the king to give ten deer taken in Cheshire to the abbot and convent of St Werburgh, as was customary. Likewise, in January 1246, Grey gave the abbot of Chester a tenth of all the profits from the city of Chester, as well as fisheries and mills, just as had been the custom under the earls.<sup>12</sup> Meanwhile, a cursory glance at the surviving pipe rolls for Cheshire shows that from 1237 onwards, Henry III continued to honour the alms previously given by the earls of Chester. In fact, such alms only seem to have stopped when Alan la Zouche became justiciar in 1250.<sup>13</sup> This was, however, surprising, since the king had previously issued an order in January 1246 to John de Grey that he should

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<sup>10</sup> CR 1237-42, p. 302. This order was subsequently renewed in March 1250, CR 1247-51, p. 272.

<sup>11</sup> CR 1237-42, p. 330.

<sup>12</sup> CR 1242-47, pp. 338 and 382. Grey received a similar order in November 1245 when he had to let the master and brethren of the hospital of St. Giles of Chester, have the tithes of the king's larder of Chester as they used to have in the times of the earls and the king, CPR 1232-47, p. 468.

<sup>13</sup> CIPR, pp. 37, 46, 52, 60, 66, 71, 76, 84, 87, 94 and 95. The only alms mentioned in Alan la Zouche's account are one of 50s for the abbot and convent of St Mary of Bardsey, and of £10 for the lepers of the Hospital of St Giles outside Chester in 1254, *ibid.*, p. 97.

continue to pay or distribute all the alms in the town of Chester, as in the rest of the county, as it had been the practice under the earls.<sup>14</sup>

As evidence demonstrates, therefore, Henry III adopted a sensible attitude towards Cheshire after 1237. Although he slowly reinforced his control over the county by introducing his own men there on a regular basis, he also tried to maintain continuity by preserving not only the existing administration, but also former rights and customs. Overall, this balanced policy proved successful as there is nothing in the records to suggest that it caused resentment in the decade following the takeover.

The first tensions appeared in July 1249, when the Cheshire barons and communities addressed seven complaints to Henry III through the intermediary of two local men, Walkelin de Arderne and William de Boydel.<sup>15</sup> Although these complaints concerned various matters, it seems clear from the first two articles that the two changes that had occurred earlier in 1249, that is the farm of the county and the introduction of the office of escheator, were a source of discontent. Cheshire communities complained, first and foremost, that the farming of the county was not customary, and, secondly, that the custody of wards, escheats, vert and venison had never been diverted from the justiciar's office, so that it was not the custom to attach Cheshire men outside the county court to answer trespasses touching upon these matters. The five other articles concerned other questions: articles three and four related to uncustomary fines imposed on sureties and disseisors (*disseisitoribus*) by the sheriff in Cheshire; article five concerned a ditch made by Roger de Montalt (*de fossato quod R. de Monte Alto levavit*) in common pasture to the detriment of the neighbours; article six dealt with the itinerant justices in the county, and the last article recounted how men of the Lyme in Cheshire could not dispose of their woods there as they wanted.<sup>16</sup>

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<sup>14</sup> CR 1242-47, p. 382.

<sup>15</sup> William de Boydel held four and a half knights' fees in Cheshire, Calendar, pp. xlvi-xlvii. For Walkelin de Arderne, see above, fn 161, pp. 56-7.

<sup>16</sup> CR 1247-51, pp. 185-6.

Henry III responded to these articles by taking a firm stance: although he addressed some of the demands favourably, he also reminded the tenants of his authority over the region. This is specifically shown by his response to the first two articles: the king recalled that the county was his, and that he was free to farm it and to confer wardships, escheats, and the vert and venison on someone other than the justiciar, even though it was uncustomary. His answers to the other demands were more balanced. For matters touching the administration of justice, and, in particular, itinerant justices, the king ordered that trespasses should be judged in the county court before the justiciar of Chester, in accordance with local custom. He also ordered that no more fines than what had existed under Earl Ranulf were to be exacted from sureties or disseisors. Concerning the ditch, Roger de Montalt was instructed to act according to the laws and customs of the land. Finally, Henry III allowed anyone who had lands or woods in the Lyme to dispose of their properties there according to their desire. He commanded the justiciar of Chester to ensure that these articles were respected and that no one contravened (*derogatur*) his orders.<sup>17</sup>

As these complaints show, the grievances in Cheshire went beyond the two changes made in 1249. What lay at the heart of the barons' and local communities' demands was their desire to have their former rights and customs protected. Such demands also demonstrate the limitations of Henry III's policy; despite his attempt to maintain existing rights and customs in the area, his various reforms had affected the administrative framework and alienated local barons and communities there. Yet, if Henry III was open to compromise on certain matters, he was not prepared to modify the reforms he had introduced in the county. Furthermore, his responses to the first two articles clearly indicate that he expected to rule as the undisputed lord of the region.

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<sup>17</sup> Ibid.

Peace, however, did not return after the king's response. As tension was still ongoing in the following months, Henry III decided to write John de Grey in November 1249 to clarify his position, as local communities were aggrieved at his response (*dicentes sibi injuriam fieri*). In this letter, Henry III did two things: first he reasserted his dominant position as lord, and, second, he commanded John de Grey to hold and maintain all lands, woods and tenements received from him, just as they were when he originally granted him custody, regardless of his previous mandate. Henry III added that such orders had to be maintained until he visited Cheshire in person, or until he sent someone there with the knowledge of the quarrel and with the power to end it.<sup>18</sup>

The fact that Henry III considered visiting the region in person shows that he was concerned about local discontent. On the other hand, the increasing volume of complaints demonstrates that it was not necessarily the two changes made in 1249 which were the only cause of grievance: it was now the royal takeover as a whole which was resented. This explains why Henry III reacted by adopting a more conciliatory approach in the following months. Although he did not visit Cheshire, he continued to refer on a regular basis to the former customs and laws, as this policy had proved successful earlier in the 1240s. In October 1249, he commanded Fulk de Orreby, who had custody of the abbey of Chester, to maintain its goods as they were, just as it was the custom when there was a vacancy under Earl Ranulf.<sup>19</sup> In December, Henry III ordered John de Grey to allow the burgesses to have right of common pasture in Saltney as it was a year and a day after the death of Ranulf III.<sup>20</sup> Three months later, the king found out that Ranulf III's men had common of pasture in the same marsh of Saltney until the earl's death, and thus ordered that he and his men should have common of pasture there.<sup>21</sup> Quite revealing of the king's concern to retain the support of local

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<sup>18</sup> *Ibid.*, pp. 342-3.

<sup>19</sup> *Ibid.*, p. 206.

<sup>20</sup> *Ibid.*, p. 347.

<sup>21</sup> *Ibid.*, pp. 262-3.

inhabitants was the opening sentence of his letter: ‘we have heard by trustworthy men, for which truth we firmly believe in’ and the warning addressed to John de Grey at the end ‘that we do not hear about this complaint again by your fault’ (*ita quod iteratum clamorem inde non audiamus pro defectu vestri*).<sup>22</sup>

Although Henry III’s gentler policy towards Cheshire rapidly met with success – no further signs of discontent were documented in the region for 1250 – the relative stability did not last for long. Alan la Zouche’s appointment as justiciar of Chester in July 1250 was followed by a growing number of complaints, and, as in Wales, records indicate that the king had to intervene more often to control la Zouche’s activities in the area. Trouble first began in the summer of 1251, when the poor in Cheshire complained to the king that la Zouche was unjustly oppressing them as well as requiring the farm and other services and customs. Henry III reacted by ordering la Zouche to observe only the services and customs to which they were accustomed.<sup>23</sup> Tensions continued to grow in the following weeks and Henry III had to intervene personally once more in August 1251 to order the barons, knights, free tenants and others in Cheshire to be intendant to Alan la Zouche in his eyes and inquisitions. If they refused, they were to come to the king in September to explain by what warrant they were not obeying la Zouche.<sup>24</sup> Despite the king’s intervention, however, discontent seems to have increased in the county. Local communities were subsequently amerced £100 *pro contemptu* for having refused to comply with the king’s order concerning a suit pending in the county court,<sup>25</sup> and in November 1251, keepers of the peace were sent into Cheshire.<sup>26</sup>

It is difficult to say with certainty whether complaints erupted primarily because of la Zouche’s behaviour in the area, or because of other factors. Looking at the nature of the

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<sup>22</sup> *Ibid.*

<sup>23</sup> ‘*ab eis non exigatis alias consuetudines vel servicia quam facere consueverunt temporibus memoratis*’, *ibid.*, p. 551.

<sup>24</sup> CPR 1247-58, p. 106.

<sup>25</sup> CIPR, p. 100; CR 1247-51, pp. 349 and 442.

<sup>26</sup> CR 1251-53, p. 179.

complaints, it seems clear that most were related directly or indirectly to financial issues. This suggests that it was not necessarily Zouche's attitude that aroused discontent in the area, even though, as in Wales, it may have been a factor, but, rather, his need to find 1,000m for the farm of the county. As this sum certainly proved too difficult for him to gather, it compelled la Zouche to obtain money by any means, notably by enforcing payments over different towns. In November 1251, for example, la Zouche was ready to distrain the king's men in Darnhall to obtain money for the demesnes belonging to the manor, but the king ordered him to receive only the 'ancient farm' (antiquam firmam) of 5m.<sup>27</sup> This case was still ongoing the following year when la Zouche required an additional sum of 10m from the time of John Lestrange's justiciarship. He had, in addition, distrained these people to obtain the payment but in June 1252, Henry III intervened once more to ask him to remove the distraint.<sup>28</sup>

Meanwhile, four inquests took place in Cheshire between December 1252 and March 1253 to determine whether certain boroughs and people were free of tallage. The results of these inquests show that three boroughs, namely Darnhall, Weaverham and Rushton, in Cheshire ought not to be tallaged as it was not the custom.<sup>29</sup> Then, in March 1253, Henry III ordered after an inquest that la Zouche should not tallage the men of the royal advowsons (homines de advocacione regis) in Cheshire as they were usually free from tallage and other customs.<sup>30</sup> With regard to the borough of Frodsham, moreover, the king made sure in May 1253 that the justiciar of Chester would not distrain local men for tallage and pannage.<sup>31</sup> Such entries suggest that Alan la Zouche was trying here to extract money from people under the cover of inspecting the king's rights.

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid., p. 99.

<sup>29</sup> Ibid., pp. 288 and 456.

<sup>30</sup> Ibid., pp. 455-6.

<sup>31</sup> Ibid., p. 359.

Yet, as in North Wales, complaints from local communities in Cheshire concerning English administration suddenly stopped after May 1253.<sup>32</sup> There is little doubt that this was due rather to the grant of the county to Edward in February 1254, for which most of the documents have been lost, than to a change in la Zouche's policy in the region. This meant that when Edward finally received his apanage in 1254, the situation in Cheshire and in North Wales was explosive.

Unfortunately, it is impossible to know precisely how far the transfer of lordship from Henry III to his son affected the mood in Cheshire, as most of the records related to the county for this period have long since disappeared. Although evidence is scarce, it is unlikely that Edward's takeover of the county had any immediate impact on the difficult situation in the region as urgent affairs were awaiting him in Gascony. Before sailing to France at the end of May 1254, Henry III's eldest son issued thirty-three documents, nonetheless.<sup>33</sup> In substance, they all more or less dealt with appointments of officials to serve in his English estates and indicate that the king's son was making arrangements to ensure good lordship throughout his dominions. Some new officials were appointed, such as Geoffrey de Langley, appointed keeper of all Edward's lands in England and Wales,<sup>34</sup> while others were maintained in their existing positions.

Perhaps surprisingly, this was notably the case for Alan la Zouche, who continued to serve as justiciar of Chester. Similarly, Fulk de Orreby was confirmed as escheator in Cheshire and in North Wales.<sup>35</sup> If the reappointment of Fulk de Orreby was understandable – he was after all a Cheshire landholder who had never been the target of complaints – Alan la Zouche's reappointment was possibly more controversial. It can plausibly be argued that

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<sup>32</sup> Complaints in North Wales stopped in October 1253, see above, pp. 144-5.

<sup>33</sup> TNA C 61/1, mm. 3-4; J. R. Studd, 'A Catalogue of the Acts of the Lord Edward, 1254-1272' (University of Leeds, unpublished PhD thesis, 1971), acta 1-33, pp. 185-99.

<sup>34</sup> For Geoffrey de Langley's appointment, see above, pp. 148-9.

<sup>35</sup> Both Alan la Zouche and Fulk de Orreby were confirmed in their positions on 10 May 1254, TNA C 61/1, m. 4; Studd, 'A Catalogue', acta 6-7, pp. 187-8.

Edward chose to retain him to ensure stability in the county: although heavily criticised, la Zouche was an experienced official who was familiar with the area. It was a view that was certainly shared by his father and it is also quite possible, in fact, that the choice was imposed by Henry III upon his son.<sup>36</sup>

Unfortunately, these are pretty much the only relevant *acta* Edward issued relating to Cheshire until the revolution of 1258.<sup>37</sup> Other documents about the county exist, but they mostly concern his campaigns in Wales during the summer of 1257 and provide little detail about his lordship. An *inspeximus* of a charter issued by Edward between October 1255 and October 1256, on the other hand, shows that he probably issued more documents but that these have not survived.<sup>38</sup> In any case, it is unlikely that he felt particularly concerned with the county of Chester in the early years of his lordship. This idea is first supported by his surviving records. The period from 11 June 1254 to 27 October 1255 is the best documented before he ascended the throne, but not one of the five hundred and eighty-four extant *acta* he issued during this period is directly related to Cheshire.<sup>39</sup>

This is also confirmed by one of Henry III's orders sent to Alan la Zouche on 12 July 1255. In this writ, the king specifically asked the justiciar of Chester to maintain the barons, knights and free tenants in Cheshire 'in their rights usages, laws and customs which were used in the time of John and Ranulf, once earls of Chester and of their predecessors, and which we [Henry III] granted to them at the time that land came into our hand'.<sup>40</sup> That the king sent such instructions meant two things. The first is that despite his regular attempts to limit the justiciar's abuses in the 1250s, tension was still high in Cheshire in 1254-55, as referring to

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<sup>36</sup> At this stage, Edward was still not free to decide of his appointments. All the officials in Gascony, for example, were appointed by the king before his son arrived there in 1254, M. Morris, *A Great and Terrible King: Edward I and the Forging of Britain* (London: Windmill, 2009), p. 21.

<sup>37</sup> Interestingly, Edward, whilst in Gascony, issued more than twenty *acta* concerning various affairs in Ireland between July 1254 and October 1255, see Studd, 'A Catalogue'.

<sup>38</sup> Studd, 'A Catalogue', *acta* 1032, p. 736.

<sup>39</sup> *Ibid.*, *acta* 34-618, pp. 199-493.

<sup>40</sup> BL Additional Ms, 35179, f. 83 d. It is interesting to note that Roger de Montalt was with the king at Geddington two days before he sent his order to Alan la Zouche, WL, II, p. 97.

the earl's former customs and practices was a means usually employed in the early 1250s by Henry III to contain local discontent and please local tenants. The second is that, although the county had been granted to Edward in February 1254, the king did not hesitate to intervene directly in his son's affairs, thus showing that he only assumed theoretical control of the county in his early years of lordship. Edward's apparent lack of interest can be explained, however, in the light of his situation overseas. In addition to his marriage and his knighting, Edward had, above all, to restore order in Gascony. In such conditions, it is hard to imagine how he could effectively have governed the county of Chester. His return to England in November 1255 changed little; his first visit to the region is not recorded before the summer of 1256.<sup>41</sup>

Nevertheless, some important changes had taken place in Cheshire between 1254 and 1256. The most significant by far was the replacement in September 1255 of Alan la Zouche as justiciar of Chester by Gilbert Talbot. Talbot was an experienced official who had previously served Edward as bailiff of Grosmont and White Castle, but how far the king's son was involved in this new appointment is unclear. The replacement is only documented in the close rolls and the conditions by which Talbot was expected to hold office have not survived. The king's letters only indicate that Alan la Zouche had to give seisin to Talbot of the garrison, both old and new (*totam garnisonam, tam novam quam veterem*), of the corn, weapons, and other supplies found in the castles of Chester, Beeston, Dyserth, and Degannwy. Meanwhile, as Edward was still in Gascony in September 1255, there is good reason to think that Henry III was behind la Zouche's replacement, and this corroborates the idea that he only assumed a theoretical control of the county before his arrival in England in late 1255. Likewise, Ranulf de Exeter, who was the chamberlain of Cheshire during la Zouche's justiciarship, was replaced by William de Shelfhanger at some point in 1256. In this

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<sup>41</sup> Itinerary, p. 30.

case, again, no record of formal appointment has survived, so there is no way of knowing Edward's involvement in this decision.<sup>42</sup>

While Edward's attention was subsequently diverted by the Welsh revolt in November 1256, another important change occurred in Cheshire in May 1257 when Gilbert Talbot was replaced as justiciar by Roger de Montalt. Interestingly, the *Annales Cestrienses* report that, unlike many justiciars who resigned (*dimisit*), Talbot was said to have been removed (*amotus est*) from his office; the only comparable example recorded in these annals concern John Lestrange in 1245. Unfortunately, the annals do not mention who removed Talbot, and as no records for the appointment survive among Edward's *acta*, or in the king's, it is impossible to know exactly who was behind the decision.<sup>43</sup> It should be noted, even so, that Montalt was in attendance on Edward at Southwark only a month and a half before his appointment, and this may have pushed him to appoint Montalt to the office of justiciar.<sup>44</sup>

Although Montalt's appointment as justiciar was sensible – he was a substantial landholder with connections to Wales, and had also served the last earl of Chester, John the Scot – the appointment proved disastrous. The *Annales Cestrienses* report that in 1258, Roger de Montalt violently attacked the abbot Thomas and the convent of St Werburgh in Chester to obtain certain manors and advowsons in Cheshire. Moreover, Montalt forcibly entered the church of Neston to present Ralph de Montalt to the vacancy.<sup>45</sup> The outcome of this dispute was sadly not recorded; according to the *Annales Cestrienses*, it is known only that Roger de Montalt's eldest son died a few weeks later, and that he himself died in poverty two years afterwards.<sup>46</sup> But, in the difficult context of 1257-58, when the county was experiencing

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<sup>42</sup> CR 1254-56, p. 134. For Gilbert Talbot's career, see above, pp. 35-7, and for William de Shelfhanger, see p. 49.

<sup>43</sup> *Ann. Cest.*, pp. 64-5 and 74-5.

<sup>44</sup> TNA C 53/50, m. 6; Studd, 'A Calendar', p. 497.

<sup>45</sup> *Ann. Cest.*, pp. 74-7. The monks of Chester later complained to the court of Canterbury, *Char. St Wer*, II, act 531, pp. 304-5.

<sup>46</sup> *Ann. Cest.*, pp. 76-7. Interestingly, the Chartulary of St Werburgh preserves various transactions conducted between Roger de Montalt and the abbey of St Werburgh, see *Char. St Wer*, II, act 532-5, pp. 305-8. A note in the chartulary, subsequently crossed through, indicates that Montalt, indeed, robbed the abbey, *ibid.*, p. 307.

intense Welsh pressure on its border, as well as probable financial and administrative issues, such an event is likely to have increased tension to a whole new level. Montalt's appointment, on the other hand, was to be the last change in Cheshire before the revolution of 1258.

Overall, Edward's attitude remains difficult to explain. It can plausibly be argued that he was distracted from the affairs in Cheshire by the complicated situations he faced elsewhere. Indeed, ever since his father had granted him his apanage he had encountered opposition, in Gascony and in North Wales, and it is likely that this prevented him from acting effectively in Cheshire where the state of affairs seems to have been slightly less unstable. Edward might also have hoped that the appointment of Montalt would have been enough to silence the complaints of his Cheshire men.

Yet Edward's actions in Gascony in 1254-55 demonstrate that he could deal with complex situations: although the duchy was on the verge of civil war on his arrival, he cleverly restored peace and enforced his authority over the region before returning to England in October 1255.<sup>47</sup> This makes his inactivity in Cheshire all the more difficult to understand, and is in stark contrast to the care he subsequently showed in his administration and in delivery of justice in Cheshire. It may tentatively be suggested that, confronted with the problems in this county and with his father's interference in the early years of his lordship, he felt helpless. The failure of the English campaigns against the Welsh in 1257, moreover, probably made him realise that, in certain cases, he was unable to deal with the troubles alone, even when his own lands were affected. It is also important to bear in mind that he was still very much under his parents' influence at this stage. Consciously or not – the question is impossible to answer conclusively due to lack of evidence – Edward may have preferred to distance himself from the Cheshire area in the early years of his lordship, where his lack of

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<sup>47</sup> See J. P. Trabut-Cussac, *L'Administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 à 1307* (Genève: Librairie Droz, 1972), pp. 3-15.

freedom of action, as well as limited resources, would inevitably have hindered him from addressing key issues.

In any case, he should not be blamed too much, since troubles were not limited to Cheshire boundaries alone, but were widespread throughout the realm.<sup>48</sup> The parliament that opened in April 1258 was thus crucial for Henry III. Unfortunately, it began with an incident: on 1 April, Aymer de Lusignan, one of the king's half-brothers, attacked John fitz Geoffrey, one of the Queen's confidants. Despite fitz Geoffrey's complaints, Henry III refused to render justice in order to protect his kin, and this added still more tension.<sup>49</sup> Just days later, a coalition was formed by an important group of lords, including the earls of Gloucester, Leicester and Norfolk, and some other influential barons, namely Hugh Bigod, John fitz Geoffrey, Peter de Montfort and Peter de Savoy. They stormed the palace at Winchester and asked the king to remove the Lusignans and reform the realm. Under their pressure, Henry III, and soon afterwards his eldest son, had little choice but to comply with their demands. The king swore on the gospels that he would reform the realm, and a committee of twenty-four men, with half of its members chosen by the king, and the second half by the reformers, was to assist him in the task.<sup>50</sup>

Yet nothing was achieved and both sides eventually left Westminster in May, promising that they would meet again in June for a new parliament at Oxford. The assembly that gathered at Oxford a month later was even more impressive: knights and barons had come from all over England in response to Henry III's alleged summons for a new campaign in Wales. This gathering was far more than a call to arms; it was an occasion for the

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<sup>48</sup> The increase in the farm, as well as the severity and the greed of royal officials in Northamptonshire, for example, had caused general resentment throughout the county. Similarly, in Cambridgeshire, increments above the farm and the corruption of royal and local officials aroused tension, Fernandes, 'Midlands Knights', pp. 43, 48 and 200-1.

<sup>49</sup> Stewart, 'What Happened at Shere', pp. 1-4.

<sup>50</sup> Ann. Mon., I, pp. 163-4; J. Maddicott, *Simon de Montfort* (Cambridge: Cambridge University Press, 1994), pp. 153-4.

community of the realm to impose reforms upon the king. Royal forces were largely outnumbered and Henry III, this time, submitted for good.<sup>51</sup>

The measures imposed by the reforming knights and barons at Oxford in June 1258 were far more radical than the plan they had originally conceived at Westminster. The reformers created a new royal council of fifteen members appointed by four electors; these men were almost entirely supporters of the reformers.<sup>52</sup> More specifically, the reformers issued a series of measures that aimed to change the royal administration and correct the misdeeds of its officials. This ambitious programme, the so-called Provisions of Oxford, included a series of articles that affected various aspects of general administration. These were the results of intense discussions during the spring of 1258, which were best reflected by the Petition of the Barons. This petition, addressed to the king in May 1258, was a list of grievances divided into twenty-nine clauses, touching thirty-two different topics, such as tenure of lands and including the tenure of castles or complaints against sheriffs and other royal officials.<sup>53</sup>

Although it remains difficult to know precisely how far all the complaints contained in the provisions resonated with the people of Cheshire, it is clear that some of the demands of the barons could not apply to the county. In the fourth and fifth clauses, the barons asked the king to commit all royal castles, including those situated on a harbour, only to his faithful subjects born in England.<sup>54</sup> This was already the case in the county of Chester and in North Wales, where the custody of royal castles had been committed to Roger de Montalt when he became justiciar of Chester in May 1257.<sup>55</sup> Similarly, in clause seventeen, the barons complained that the sheriffs during their tours in the county required the presence of barons

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<sup>51</sup> Chron. Maj., V, pp. 695-6; DBM, pp. 4 and 74-7; M. Prestwich, *Edward I* (Berkeley and Los Angeles: University of California Press, 1988), p. 25.

<sup>52</sup> Morris, *A Great and Terrible King*, p. 38; Jobson, *The First English Revolution*, pp. 22-7.

<sup>53</sup> DBM, pp. 5 and 76-91.

<sup>54</sup> *Ibid.*, pp. 80-1, c. 4. In doing so, the barons wanted the king to commit the royal castles to baronial supporters.

<sup>55</sup> Montalt, moreover, seems to have been sympathetic to the baronial movement of reform from the start, below, pp. 208-10.

and earls. As they usually held lands in different counties, it was often difficult for them to be present on an exact day and they were frequently victims of unfair amercements. Moreover, in the subsequent clause (eighteen), they regretted that when anyone had a small parcel of land of about two acres, without any residence nearby, the tenant had come to the tourn on account of his holding, otherwise he would be amerced arbitrarily.<sup>56</sup> These two clauses clearly did not concern Cheshire, for there was no tourn in the county.

Then again certain grievances were still relevant for Cheshire. In clause sixteen, for example, the barons denounced the practice of certain sheriffs holding counties at such high farms that they could not recover the required sum from local inhabitants; sheriffs thus did not amerce people according to their offences but rather forced them to pay ransoms beyond their means.<sup>57</sup> Although only ‘sheriffs and other free bailiffs’ are mentioned here, such a grievance also rang true in Cheshire, where the justiciar’s farm was likely to have been too excessive for the county.

In order to deal with these complaints, the barons put forward a programme of reforms called the Provisions of Oxford that aimed to address most of the issues expressed in the Petitions of the Barons. These were issued during the summer of 1258 and included in total twenty-four clauses. As for the Petitions of the Barons, certain reforms contained in these provisions were clearly not applicable in Cheshire, especially the first one which set in place arrangements for the newly elected chief justiciar of England, Hugh Bigod, to conduct an eyre throughout different counties. Four knights from each county had to hear, determine and prepare all the complaints of trespasses and injuries for Bigod to judge during his eyre.<sup>58</sup> Although symbolic of the programme of reforms, this was clearly not possible in Cheshire, where royal justice did not run, and where only the justiciar of Chester was entrusted with judicial authority. Furthermore, records do not suggest that the administration of justice in

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<sup>56</sup> DBM., pp. 84-5, cc. 17-18.

<sup>57</sup> Ibid., pp. 82-3, c. 16.

<sup>58</sup> Ibid., pp. 98-9, c. 1.

Cheshire was an issue: the surviving plea roll of 1259-60 clearly indicates that Edward took a marked interest in judicial business in the county even when he was away from Chester.

Similarly, article seventeen, dealing with the status of the sheriff is worthy of comment. This article redefined the role of the sheriff in every county: he had to be a local landholder, appointed for no more than a year, who had to deal loyally with the people, and who had to render his accounts to the exchequer and to answer for his terms.<sup>59</sup> Yet again, this simply could not apply in Cheshire, where most of the functions of the sheriff were assumed by the justiciar. It is important to add that in 1258, the justiciar of Chester was for the first time since the death of the last earl in 1237 a local landholder. The subsequent article (eighteen), clarifying the role and the rights of the escheator in every county,<sup>60</sup> was also unlikely to have been relevant in Cheshire; local communities there did not complain about the misdeeds of the escheator in the county, but, rather, about the existence of the office itself.<sup>61</sup> Finally, in the last article, which appointed new custodians for royal castles, no Cheshire castle was mentioned.<sup>62</sup>

The impression conveyed both by the Petitions of the Barons and Provisions of Oxford, therefore, is that there was little in the original programme of the reformers that dealt with the specific problems existing in Cheshire, such as the farming of the county, the fiscal pressure, the discontent relating to the office of the escheator, and the disrespect of the justiciar of Chester for local laws and customs. Even though it is important to bear in mind that the reformers' aim was not solely to address grievances in Cheshire, the fact that most of the reforms issued in July 1258 could hardly solve any problem existing in the county is quite relevant here to Cheshire's special position in the realm.

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<sup>59</sup> Ibid., pp. 108-9, c. 17.

<sup>60</sup> Ibid., c. 18.

<sup>61</sup> TNA CHES 29/1; Calendar, case 5, p. 2. See also Studd, 'A Catalogue', fn 1, p. 739.

<sup>62</sup> DBM., pp. 112-3, c. 24.

This peculiar status is, moreover, reflected in Henry III's letter of 4 August 1258. The king reminded the realm that, by common counsel, it was agreed that four knights from each county were to inquire into all excesses, trespasses and acts of injustice committed in different counties, and that records of these were to be brought to the king's council at Westminster before 6 October 1258. The letter was sent to four knights in each county in a list of thirty-eight counties, where neither Cheshire nor its knights, with the exception of Richard de Vernon, appear.<sup>63</sup>

Likewise, the Ordinance of the Sheriffs was unlikely to have concerned the county of Chester. Issued by Henry III during the October Parliament, it was related to the inquiries of the knights. In this ordinance, the king apologised for the delays in the reforms, and expressed his desire to render justice to all. More precisely, the king fixed in clear terms the conditions upon which the sheriffs had now to hold their office. In substance, the sheriffs were to render speedy justice to everyone; they would receive a strict allowance for holding their office and they could not hold their office for more than a year. The document was issued in French, English and Latin and was to be read in the county courts to attract as much public support as possible.<sup>64</sup> The ordinance, however, could only have little effect on the county of Chester, where the sheriff only held a minor position subordinated to the justiciar. Meanwhile, in an attempt by the king and the reformers to show their good intentions, nineteen new sheriffs were appointed to control twenty-eight counties between 23 October and 3 November 1258. Yet even though new sheriffs were appointed in bordering counties, Cheshire was ignored once more, and the justiciar of Chester, Roger de Montalt, resigned only in September 1259.<sup>65</sup>

With these various reforms, the king and his council clearly hoped in 1258 to redress the

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<sup>63</sup> Ibid., pp. 113-5; CPR 1247-58, pp. 645-9.

<sup>64</sup> Ibid., pp. 118-23; Jobson, *The First English Revolution*, p. 31.

<sup>65</sup> CPR 1247-58, p. 655; DBM, p. 15. Just a few weeks later, another document called *Providencia Baronum Anglie* was prepared by the reformers. Although was mostly relating to problems concerning the suit of court, there is simply no evidence that the document was ever published. As it dealt with technical matters and as corroborative evidence for Cheshire is lacking, it is impossible to assess the potential impact such reforms could have had on the county, *ibid.*, pp. 122-31; Treharne comments briefly upon this document, and notably its potential date, *ibid.*, pp. 15-7

misdeeds of royal administration, but as important as these reforms were, they could only have had limited effects in Cheshire where the administrative framework was significantly different from the rest of the realm. This raises the question of whether the region was purposely overlooked, or whether the county, controlled by Edward, was considered to be a separate lordship in the realm.

To answer this question, it is necessary to consider more closely the role and actions of the king's son in 1258. Unfortunately, they are not very well documented and analysing the part he tried to play remains tentative. There is no doubt that he originally opposed the baronial movement of reform. A surviving letter written in July 1258, emanating from a member of the king's court, reports that Edward submitted to the Ordinances of the Barons and Provisions of Oxford only with the greatest difficulty.<sup>66</sup> More symbolic of his opposition was his public support for his Lusignan uncles. Although the coalition of barons and magnates had expressly asked the king to expel his half-brothers from the realm, Edward appointed Geoffrey de Lusignan as seneschal of Gascony and granted to his brother Guy the Island of Oléron, and the other Channel Islands.<sup>67</sup> This was a bold decision, since the antagonism between the Lusignans and other magnates was deep; Matthew Paris relates an altercation between William de Valence and Simon de Montfort, when the former, refusing on the wounds and the death of Christ to comply with the reformers, was threatened by the earl of Leicester in the following terms: "either you lose your castles, or you lose your head".<sup>68</sup> Edward's resistance did not last for long. Put under pressure by the reformers, he acquiesced on 10 July 1258 and two days later the appointment of Geoffrey de Lusignan was cancelled.<sup>69</sup>

It remains unclear why Edward resisted the baronial movement of reform in the first place. Treharne, who regards him as a harsh landlord, supposes that that he did so because he

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<sup>66</sup> *Ibid.*, pp. 91-7.

<sup>67</sup> CPR 1247-58, p. 639; Prestwich, *Edward I*, pp. 25-6.

<sup>68</sup> *Chron. Maj.*, V, pp. 697-8.

<sup>69</sup> CPR 1247-58, pp. 664-5; Morris, *Edward I*, p. 38; Prestwich, *A Great and Terrible King*, p. 26.

was afraid that the Provisions of Oxford would 'bring him to book'.<sup>70</sup> Ridgeway, on the other hand, argues that it was because of his former association with the Lusignans. As he explains, Edward initially adopted a cool attitude towards his Poitevin uncles, but gradually grew closer to them. As his own resources were inadequate, especially after the Welsh revolt of November 1256, and as the Savoyards' and the king's resources became insufficient to assist him, Edward had no other option but to turn to his Lusignan uncles to obtain money.<sup>71</sup> Since the reformers were pressing the king in 1258 to expel them, Edward was more or less forced to resist; the exile of his half-uncles meant losing their support and this threatened his own position.

If this theory sounds plausible, Ridgeway is wrong in saying that the shift occurred only during the winter of 1257; one of Edward's charters granting lands in England and in Ireland to Guy de Lusignan indicates that he was in contact with him and William de Valence as early as 6 November 1256.<sup>72</sup> Merely days after this charter was issued, moreover, another meeting was set up at Windsor between Guy de Lusignan and Edward, but the latter failed to appear because, according to Matthew Paris, he had to rush to Wallingford to borrow money from Richard de Cornwall to launch his military operation against Wales.<sup>73</sup>

Perhaps more simply, Edward's former opposition can be explained by his personal situation. The issues that arose in the different territories he held were not necessarily his fault; if he had clearly failed to address some of the problems, these already existed before the grant of his apanage in 1254, and this was especially true in Cheshire. It is thus quite possible that Edward initially resisted a movement that aimed to take control of his own lordship and to redress grievances relating to royal administration throughout the realm, but for which he

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<sup>70</sup> Ridgeway, 'The Lord Edward and the Provisions of Oxford', p. 89.

<sup>71</sup> *Ibid.*, pp. 90 and 94. Matthew Paris reports that Edward farmed certain of his manors to William de Valence to obtain money, *Chron. Maj.*, V, p. 679.

<sup>72</sup> Ridgeway, 'The Lord Edward and the Provisions of Oxford', p. 90; CChR 1226-57, pp. 453-4; Studd, 'A Catalogue', acta 620, pp. 494-6.

<sup>73</sup> CR 1256-59, p. 107; *Chron. Maj.*, V, p. 93.

was, in reality, hardly responsible. In his mind, it is likely that he felt he was paying the price for the faults of his father and his officials. Similarly, he may have opposed the Provisions because they radically restricted the royal powers he would one day hope to wield.

In any case, opposing the barons and the magnates turned out to be a disastrous choice. The reformers made sure they regulated Edward's activities: four counsellors, namely John de Balliol, John de Grey, Stephen de Longespée and Roger de Montalt, were appointed to control his affairs, and his household was to be reformed.<sup>74</sup> Even though it is unclear whether such changes were really effective, they were, at the very least, enough to stop Edward opposing the reforms. This is notably reflected by a grant of 2,000m from the royal council to the king's son in November 1258 for his war in Wales.<sup>75</sup>

Although he had stopped resisting the barons, it is difficult to determine with certainty the influence Edward had over the various measures that were enacted throughout 1258. Following Prestwich's idea, it is unlikely that he played any role at all in these events. Henry III himself was deprived of pretty much all his power during the parliament of Oxford, and written orders issued by his chancery were almost exclusively the council's work.<sup>76</sup> Moreover, as Edward had mostly been subordinate to his father's wishes prior to 1258, there is no reason to think that the events of that year suddenly provided him with a greater degree of independence, and there is nothing to suggest that he took part in the discussions that occurred, or that he had any influence whatsoever on the reforms that were issued.

With regard to the county of Chester, Edward did make an important decision, nonetheless. On 4 November 1258, he ordered that his men in Cheshire, be they religious, barons, knights, or simply from the county should have and enjoy the same liberties and free

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<sup>74</sup> DBM, pp. 94-5.

<sup>75</sup> CR 1256-59, p. 343; Prestwich, Edward I, pp. 26-7.

<sup>76</sup> Prestwich, Edward I, p. 26.

customs as those that they had under Ranulf III and Henry III.<sup>77</sup> This document, which has been overlooked by historians, is crucial in many respects. It is the one of the three surviving *acta* issued by Edward in 1258 relating to the county of Chester, and it is the very first document issued by the king's son that indicates a genuine concern for Cheshire affairs.<sup>78</sup> It was a conciliatory gesture, with which he clearly hoped to reduce tension in the area, as referring to the former customs and practices under Ranulf III was a good way to please local inhabitants and to conserve their support.

Yet this decision remains curious. Since Edward intended to preserve the liberties and customs that existed under Henry III, this meant that he also expected to preserve the farming of the county and the office of escheator, despite the recurrent protests about these matters. This demonstrates that Edward had no desire, or perhaps was not at liberty, to modify the Cheshire administrative framework with which he was presented by his father. More importantly, such a decision emphasises even more the distinctive status of the county of Chester. While the community of the realm was pressing the king to reform in detail the existing administrative machinery in different counties, Edward was doing the exact opposite by sending specific instructions to maintain current laws and customs in Cheshire.

Unfortunately, there is no way of knowing whether Edward, in doing so, had been proactive or whether he was only responding to demands or requests from Cheshire tenants. It is not known either whether such orders were taken with his heartfelt consent. The instructions for Cheshire were issued on the same day (4 November 1258) as the annulment of the grant of the Isle of Oléron to his half-uncle Guy de Lusignan.<sup>79</sup> This grant had initially been made by the king's son to demonstrate his support for the Lusignans and to mark his

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<sup>77</sup> *Placitorum in Domo Capitulari Westmonasteriensi Asservatorum Abbreviatio: Temporibus Regum Ric. I. Johann. Henr. III. Edw. I. Edw. II.* (Record Commission, 1811), p. 308.

<sup>78</sup> This document was only discovered by Robin Studd after he completed his PhD thesis, *A Calendar of Acts of the Lord Edward Relating to Cheshire*, ed. J. R. Studd (2 Vols., Cheshire History, xv-xvi, 1985), I, *acta* 12, pp. 8-9. The two other documents relating to Cheshire for 1258 concern provisions sent to Chester, Studd, 'A Catalogue', *acta* 684-5, pp. 526-7.

<sup>79</sup> Studd, 'A Catalogue', *acta* 701, p. 538.

opposition to the reforms, and it is likely that such a decision had been imposed upon him. Although there is no corroborative evidence, this may have been the case for his order relating to the county of Chester.

If, however, Edward was responding primarily to the demands of local communities, it would at least partly explain why Cheshire remained unaffected by the programme of reforms in 1258. Such demands would show that local people did not necessarily want reforms, but rather the guarantee that their specific rights and customs would be preserved. This, moreover, would fit with the local spirit of Cheshire and would also explain why the county of Chester was not mentioned in documents issued by the reformers. Alternatively, Edward may have issued a series of orders, similar to the one sent on 4 November 1258, which modified part of Cheshire's administrative machinery, and which have simply not survived. This would mean that the county was not ignored by the reformers, but rather that local issues were addressed specifically by Edward. But in this very case, it remains difficult to believe that Edward, whose actions had been carefully supervised by his father and by the reformers, suddenly took an active part in the lordship of Cheshire in such a difficult period.

Interestingly, the peculiar status of the county of Chester and its absence from the different documents issued by the king and the reformers did not prevent certain Cheshire lords from playing a role in the baronial reform movement. Records indicate that at least four Cheshire landholders, namely Roger de Montalt, John de Grey, Giles de Erdington and James de Audley, were originally involved. Of these four, Grey and Montalt were the most active. They first emerged in July 1258, when they were appointed by the reformers to control Edward's affairs, along with John Balliol and Stephen Longespée.<sup>80</sup> This important position was possibly due to their sympathy for the barons; both Grey and Montalt were elected alongside ten other lords to deal with affairs of the realm during the three annual

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<sup>80</sup> DBM, pp. 94-5.

parliaments.<sup>81</sup> In the meantime, John de Grey was also appointed keeper of Hereford Castle.<sup>82</sup> Both men, in addition, were chosen by the community of the realm to form an impressive council of twenty-four people, which notably included three bishops and seven earls, and was to negotiate financial aid for the king, although there is no evidence that money was ever granted or that these twenty four even met.<sup>83</sup> Among these twenty-four was another Cheshire lord, Giles de Erdington, a modest Cheshire landholder, who acted for the king as a justice in various counties in the 1240s and 1250s.<sup>84</sup>

James de Audley's situation was different. He was elected to the king's council with fourteen other lords in June 1258, and the council was empowered to rule the realm in Henry III's name. Ten of its members were baronial supporters, thus giving an obvious partisan bias to the council. The earls of Warwick and of Albermarle, the archbishop of Canterbury and John Mansell were, with James de Audley, the only royalist members of this council. Since he was closely connected to the royal family, Audley's support of the king's party was natural, and as a member of his council, he was found again with Henry III in October 1258 and witnessed one of his letters.<sup>85</sup>

Even though these men took a prominent part in the events that occurred in 1258, there is no evidence as to the exact nature of the role they played, or even of the influence they exerted over reforms and different councils. More importantly, there is nothing to indicate how or even why these specific four Cheshire lords were chosen. It is possible that John de Grey's and Roger de Montalt's appointments to supervise Edward's affairs were due to their knowledge of Cheshire. Since most of Edward's activities in England were related to this county, the barons probably thought it safer to choose people strongly established in this region. Both Roger de Montalt and John de Grey, moreover, were experienced royal servants

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<sup>81</sup> *Ibid.*, pp. 104-5

<sup>82</sup> *Ibid.*, pp. 112-3.

<sup>83</sup> *Ibid.*, pp. 104-7.

<sup>84</sup> CChR 1226-57, pp. 277 and 409. For Giles de Erdington's career, see below, p. 235.

<sup>85</sup> DBM, pp. 104-5 and 116-9; Jobson, *The First English Revolution*, p. 24.

and closely connected with Edward at this stage. Why, however, three of these men embraced the reformers' cause from the start is a different question. John de Grey could have been motivated by personal reasons: he had left the court in 1255 and expressed his disapproval of policies adopted by the king's council. Nonetheless, he had managed to retain Edward's favours.<sup>86</sup> For Roger de Montalt and Giles de Erdington, the fact that they both held lands beyond the Cheshire border and performed various functions throughout the realm probably made them realise that strong reforms were needed. Yet this was also the case for James de Audley and he did not support the reformers.

In any case, the involvement of various Cheshire lords in the origins of the baronial movement of reform emphasises, once more, the ambivalent position of the county during this period. More importantly, it prefigures what happened next; having a strong baronial faction already in existence in the region by 1258 suggests that Cheshire communities and barons were divided as to the way of settling the crisis. Similarly, it suggests that, unlike in Gascony in 1254-55, Edward had failed to redress the situation in the county. In these complicated conditions, it was only a matter of time before serious trouble erupted in the region between royalist supporters and baronial partisans.

## **2: The Lord Edward's Lordship of the County of Chester during the Baronial Movement of Reform: between Royalist Loyalty and Baronial Sensibility, 1258-67**

With the programme of reforms, the magnates and the barons clearly expected to address the problems of the realm, but the events that followed rapidly showed that they failed. Perhaps surprisingly, on the other hand, the revolution of 1258 was, to some extent, a windfall for Edward. Although his affairs were now supervised by four councillors, the terms

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<sup>86</sup> N. Vincent, 'Grey, Sir John de (d. 1266)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2006; online edn, May 2006) [<http://www.oxforddnb.com/view/article/11542>, accessed 30 April 2016].

of the provisions granted him a greater degree of freedom of movement and of association. His itinerary suggests that he stayed in the South, mostly around the London area, until the spring of 1259 when he left for France.<sup>87</sup> But before his departure overseas, he made a formal alliance on 14 March 1259 with Richard de Clare, the earl of Gloucester, who promised to help him in the recovery of his lands and castles and in supporting his friends.<sup>88</sup> Gaining Clare's support was a major achievement for Edward; he was one of the most powerful magnates of the realm, and one of the English lords involved in the negotiations conducted in France concerning Henry III's rights over his former continental possessions (Normandy, Maine, Touraine and Anjou) which Edward would later inherit. Securing his backing was thus a means for Edward to influence the discussions.<sup>89</sup>

The alliance made, Edward went to France, where he seems to have participated in one of the three known tournaments he attended in 1259.<sup>90</sup> The reason behind this is unclear. It is quite possible that after the revolution of 1258, Edward's presence, already limited by the supervision of his four councillors, was not necessary: calm had finally returned to the realm and the various councils were at work. Indeed, in February and March 1259, inquiries were launched throughout the realm and a council of twelve members issued new reforms called the Ordinance of the Magnates. In substance, this council declared that all wrongs perpetrated by magnates and their seigniorial officials were to be treated and judged exactly in the same way as those committed by royal officials.<sup>91</sup> As the councils were now taking most of the important decisions, this probably forced Edward to concentrate on other affairs and might explain why he visited France in March and April 1259 and why he attended various

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<sup>87</sup> Morris, *A Great and Terrible King*, p. 39; *Itinerary*, pp. 42-3.

<sup>88</sup> This document has been edited in *Report on the Manuscripts of Lord Middleton* (London: Historical Manuscripts Commission, 1911), pp. 67-9.

<sup>89</sup> *Prestwich, Edward I*, pp. 27-9.

<sup>90</sup> Edward also attended a tournament at Blyth in June and at Warwick in August, *The Historical Works of Gervase of Canterbury*, ed. W. Stubbs (2 Vols., *Rolls Series*, 1879-80), II, p. 210; *The Cartulary of Blyth Priory*, ed. R. T. Timson (2 Vols., *Thoroton Society Record Series*, xxvii-xxviii, 1973), I, act 298, pp. 191-2; *Ann. Mon.*, IV, p. 445; *Itinerary*, pp. 43-4.

<sup>91</sup> *DBM*, pp. 130-7.

tournaments.<sup>92</sup> These activities should not be regarded as completely frivolous; in 1259, Henry III's eldest son had not visited France in more than three years – although there is no evidence that he visited Gascony – and participating in tournaments was a good way to recruit young and athletic knights to serve him in the realm or on the Welsh border.<sup>93</sup>

After a short visit in France, Edward had returned to England by the beginning of May, although the details of his activities are not known; his itinerary indicates that he attended a tournament at Blyth in Nottinghamshire on 12 June 1259, before returning to the London area, where he remained with his father until the beginning of August.<sup>94</sup> Interestingly, while at Fulham on 18 July 1259, he issued letters close, ordering the justiciar of Chester, Roger de Montalt, to do justice according to the laws and customs of the county concerning the complaints presented by Richard de Orreby and R. de Lantonia about certain crimes committed within his jurisdiction.<sup>95</sup> This shows that, despite the reforms imposed upon him, Edward was independent enough to deal directly with the administration of justice in Cheshire and that he was still concerned with local affairs. A second letter, issued at Warwick on 21 August 1259, does not suggest anything different; Roger de Montalt was instructed to do impartial justice in a case of novel disseisin concerning a mill destroyed at Crowley for which H. de Pulford was defendant. In the preamble, Edward expressed his concerns about delivering good justice: 'if, on account of the influence of any person, common justice is denied to any one of our subjects by us or by our bailiffs, we lose the favour both of God and of man, and our lordship is belittled.'<sup>96</sup>

Yet, despite his good intentions, he did not manage to prevent the worsening of the situation in the realm. Tensions became too fraught among the leaders of the rebellion, who

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<sup>92</sup> Gervase of Canterbury, II, p. 210; The Cartulary of Blyth Priory, I, act 298, pp. 191-2; Ann. Mon., IV, p. 445.

<sup>93</sup> H. Wait, 'The Household and Resources of the Lord Edward, 1239-1272' (University of Oxford, unpublished D.Phil thesis, 1988), p. 191.

<sup>94</sup> Itinerary, pp. 43-4; WL, II, pp. 123-5.

<sup>95</sup> BL Additional Ms., 35179, f. 89 d.; Studd, 'A Catalogue', acta 703, p. 539.

<sup>96</sup> BL Additional Ms., 35179, f. 89 d.; Studd, 'A Catalogue', acta 709, p. 545.

were now paying the price for their peculiar association,<sup>97</sup> and the work of the reformers inevitably suffered. Meanwhile, people throughout the realm were becoming impatient for concrete results from the barons' actions. Finally, on 13 October 1259, a group of men, called the 'community of the bachelors of England', suddenly erupted during a session of parliament. They appealed directly to Edward, the earl of Gloucester and other council members and declared that the king had complied with the demands imposed upon him, but that the barons had not done yet anything for the common good. They announced that if the barons did not respect their promises, reforms would be imposed by other means.<sup>98</sup> For Edward, this was the opportunity he had been waiting for; although he replied that he only swore his oath unwillingly, he was prepared to support the community of the realm and the common good. Edward also told the barons that if they did not honour their promises, he was ready to stand with the bachelors and expose himself to death. Under these conditions, the barons had little choice but to issue a new series of provisions.<sup>99</sup>

Although this episode presents certain problems of interpretation,<sup>100</sup> it, nonetheless, indicates that by October 1259, Edward had decided to embrace the baronial movement of reform. This was corroborated by the new alliance he forged with his uncle and godfather, Simon de Montfort, on 15 October 1259 in London.<sup>101</sup> As with Clare seven months before, this pact was an astute move; Edward was securing the backing of an important magnate, who, although supporting the reforms, was frustrating the peace negotiations in Paris.<sup>102</sup> Edward's sudden allegiance to the reformers, however, was neither surprising nor

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<sup>97</sup> As Morris comments, the different leaders in 1258-59, the earl of Norfolk Roger Bigod and his brother Hugh, the earl of Gloucester Richard de Clare and the earl of Leicester Simon de Montfort, were all fuelled by different motives. Although the Bigods had genuine concerns for the work of reform, Clare's main ambition in April 1258 was to get rid of the Lusignans. He was, moreover, reluctant to see his estates being subjected to royal supervision, Morris, *A Great and Terrible King*, p. 41.

<sup>98</sup> Ann. Mon., I, p. 471.

<sup>99</sup> Ibid.

<sup>100</sup> Historians are divided on the real identity of the bachelors, see Prestwich, *Edward I*, p. 30.

<sup>101</sup> This alliance and the context surrounding it have been examined by Carpenter; see 'The Lord Edward's Oath to Aid and Counsel Simon de Montfort, 15 October 1259', in Carpenter, *The Reign of Henry III*, pp. 241-52.

<sup>102</sup> Prestwich, *Edward I*, pp. 31-2.

disinterested. By the autumn of 1259, he was rather isolated. His Poitevin uncles had gone into exile and his alliance with the earl of Gloucester had proven fruitless. Supporting the reformers was thus a chance for him to attract public support, while at the same time securing the backing of the bachelors.<sup>103</sup> In doing so, he could achieve his long-term ambition: recovering control of his lands and castles which had been unjustly withdrawn by the reformers a year and half before.

Edward's support for the movement of reform and his alliance with Montfort meant that new provisions had to be enacted. On 24 October 1259, a new programme of reforms was thus issued at Westminster; it was divided into two categories, legal and political, and administrative.<sup>104</sup> As for the provisions issued at Oxford, it is difficult to know precisely how far the reforms addressed the problems existing in Cheshire, but it is clear from the legal provisions that most of them were not applicable to the county. This was especially true concerning the different clauses relating to the power of the eyres and itinerant justices (clauses 13, 21, 23), to the sheriff's tourn (clause 4) and to the pleas of the Crown (clause 16).<sup>105</sup> Furthermore, it is important to bear in mind that local people in Cheshire did not need such provisions to be able to reform their laws and practices; they had the power to do so through regular sessions at the county court of Chester.<sup>106</sup> Similarly, the administrative and political resolutions probably had little impact on Cheshire; clauses 1, 5, and 7 concerning the arrangements for the circuits of itinerant justices across the realm, and clause 22 relating to the election of sheriffs in the counties, were unlikely to have affected the county of Chester.<sup>107</sup>

This is, moreover, supported by the general eyre organised in November 1259. Supposed to take place before Easter 1260, this eyre was to inspect and determine any

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<sup>103</sup> Ibid.

<sup>104</sup> For a summary and comments of the Provisions of Westminster, see Jobson, *The First English Revolution*, pp. 38-44.

<sup>105</sup> DBM, pp. 137-49.

<sup>106</sup> See above, pp. 81-3.

<sup>107</sup> DBM, pp. 149-57.

trespasses that had occurred in the last seven years, whether they were shrieval or seigniorial in origin. For greater efficiency, the eyre was divided into six circuits visiting in total twenty-seven counties. Although the bordering counties, namely Herefordshire and Shropshire, as well as Staffordshire, were affected by the circuits, and, although Giles de Erdington, John de Grey, James de Audley and Roger de Montalt acted as itinerant justices, Cheshire was once more ignored in the reforms.<sup>108</sup>

The new reforms issued at Westminster in October 1259 for the common good changed little about the tense situation in Cheshire. Indeed, local discontent had reached a critical level in the autumn of 1259 and Edward's authority, as well as that of his officials, was now openly contested. To deal with this complex situation, the king's son had little choice but to take a series of orders to restore his power and recover the support of the local community. The first measure was put in place, in fact, before the parliament at Westminster. It was the replacement at Michaelmas 1259 of Roger de Montalt by Fulk de Orreby as justiciar of Chester. As this change is only recorded in the *Annales Cestrienses*, there is no way of knowing whether it was Edward's decision or not.<sup>109</sup> Wait considers that Montalt's removal was the result of Edward's move towards independence: with the backing of the earl of Leicester, he now had more power to remove officials previously appointed by the reformers in his apanage. While this may have been true in specific cases, the sequence of events does not support this idea for Montalt.<sup>110</sup> His replacement is said to have occurred in Michaelmas 1259, two weeks before Edward formally struck his deal with Simon de Montfort. Moreover, Roger de Montalt was still with the king's son at Bermondsey at the end

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<sup>108</sup> John de Grey had to visit Somerset, Dorset and Devon; Giles de Erdington and James de Audley had to visit Northamptonshire, Buckinghamshire and Bedfordshire; and Roger de Montalt had to visit Lincolnshire, Shropshire, Leicestershire, Staffordshire and Warwickshire, *ibid.*, pp. 158-65.

<sup>109</sup> These annals only report that Montalt resigned his office of justiciar, *Ann. Cest.*, pp. 76-7.

<sup>110</sup> In November 1259, Edward replaced the custodian of the castle of Tickhill, and appointed a new escheator in the rape of Hastings. Then, on 7 December, he replaced Robert de Walerand with his own steward, Roger de Leybourne; TNA C 61/4, mm. 4-5; Studd, 'A Catalogue', acta 715, p. 549, acta 732, pp. 555-6, acta 734, p. 557 and acta 742, pp. 560-1; Wait, 'The Household and Resources', p. 190.

of October 1259.<sup>111</sup> His removal, therefore, should rather be regarded as an attempt from Edward to please the local tenants, since Roger de Montalt's feud with the abbot and convent of St Werburgh illustrates, his justiarship seems to have been particularly troublesome.<sup>112</sup>

To reduce local grievances, Edward also issued on 26 October 1259 an interesting charter – which Montalt subsequently witnessed – in which he granted to the men of Lymm in Cheshire the right to assart, sell, give away and dispose freely of their wood just as they did before 'Earl Ranulf' put them 'in defence'. Although it is unclear which Ranulf is referred to here, it is likely that such instructions were originally taken by Ranulf III in the 1220s to secure the south-eastern border of the county of Chester, as Edward's own charter refers to a military purpose (*ad securitatem illarum partium boscos suos possuissent in defensione*). This would, moreover, fit with Ranulf III's ambition to become more independent of the Crown.<sup>113</sup> Regardless of its exact meaning, Ranulf's restriction was certainly a cause of grievance in the county; the *Annales Cestrienses* report that the local inhabitants offered 100m to Edward to grant such a charter, which he eventually remitted to them.<sup>114</sup> This was a generous gesture which aimed to generate public support, as Henry III's eldest son was himself running into financial difficulties at the time: he borrowed 500m from the constable of Bordeaux less than ten days later, before contracting another loan from the burgesses of Bristol on 9 December.<sup>115</sup>

Such actions, however, were not enough, on their own, to enable Edward to enforce his authority over the region. An entry recorded in the plea roll of Chester indicates that, on 18 November 1259, one of his letters was read in the county court, ordering the barons, knights and freeholders of the county to obey Thomas de Orreby, who had been freshly

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<sup>111</sup> Studd, 'A Catalogue', acta 710, pp. 545-6; G. Barraclough, *The Earldom and County Palatine of Chester* (Oxford: Basil Blackwell, 1953), pp. 34-5.

<sup>112</sup> See above, p. 197.

<sup>113</sup> Studd, 'A Catalogue', p. 546.

<sup>114</sup> *Ann. Cest.*, pp. 76-7.

<sup>115</sup> TNA C 61/4, mm. 4-5; Studd, 'A Catalogue', acta 717, pp. 549-50 and acta 747, p. 563. The exact value of the second loan is not mentioned.

appointed as escheator and keeper of the forest. With the assent of all, they replied that neither would they nor ought they to give attention to anyone but the justiciar of Chester or his deputy (attornatum suum) for matters touching the forest. They also declared that no attachment should be allowed except by the chief justiciar, or judgment given on these matters except before him, as it would be contrary to the laws and customs used in the time of the earls.<sup>116</sup>

This interesting letter, probably written while Edward was at Bermondsey,<sup>117</sup> is crucial for various reasons. First it indicates that, despite his recent alliance with Montfort and the backing of the bachelors at Westminster, he still encountered difficulties in asserting his lordship over the county of Chester. More importantly, it demonstrates that the various measures addressed at Oxford and at Westminster held little relevance for Cheshire; the local communities did not want reforms, but, rather, protection of their existing laws and customs and this emphasises yet again the distinctive position of the county of Chester. Finally, this letter demonstrates that, sincere as his intentions may have been, Edward had failed to maintain order in the region. This last point is corroborated by what happened next; after reading Edward's letter, Thomas de Orreby, the escheator of Chester, decided to arraign William de Bostok, and ordered him to be attached. But Bostok, according to the Cheshire law by thwertnic, left the court.<sup>118</sup> The whole community told the justiciar that, as they were in the castle of Chester for the county court and for hearing the lord's pleas, he should not allow their men to be attached there and should let them go away as freely as they came. In the end, twelve men were summoned before Thomas de Orreby, but only two, Simon de Hatton and Hugh de Cotton, took an oath – the rest refused.<sup>119</sup>

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<sup>116</sup> TNA CHES 29/1, m. 1; Calendar, case 5, p. 2. As Sharp comments, in this case, it was not the office of escheator which was problematic for local communities, but the custody of forests and parks, M. Sharp, 'Contributions to a History of the Earldom of Chester, 1237-1399' (Unpublished PhD thesis, University of Manchester, 1925), p. 437.

<sup>117</sup> Between 26 October to 8 November 1259 at least, Itinerary, p. 805.

<sup>118</sup> TNA CHES 29/1, m. 1; Calendar, case 5, p. 2. For the custom of thwertnic, see above, pp. 100-102.

<sup>119</sup> Ibid.

Unfortunately, the outcome of this episode is not recorded and Edward's reaction is unknown. Surviving records and his later actions, however, indicate that he chose to overlook the incident. In the closing months of 1259, he had other plans in mind. After a brief visit to Kent at the end of November, he arrived in Bristol early in December, where, taking advantage of the absence of the most influential people in the realm, he recovered control of his castles.<sup>120</sup> Although committed to his first political coup, Edward did not ignore affairs in the county; he notably kept abreast of law suits by maintaining regular contacts with Fulk de Orreby,<sup>121</sup> and he also established new tenants in Cheshire, namely Guy de Provence and Roger de Clifford.<sup>122</sup> Yet, despite Edward's instructions, tensions in Cheshire reached a climax in September 1260. It seems, in reality, that his inability to address the existing issues caused serious discontent in the area and his records, relatively plentiful for most of 1260, do not indicate that he showed any marked interest in the business of the county, beyond legal matters, after the spring of 1260. This is, moreover, corroborated by his itinerary; he remained in the South, around London, for most of 1260.<sup>123</sup>

The loss of Builth Castle in Powys in July 1260 and the aborted Welsh campaign of the summer of 1260 were the occasion for Edward to visit the Cheshire area for the first time in three years. Arriving in the county around 20 August, he issued a series of orders that shed an interesting light on his local lordship and on the situation in the region at the time. One surviving memorandum notably reports that, on 5 September 1260, all barons and knights from Cheshire, along with many others, appeared before Edward at Shotwick at his request. At their demand, the king's son was ready to discuss with them of the state of the land there and, more precisely, how best he should cause his forests in Cheshire to be kept. The local men answered that Edward was free to appoint whomsoever he wished to the custody of the

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<sup>120</sup> Above, pp. 115-6.

<sup>121</sup> TNA CHES 29/1, mm. 11 d. and 12; Calendar, cases 227, p. 31 and case 233, pp. 32-3.

<sup>122</sup> TNA C 61/4, mm. 3-4; Studd, 'A Catalogue', acta 751-2, pp. 564-5.

<sup>123</sup> Itinerary, pp. 47-52.

forests, but that pleas of the forest had to be heard in the county court before the justiciar alone.<sup>124</sup>

Edward took advantage of his visit to enforce justice in the county. Also on 5 September 1260, he ordered William de Boydell and Hamo de Masy to appear before him and answer for certain crimes.<sup>125</sup> However, on the following day, the barons returned to Shotwick and unanimously told Hugh le Despencer, Fulk de Orreby, Roger de Clifford, Thomas de Orreby, John Le Breton and other knights of Edward's household (*familia*) that they would answer for any complaints or trespasses committed in the county court only, and before the justiciar of Chester, or in Edward's presence. The king's son then ordered the barons to come to him to let them hear his wishes, which they did, but they left before reaching an agreement with him. Fulk de Orreby then summoned the barons, but they refused to attend, and he had to send his own clerk, John de Wettenhale to Chester to fetch them back.<sup>126</sup>

As these two episodes demonstrate, although tensions were still high, Edward was concerned with his lordship in the area. He did not try forcefully to impose reforms upon his local tenants in Cheshire. Instead, he was pragmatic in his attempt to discuss existing problems with local men and barons. Even though these discussions were eventually fruitless, he decided to maintain a benevolent attitude towards the county; showing some goodwill was certainly the best way to reduce local grievances. It is in this light that the other orders he subsequently issued during his visit in the county should be regarded. On 6 September, the same day as the assembly with the barons at Shotwick, Edward granted to the priory and the monks of Birkenhead licence to assart their wood at Colleston in the forest of Wirral 'without the impediment or the false accusation (*calumpnia*) of our bailiffs or our foresters', as well as

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<sup>124</sup> TNA C 61/4, m. 1 d.; Studd, 'A Catalogue', acta 843, p. 609.

<sup>125</sup> For the crimes of William de Boydell and Hamo de Masy, see above, pp. 110-11.

<sup>126</sup> TNA C 61/4, m. 1 d.; Studd, 'A Catalogue', acta 844, p. 610.

quittance of waste.<sup>127</sup> Then, on 13 September, he commissioned Fulk de Orreby and John Le Breton to hold certain inquests in Cheshire concerning the failure and transgressions of his bailiffs and foresters there and concerning the demands made by his men in the county ('fideles nostris Cestr') that he would later send them. Both John le Breton and Fulk de Orreby, moreover, were instructed to act with care (*cum diligentia*) in these matters.<sup>128</sup> In the meantime, Edward granted a market at Stockport to Robert de Stockport every Friday, and a yearly fair on 12 October to last for a week with all liberties and free customs.<sup>129</sup>

While such instructions originally aimed to restore his lordship and his public image in the region, it seems that, despite ongoing discontent, a degree of mutual trust still existed between Edward and local people, since they were disposed to lend him money. Indeed, prior to his visit in August, the king's son first pledged himself to the repayment of £160 that the burgesses of Chester paid at Boston (Lincolnshire) on 16 July 1260 to Wascelin Brus, burgess of Ghent, for cloth delivered into his wardrobe.<sup>130</sup> The abbot and convent of Chester then lent him 200m, and he borrowed £40, with another £48 16s for different goods, from the mayor of Chester and other citizens later on.<sup>131</sup> These were significant sums, amounting to about £380 (570m), which represented more than half the annual farm of the county of Chester.

With a fresh supply of cash in hand and presumably with a more stable situation in Cheshire, Edward left the area at the end of September 1260. Interestingly, it was in these favourable circumstances that he, together with Simon de Montfort and Richard de Clare, orchestrated a 'swift but peaceful coup that propelled Montfort back to power'.<sup>132</sup> Unlike his coup of the previous year, this attempt was successful; helped by both earls, the king's son

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<sup>127</sup> TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 841, p. 608.

<sup>128</sup> TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 852, p. 614.

<sup>129</sup> The exact date of this charter is not known; a short mention of it is made in the Macclesfield eyre roll of 1287, Calendar, p. 230. J. Earwaker provides more details on this charter in *East Cheshire Past and Present; Or a History of the Hundred of Macclesfield in the County Palatine of Chester, From Original Records* (2 Vols., London: Wyman and Sons, 1877-80), I, p. 337, but he does not specify its whereabouts, or whether this charter still exists.

<sup>130</sup> TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 856, p. 616.

<sup>131</sup> TNA C 61/4, m. 1; Studd, 'A Catalogue', acta 840, p. 608 and acta 845, pp. 610-1.

<sup>132</sup> Jobson, *The First English Revolution*, p. 55. See also Flores Hist., III, pp. 254-5.

took over the government during the October parliament at Westminster. Radical measures were soon adopted: a new council was elected, great officials were replaced, and Edward's and Montfort's supporters were appointed to the main offices. The decision was also taken not to appoint new sheriffs, nor to submit seigniorial administration to royal supervision.<sup>133</sup> In the end, to enhance his alliance with Montfort, Edward even knighted his two eldest sons, Henry and Simon, during the parliament before going to France at the end of October.<sup>134</sup>

Unfortunately, details of Edward's itinerary after his departure from England in October 1260 until the fall of 1262 are rather scanty. In addition, royal chancery records and chronicles provide no further information as to his activities or about Cheshire. Consequently, it is virtually impossible to know how the situation evolved in the region after Edward's departure overseas, or even whether he showed any concern at all regarding the county during this period. The only indication that he did so was a charter of privileges for the burgesses of Macclesfield, issued at Guildford on 29 May 1261, in which Macclesfield was granted borough status, permitted to have a guild merchant, and made exempt from various common taxes. The charter's form and contents were similar to those of other borough charters, apart from the fact that it referred to Edward's pleas of the sword. Even so, it represented a valuable concession to the local community of Macclesfield.<sup>135</sup> It is the only existing document issued by Edward relating to Cheshire between May 1261 and April 1263.

It would be wrong, however, to assume that Edward neglected Cheshire altogether. As with North Wales during the same period, his attention was diverted by problems elsewhere in his apanage, particularly in Gascony where the situation in 1260 was becoming ever more critical. Thus, in October 1260, Edward had little choice but to go there in person. Although his various visits to the duchy between 1260 and 1262 are poorly documented, he seems to

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<sup>133</sup> Maddicott, *Simon de Montfort*, pp. 201-2; M. Morris, *The Bigod Earls of Norfolk in the Thirteenth Century* (Woodbridge: Boydell, 2005), p. 83.

<sup>134</sup> Flores Hist., II, p. 456; *Itinerary*, p. 54.

<sup>135</sup> Cheshire Record Office LBM/31 1/1; Studd, 'A Catalogue', acta 865, p. 621.

have achieved a lot in a few months. He notably put an end to local rivalries, took over control of the mairie of Bordeaux, and strengthened the limits of the duchy by the acquisition of various castles.<sup>136</sup> While in France, moreover, he attended several tournaments and was reunited with his Lusignan uncles in November 1260.<sup>137</sup>

During his absence, a significant change took place in Cheshire. Fulk de Orreby died in office in August 1261 and was replaced as justiciar of Chester by his kinsman Thomas de Orreby. The choice was not a surprise; Thomas was a local tenant who had served as escheator in Cheshire since at least October 1259. Edward probably had little to do with the decision; as he was abroad, the king appointed Thomas de Orreby, ‘on behalf of his son’, and until ‘his son with the king’s counsel sees fit to provide more fully in respect to the said Thomas or some other fit person for this.’<sup>138</sup> In the meantime, Henry III’s surprising recovery of power in June 1261 certainly drove Edward to remain abroad and focus on his French estates in the following months.<sup>139</sup>

Edward returned to England in late February 1262, but there is no evidence that he visited Cheshire or even that he dealt with local affairs at all.<sup>140</sup> Instead, his finances were inspected and Henry III and the queen made new arrangements for his territorial estates, perhaps with a view to restraining their son’s freedom. In June 1262, Edward had to give back to his father various lands, including the islands of Guernsey and Jersey, the Three Castles, Grantham, Tickhill, Abergavenny, and other possessions in Norfolk and Suffolk. He received,

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<sup>136</sup> Trabut-Cussac, *L’Administration Anglaise*, pp. 17-25.

<sup>137</sup> TNA E 368/94, m. 47; Studd, ‘A Catalogue’, acta 862, p. 619; Gervase of Canterbury, II, p. 211.

<sup>138</sup> Ann. Cest., pp. 78-9; CPR 1258-66, p. 174.

<sup>139</sup> The former association of Edward with Montfort and Clare collapsed during the spring of 1261. The king’s son, pushed by self-interest and perhaps by lack of money, returned to his father’s party, along with one of his exiled uncles, William de Valence. Reinforced by their backing, Henry III released a letter from the pope on 12 June 1261 which fully annulled any restrictions imposed upon him and his son by the reformers and declared that he would now govern his realm as he wished. Edward was probably not aware of the existence of this letter, Morris, *A Great and Terrible King*, pp. 48-50; Itinerary, pp. 57-62.

<sup>140</sup> Itinerary, p. 62.

in return, the receipts from the Jewry of England for three years.<sup>141</sup> His lands in Cheshire and Perfeddwlad were not affected by these changes.

Shortly after there had been restrictions imposed upon his estates, Edward embarked on a new tour overseas.<sup>142</sup> Little has been recorded of his activities during this period, but it is quite possible that his presence in France – he stayed near Paris – was due once again to problems in Gascony.<sup>143</sup> In these conditions, therefore, it is impossible to assess how Edward's regular trips to France between 1260 and 1262 affected the situation in Cheshire; he did not visit the region and no instructions issued by him for the county have survived for this period. During Edward's regular absences overseas, Henry III stepped up for his son to protect the county: Thomas de Orreby resigned his office of justiciar, probably due to the deterioration of the situation in Wales, and was replaced by William la Zouche, on the king's order, in December 1262.<sup>144</sup> Yet it would be wrong to argue that Edward consciously decided to abandon Cheshire to its fate; he had serious issues to deal with in the rest of his apanage, notably in Gascony, and it is quite possible that such troubles elsewhere prevented him from playing a more visible role in Cheshire.

In 1263, however, circumstances were about to change. War was looming on the border, and tension was running high between the king and the barons. It was this dramatic situation that forced Edward to return to England. After landing at Dover at the end of February 1263, he stayed in London in March, before setting off for the Anglo-Welsh border.<sup>145</sup> Edward's comeback angered his former allies: they were disappointed to see him returning with a large retinue composed mainly of foreign knights who had been promoted to the custody of various castles and offices within his household. Persecuted at the Queen's

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<sup>141</sup> CPR 1258-66, p. 233; Prestwich, *Edward I*, p. 38.

<sup>142</sup> *Itinerary*, pp. 64-6.

<sup>143</sup> See above, p. 171-2.

<sup>144</sup> CPR 1258-66, p. 238. See also above, pp. 169-71

<sup>145</sup> *Itinerary*, pp. 66-7.

instigation for some of them, and also furious at Edward's attitude, his former friends decided to call for Montfort who arrived in England on 25 April 1263 to lead the opposition.<sup>146</sup>

Before his arrival to England, it is interesting to note that Montfort had rejected Henry III's proposal for readmission to favour on 22 February 1263, but that he was still disposed as late as 4 March to accept a truce from Edward to last until mid-Lent (12 March 1263).<sup>147</sup> The fact that a truce was mentioned between Montfort and his nephew suggests that armed confrontation was expected.<sup>148</sup> But in this case, as with Llywelyn ap Gruffudd in 1256, Edward's refusal, or failure, to negotiate, eventually led to far more serious troubles.<sup>149</sup>

While the reformers gathered at Oxford in April 1263 to renew their oaths to the Provisions, Edward came to Cheshire at the end of the month for the first time since September 1260.<sup>150</sup> If his priority was to plan another military operation against the Welsh, it is also quite possible that his visit was related to the justiciar of Chester, William la Zouche. According to the *Annales Cestrienses*, early in March 1263, William la Zouche, having gathered an army in Cheshire, and helped by Dafydd ap Gruffudd, Hamo Lestrangle and other Shropshire lords, took Stafford and Chartley Castles, before burning the town of Stone and plundering the church there. About ten days later, they attempted to take Stafford but were repelled by the barons. They burnt Eccleshall and its castle as they withdrew, and took many captives and much booty.<sup>151</sup>

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<sup>146</sup> Flores Hist., III, p. 256; Maddicott, *Simon de Montfort*, p. 223; above, p. 60. Roger de Leybourne, for instance, seems to have been particularly targeted by the Queen, see M. Howell, *Eleanor of Provence, Queenship in Thirteenth-Century England* (Oxford: Blackwell, 1998), pp. 187-8.

<sup>147</sup> Easter in 1263 was on 1 April, TNA E 30/1658; *Royal and Other Historical Letters Illustrative of the Reign of Henry III*, ed. W. W. Shirley (2 Vols., Royal Series, 1862-66), II, pp. 244-5; Maddicott, *Simon de Montfort*, p. 222. Surprisingly, Maddicott does not mention Montfort's letter.

<sup>148</sup> The real reasons for the enmity between Montfort and Edward remain unclear; they were still allies until Easter 1261 at least following their coup of November 1260. After his return in England in April 1261, however, Edward decided to rally his father's side, probably pushed by the financial difficulties he had encountered during his tour overseas. Thereafter, Montfort and Edward remained enemies. On Edward's change of allegiance, see notably Morris, *A Great and Terrible King*, pp. 49-50.

<sup>149</sup> When Montfort issued this letter on 4 March 1263, Edward was already in London, *Itinerary*, p. 66.

<sup>150</sup> *Ibid.*, p. 68.

<sup>151</sup> *Ann. Cest.*, pp. 86-7.

Mentioned only in the *Annales Cestrienses*, this episode, which has hitherto been overlooked by historians, raises many problems of interpretation. The main issue is that it does not fit with the sequence of other known events. Although important raids took place in 1263, they affected royalist supporters and only began on 7 June with the attack on Peter d'Aigueblanche's properties by baronial forces.<sup>152</sup> One could argue that the Chester annalist who recorded the events for 1263 was confused as to the dates; the annalist reports, for example, that early in February 1263, Edward recovered various castles in Herefordshire and this was impossible, as he was still in France at the time.<sup>153</sup> Despite this example, the *Annales Cestrienses* are usually reasonably accurate. If the author of the annals can be trusted, this means, therefore, that the troubles did not begin in June 1263 as historians have usually supposed, but originally started three months earlier, because of the Cheshire men. Unfortunately, the exact role of Edward in the attacks is uncertain. There is nothing to indicate that he initiated these actions. It is worth noting here, however, that these events occurred only a week or so after his return in England, and that he adopted a generous attitude towards Dafydd ap Gruffudd just a few weeks later.<sup>154</sup> Moreover, his failure to negotiate with Montfort in March 1263 strongly suggests that if he had not ordered these attacks, he had, at least, approved them a posteriori.

This violent raid prefigured others that erupted throughout the realm during the summer of 1263.<sup>155</sup> The pressure from the barons was such that Henry III and the queen were rapidly brought to terms. Edward, on the other hand, tried to resist. He had secured control of the Cinque Ports in May, and despite Richard of Cornwall's specific instructions, he was

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<sup>152</sup> Jobson, *The First English Revolution*, pp. 86-7; Peter d'Aigueblanche was bishop of Hereford, and one of the staunchest supporters of Henry III in the marches.

<sup>153</sup> *Ann. Cest.*, pp. 84-7.

<sup>154</sup> TNA C 66/79, m. 9; Studd, 'A Catalogue', acta 885, p. 635. See also above, pp. 174.

<sup>155</sup> *Chronicle of Bury St Edmunds*, p. 27; Jobson, *The First English Revolution*, pp. 86-7.

ready for further action.<sup>156</sup> His resistance did not last long: surrounded by Montfort's army at Windsor where he had sought refuge, he submitted to his uncle at the end of July.<sup>157</sup>

In the meantime, troubles still affected Cheshire: on 24 June 1263, William la Zouche supposedly invaded the abbey of St Werburgh with an armed retinue and heaped so many insults (opprobrium) upon the rural dean and other ecclesiastical persons that the church of Chester, both regular and secular clerks, placed itself voluntarily under an interdict for four days.<sup>158</sup> As for la Zouche's raid in Staffordshire, there is no evidence to show that Edward instigated such attacks; his itinerary shows that he was in London when the assault occurred.<sup>159</sup> Similarly, la Zouche's motives for plundering the church remain unclear. One possibility could be that the abbot of Chester, Thomas de Capenhurst, was one of Montfort's supporters, and that William la Zouche decided to avenge the baronial raids and the support for Montfort by attacking St Werburgh and its personnel.<sup>160</sup>

Although the situation in England was out of control during the summer of 1263, order was rapidly restored. Edward reunited with his former friends and allies (Earl Warenne, Henry of Almain, Roger de Leybourne, John de Vaux, Roger de Clifford and Hamo Lestrangle),<sup>161</sup> and, backed by their support, he seized Windsor Castle on 16 October and was soon joined by his father.<sup>162</sup> Montfort's government collapsed like a house of cards; most of the lay lords gathered for the parliament crossed to the king's party and the earl of Leicester was forced to accept a truce on 1 November 1263.<sup>163</sup> Henry III swiftly recovered his power by

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<sup>156</sup> Flores Hist., II, pp. 481-2; Morris, *A Great and Terrible King*, pp. 55-7. On 29 June 1263, Richard of Cornwall specifically instructed Edward not to attack the barons as long as he was negotiating with them. He had asked the same of the barons, *Royal and Other Historical Letters*, II, p. 247.

<sup>157</sup> Flores Hist., II, pp. 482-3; Prestwich, *Edward I*, p. 40.

<sup>158</sup> *Ann. Cest.*, pp. 84-5.

<sup>159</sup> *Itinerary*, pp. 84-5.

<sup>160</sup> Thomas de Capenhurst was summoned by Simon de Montfort in December 1264 to attend the Hilary Parliament in 1265. He was not alone, however, for many other members of the clergy were also summoned, *CR* 1264-68, pp. 84-7. On the other hand, he was still said to be with the king in March 1264 when Henry III summoned the feudal host; *CR* 1261-64, pp. 377-81.

<sup>161</sup> *Ann. Mon.*, III, p. 225.

<sup>162</sup> *Ibid.*; Flores Hist., II, pp. 484-5; *Ann. Mon.*, IV, p. 137; Prestwich, *Edward I*, p. 41.

<sup>163</sup> Jobson, *The First English Revolution*, pp. 102-3.

regaining control of his chancery and removing Montfortian officials. Yet, as the feud between the king and his brother-in-law still had to be addressed, early in 1264 arbitration under Louis IX's supervision was planned in France. Rendered at Amiens on 23 January 1264, the terms of the arbitration – known as the Mise of Amiens – were extremely favourable to the English king: the provisions were fully annulled and Henry III was placed at liberty to appoint officials at will.<sup>164</sup>

The impact of the royalist recovery on Cheshire is unknown; it does not seem that the king's son visited the county after his departure from the border in May 1263. Despite the troubles, William la Zouche continued to act as justiciar of Chester, and this shows that his harsh policy and the various raids he conducted had been carried out with Edward's approval. These attacks, on the other hand, had not been sufficient to remove the threat posed by the reformers in the area, and the danger was serious enough to force la Zouche to put the city of Chester in defence on 23 March 1264. At the suggestion of the sheriff of the city, Robert Mercer, presented as 'a cursed fellow' (*maledicti nomine*) by the pro-Montfortian Chester annalist, houses in Bog Lane belonging to St Werburgh Abbey were destroyed and a ditch was dug around the city. Moreover, all landholders who still adhered to the king and his son were called to Chester to defend their lands.<sup>165</sup> This indicates that the situation was far from being entirely secure in Cheshire. Although local officials were still loyal to the king and his son, the threat of losing the city, and more importantly, of losing control of the region, was real.

In anticipating troubles, William la Zouche certainly made the right decision, for the acts of war between the baronial and royalist factions rapidly spread across the realm. In February 1264, various castles belonging to Roger Mortimer and Roger de Clifford were

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<sup>164</sup> *Ibid.*, pp. 103-5; Prestwich, *Edward I*, p. 41. For the text of the Mise of Amiens, see DBM, pp. 280-91.

<sup>165</sup> *Ann. Cest.*, pp. 86-9; TNA KB 26/198, m. 17/1.

taken.<sup>166</sup> On 28 February, Worcester was sacked by baronial forces led by Robert de Ferrers, Peter de Montfort and Henry de Montfort, thus forcing Edward to rush to the area.<sup>167</sup> His rapid arrival was relatively successful: he took Humphrey de Bohun's castles at Hay and Huntingdon, and gave them in custody to Roger Mortimer.<sup>168</sup> A few days later, Edward invaded Gloucester, accompanied by two Cheshire lords, James de Audley and John de Grey.<sup>169</sup>

In an attempt to avoid direct confrontation, negotiations were held in March but proved fruitless, and in April 1264, the royal army rode towards Northampton to seek out the enemy. The raid upon Northampton turned out to be a successful operation for the king and his son: Simon, Montfort's son, was captured along with some eighty barons and knights, including Peter de Montfort, Ralph Basset de Sapcote, Baldwin Wake and Adam de Newmarket.<sup>170</sup> Some Cheshire men were probably involved in this success; both Henry III and his son granted the custody of various prisoners taken at Northampton to James de Audley, John de Grey and William la Zouche.<sup>171</sup>

A significant number of Cheshire men are certainly known to have fought alongside the king and his son at the Battle of Lewes in May 1264. At least two Cheshire landholders are known to have taken part, namely James de Audley and John fitz Alan, both of whom were eventually captured.<sup>172</sup> John de Grey may have been present too; he was with the king in

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<sup>166</sup> Rishanger, *De Bellis*, p. 20; Flores Hist., II, p. 486; Maddicott, *Simon de Montfort*, p. 263.

<sup>167</sup> Rishanger, *De Bellis*, p. 20; Flores Hist., II, pp. 486-7; Jobson, *The First English Revolution*, p. 106.

<sup>168</sup> Rishanger, *De Bellis*, p. 20; Flores Hist., II, p. 486.

<sup>169</sup> Flores Hist., II, p. 487; CChR 1257-1300, pp. 246-7; Studd, 'A Catalogue', acta 895, p. 642.

<sup>170</sup> *Chronicle of Bury St Edmunds*, p. 28; Maddicott, *Simon de Montfort*, p. 267.

<sup>171</sup> CPR 1258-66, pp. 318, and 366-7. The prisoners concerned were Peter and Robert de Montfort, the sons of Peter de Montfort, and Robert de Newton who was exchanged after the Battle of Lewes.

<sup>172</sup> Flores Hist., II, p. 496; S. Lloyd, 'Audley, James (d. 1272)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/894>, accessed 18 Jan 2017]. Fitz Alan's presence at Lewes may also be linked to the large estates he possessed as lord of Arundel in Sussex, F. Suppe, 'Fitzalan, John (II) (1223-1267)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/9531>, accessed 9 June 2017].

the weeks preceding the battle, but there is no direct indication that he was at Lewes.<sup>173</sup> As for William la Zouche, justiciar of Chester, the *Annales Londonienses* relate that he was present on the battlefield, and was captured by John Giffard.<sup>174</sup> This account, however, is contradicted by the *Annales Cestrienses*, which report that William la Zouche was only imprisoned in December 1264 due to excesses of authority committed by him.<sup>175</sup> Which version of events should be believed? The passage relating William la Zouche's capture in the *Annales Londonienses* is suspect. These annals describe how, just after this episode, Montfort exchanged Cheshire for the county of Leicester with Edward. Although it is correct that Montfort took over the county of Chester in December 1264, he never conferred his Leicester estates upon the king's son.<sup>176</sup> Moreover, letters preserved on the close rolls show that the king through his council – controlled by Montfort – ordered the arrest of William la Zouche in February 1265, as he was a threat to the earl of Leicester and the barons.<sup>177</sup> In such circumstances, it is unlikely that the version in the *Annales Londonienses* is the most accurate one. This does not mean, however, that William la Zouche did not fight at Lewes. Records seem to indicate that he was present for the assault on Northampton on 6 April, along with James de Audley.<sup>178</sup> But, with no corroborating evidence, it can only be supposed that, after the raid of Northampton, he followed Edward to Lewes, where the latter probably welcomed his military assistance.

The presence of Cheshire men, possibly led by William la Zouche, on the royalist side at the Battle of Lewes meant two things. The first is that, despite recurring problems between the county and Edward, a significant number of local people there had remained faithful to the

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<sup>173</sup> John de Grey was at Oxford on 30 March with the king, along with James de Audley, but he was said to have held Nottingham against the barons several months after the Battle of Lewes, so his presence is uncertain, WL, II, p. 143; Vincent, 'De Grey, John'.

<sup>174</sup> *Annales Londonienses*, *Chronicles of the Reigns of Edward I and Edward II*, ed. W. Stubbs (2 Vols., *Rolls Series*, 1882-83), I, p. 65.

<sup>175</sup> *Ann. Cest.*, pp. 90-1.

<sup>176</sup> CPR 1258-1266, p. 397.

<sup>177</sup> CR 1264-68, p. 99.

<sup>178</sup> CPR 1258-66, p. 318.

king's son, and were ready to support him against Montfort. The second is that, although his authority was contested, Edward still retained control over the Cheshire region, as various important local lords accompanied him, thus leaving their own region at the mercy of a baronial or Welsh attack.

With both Henry III and his eldest son in his hands after Lewes, Montfort was finally free to rule the kingdom. Through the Mise of Lewes, the Provisions were fully restored and a new council was imposed over the king.<sup>179</sup> Montfort, on the other hand, had to release the marcher lords captured at Lewes. This was a dangerous concession, for they were his most redoubtable enemies.<sup>180</sup> Since the period of Montfort's regime (May 1264-August 1265) has been extensively analysed by various historians, there is no need to repeat here in detail what has already been written on the subject.<sup>181</sup> What does need to be considered more closely are the links the earl of Leicester maintained with the county of Chester, and whether he counted some strong supporters in the area. These aspects of Montfort's regime are crucial because he took advantage of his supremacy in the realm to take control of Cheshire. Moreover, the county of Chester was, as in 1258-60, treated differently from other English counties. A good case in point was Montfort's call to arms in early July 1264 to protect the South East against a potential foreign invasion: the order to provide men for the defence of the realm was sent to twenty-seven counties, but not to Cheshire.<sup>182</sup>

Records do not provide any indication of the immediate consequences that Edward's surrender at Lewes had for the Cheshire area. Similarly, there is no way of knowing why Simon de Montfort, now the uncontested leader of the realm, waited more than seven months to take possession of the county. This might tentatively be explained by the difficulties he

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<sup>179</sup> Jobson, *The First English Revolution*, p. 117. On the Mise of Lewes, see also, D. Carpenter, 'Simon de Montfort and the Mise of Lewes', *Bulletin of the Institute of the Historical Research*, 58 (1985), pp. 1-11.

<sup>180</sup> Morris, *A Great and Terrible King*, p. 63; Prestwich, *Edward I*, p. 46.

<sup>181</sup> The best account is certainly Maddicott, *Simon de Montfort*, pp. 279-345. See also Jobson, *The First English Revolution*, pp. 117-47.

<sup>182</sup> CPR 1258-66, pp. 360-2.

encountered after the battle of Lewes: although victorious, he had yet to legitimate his power over the realm. Meanwhile, the marcher lords captured at Lewes had gone free and Queen Eleanor was planning an invasion on the other side of the Channel. These issues took several months for Montfort to resolve and it was only at Worcester in December 1264 that proper peace was made.<sup>183</sup> It was here that the earl of Leicester formally took control of the county of Chester and Peak Castle. In exchange, Edward was to be granted estates of equivalent value elsewhere in the realm, and conditions for his release were to be discussed during the Hilary Parliament.<sup>184</sup>

As Maddicott points out, Montfort's takeover of the county of Chester has received surprisingly little attention from historians.<sup>185</sup> In fact, his real motivations behind this move are unclear. It is possible that he took it over for strategic and financial reasons. As Montfort was openly collaborating with Llywelyn ap Gruffudd, holding Cheshire offered opportunities to strengthen ties with the Welsh, and for controlling the marcher lords. Moreover, possession of the county also brought Montfort an additional income estimated at approximately £1,000 per year.<sup>186</sup> Added to the other properties taken from Edward elsewhere, notably the castle and honour of the Peak, these probably amounted annually to a comfortable sum of about £1,400 to £1,500 each year, which represented a quarter of Edward's annual income. But in addition to these practical reasons, Maddicott argues that Montfort's true ambition was, in reality, to take over most of Edward's apanage for himself and his heirs to ensure a dominant position in the aristocracy for his family in the future. As he summarises, '[Montfort's]

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<sup>183</sup> Jobson, *The First English Revolution*, pp. 122-4 and 131; Morris, *A Great and Terrible King*, p. 64.

<sup>184</sup> Interestingly, the author of the *Flores Historiarum* in mentioning Montfort's takeover refers to 'consulatus Palatinus Edwardi' whilst speaking about the county of Chester, *Flores Hist.*, II, p. 504; CPR 1258-66, p. 397.

<sup>185</sup> Maddicott, *Simon de Montfort*, p. 321.

<sup>186</sup> *Ibid.*, pp. 321-2. In exchange, Edward received six months later only twelve manors, mostly located in Hampshire and Wiltshire, worth about £500 per year. On the value of the county of Chester, see also above, fn 16, p. 128.

ultimate aim can hardly have been less than the lasting establishment in power of himself, his family and his party.<sup>187</sup>

Although this interpretation sounds entirely plausible, Maddicott leaves several issues unaddressed. It is worth wondering, first, why Montfort chose to take over the county of Chester in particular. Since the late 1240s, Cheshire had been a problematic area to rule for both the king and his son and it had been subjected to Welsh attacks for decades. Gascony, in comparison, appeared a much better option. Even though it was also a problematic region to govern – Montfort had encountered significant difficulties when he was lieutenant there between 1248 and 1252<sup>188</sup> – having control of Gascony would have strengthened Montfort's influence on both sides of the Channel, and would have conferred on him and his family a dominant position at the French and the English courts.

Montfort's choice, in fact, is perhaps best understood through the links he had with the region. The earl of Leicester was not a stranger to the Cheshire area; his ties with the county existed before Edward was even born. Simon de Montfort was closely connected to Ranulf III before his death, and witnessed two of his charters in 1231 and 1232.<sup>189</sup> He became, moreover, Ranulf III's protégé, as the earl of Chester generously transferred to him his Leicestershire estates in 1231-32, estates to which Montfort had a claim.<sup>190</sup> By being closely associated with Ranulf III and by receiving the honour of Leicester, Montfort inevitably attracted to his retinue various members of Ranulf III's affinity after his death. This is best illustrated by the Seagraves. Stephen of Seagrave used to serve the earl of Chester, before

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<sup>187</sup> Maddicott, *Simon de Montfort*, pp. 321-2.

<sup>188</sup> Montfort's harsh rule in Gascony had created important tensions in the duchy, and he ran up great debts in order to maintain control over the region. The debts he contracted for the king's service were one of the main grievances he had against Henry III's government. On this specific subject, see Maddicott, *Simon de Montfort*, pp. 106-24. It is worth noticing, however, that Montfort maintained his interest in the South of France, nonetheless. This is reflected by his various attempts to retain control of the county of Bigorre in the 1260s, *ibid.*, pp. 200 and 364. Eleanor de Montfort only gave back this county after her husband's death, Trabut-Cussac, *L'Administration Anglaise*, p. 35.

<sup>189</sup> Chs. of Earls of Chester, act 310, pp. 309-10 and act 435, pp. 433-6.

<sup>190</sup> N. Vincent, 'Simon de Montfort's first quarrel with King Henry III', in *Thirteenth Century England IV: Proceedings of the Newcastle Upon Tyne Conference*, ed. P. R. Coss and S. D. Lloyd (Woodbridge: Boydell, 1992), pp. 167-77, at p. 169; Maddicott, *Simon de Montfort*, pp. 8-9.

entering Montfort's affinity with his eldest son Gilbert after 1232. Gilbert's son, Nicholas, although underage in 1254, became a staunch supporter of Montfort in 1264-65, and fought at Evesham.<sup>191</sup> The Despencers followed a similar pattern; Hugh was a member of Ranulf III's affinity established in Leicester. After Ranulf III's death, Hugh's family grew closer to Montfort, and Hugh's son, also called Hugh, gained Montfort's friendship. He was killed at Evesham.<sup>192</sup>

Consequently, it was probably not with a view to 'dismantling the apanage of the heir of the throne', as Maddicott argues, that Montfort originally took over the county of Chester, but rather because he had developed some strong links with the region early on. In so doing, Montfort resurrected, if temporarily, the great earldom of Chester and took over the prestigious role previously assumed by Ranulf III. That this was originally his real ambition was clearly reflected by the terms of the grant transferring Cheshire to Montfort during the Hilary Parliament in March 1265. The king granted to Montfort the castles and the honour of Chester (*castra et honorem Cestrie*), which Edward had quitclaimed, to hold and maintain with all its possessions, customs and liberties, just as Earl Ranulf or any other earl had done, and was to render the same services to the king.<sup>193</sup> These terms were different to those employed in February 1254: Edward was granted the county (*comitatum*), without any reference whatsoever to an earlier earl of Chester or to the past. This view is also supported by Henry III's previous order of December 1264: 'the king commands all the tenants [of the honour of Chester] to be intendant to the said earl [Montfort] and his heirs, as they used to be to Ranulf, sometime earl of Chester, saving their fealty to the king and his heirs as it was accustomed to be done in the time of the said earl'.<sup>194</sup> Finally, it is also worth noting that Amaury de Montfort, the son of Earl Simon, was described in his testament as earl of

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<sup>191</sup> Maddicott, *Simon de Montfort*, p. 63.

<sup>192</sup> *Ibid.*, p. 63-4.

<sup>193</sup> TNA C 53/54, m. 4.

<sup>194</sup> CPR 1258-66, p. 397.

Leicester and Chester ‘by hereditary right’.<sup>195</sup> In taking control of the county of Chester, therefore, Montfort not only sought to increase his territorial possessions and his influence over the marches, but also attempted to enhance his prestige and his status as earl.

His takeover of Cheshire inevitably raises another important question: did Montfort have many supporters within the county? The fact that the takeover went uncontested, especially in Cheshire, suggests that there was a strong Montfortian party there. This notably explains why William la Zouche had to put the city of Chester in defence against the Welsh and the barons in March 1264.<sup>196</sup> Two documents issued by Edward after the Battle of Evesham clearly demonstrate that Montfort benefited from the support of some local tenants. This was the case with Geoffrey de Cheadle, a modest Cheshire landholder.<sup>197</sup> Although the extent of his support to the barons remains unclear, he was pardoned on 10 March 1266 by Edward for his allegiance and assistance to ‘his enemies’.<sup>198</sup> Much more, however, is known about Richard de Vernon, who might even have been in contact with Montfort early in the 1230s.<sup>199</sup> He came from an important Cheshire family that had served Ranulf III; he was either the brother or the son of Warin de Vernon, a significant local tenant, who held about eleven knights’ fees in Cheshire.<sup>200</sup> Richard de Vernon possessed lands in Bexton in East Cheshire and lands in Appleby in Derbyshire, and was important enough to be vice-regent of the justiciar of Chester, John de Grey, in 1248-49 and to act as the king’s sergeant in 1259 and 1260.<sup>201</sup> At some point in 1264, he rallied Montfort’s party and was actively involved in his government: he was keeper of the peace in Nottingham and Derby, and held the castle of the

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<sup>195</sup> Maddicott, *Simon de Montfort*, p. 370.

<sup>196</sup> *Ann. Cest.*, pp. 86-9. The *Annales Cestrienses* report Montfort’s takeover of Cheshire through the intermediary of his son Henry, but they do not indicate that it provoked any protest whatsoever, *ibid.*, pp. 90-1.

<sup>197</sup> He only held one knight’s fee in Cheshire, *Calendar*, p. xlvi.

<sup>198</sup> TNA Ward 2/14/53D/27; *A Calendar of Acts*, II, acta 46, p. 6.

<sup>199</sup> One of Ranulf III’s charters mentions a Richard de Vernon as witness, alongside Simon de Montfort in 1231-2, *Chs. of Earls of Chester*, act 435, pp. 433-6.

<sup>200</sup> *Calendar*, p. xlvi; these fees were mostly concentrated around Which Malbank and Shipbrook. For Richard de Vernon’s genealogy, see G. Ormerod, *The History of the County Palatine and City of Chester* (3 Vols., London: Lackington, Hughes, Harding, Mavor, and Jones, 1819), III, p. 133.

<sup>201</sup> *DRC* pp. 14, and 32; *CIM*, i, act 772, p. 236; *CPR* 1258-66, pp. 13 and 91.

Peak for Henry de Montfort.<sup>202</sup> Richard de Vernon eventually survived the war, but saw his lands confiscated by Edward, and spent the following years trying to recover his possessions.<sup>203</sup>

Giles de Erdington was another Cheshire tenant who supported Montfort. He was involved in the judicial administration of the county in 1260, and seems to have embraced at an early date the baronial movement of reform, since he was part of the council of twenty-four that was appointed in 1258 to negotiate financial help with the king. In November 1260, he is mentioned as being the king's clerk and dean of Wolverhampton.<sup>204</sup> On 30 June 1264, he witnessed a judgment made by Henry de Montfort, alongside various baronial supporters, and immediately started to travel across the realm to inquire about various judicial matters.<sup>205</sup> Interestingly, after the Battle of Evesham, he continued to deal with justice throughout the realm.<sup>206</sup>

Stephen of Rushton was the last Cheshire man identified as supporting Montfort. Little is known about him; his name indicates that he was originally from Cheshire, but he does not appear in the records and it is unclear whether he was a tenant. In January 1265, he was appointed sheriff of Cheshire by Montfort, which suggests that he was one of his supporters.<sup>207</sup> Unfortunately, his fate after the royalist victory is unknown.

With these four examples,<sup>208</sup> it appears clear that Montfort enjoyed the support of some significant men in Cheshire. Whether the county as a whole mostly supported the barons

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<sup>202</sup> TNA KB 26/198, m. 17/1; CPR 1258-66, p. 327; CIM, i, acta 645, p. 196.

<sup>203</sup> TNA KB 26/198, m. 17/1; A Calendar of Acts, II, acta 51, p. 7; Calendar, p. 111. See also above, pp. 112-3.

<sup>204</sup> TNA CHES 29/1, mm. 5 d. and 7; Calendar, case 114, pp. 16-7 and case 138, p. 20; CPR 1258-66, p. 126.

<sup>205</sup> C. Bémont, *Simon de Montfort* (Paris: Alphonse Picard, 1884), act 38, pp. 353-5; CPR 1258-66, pp. 483-5; Calendar of the Fine Rolls of the Reign of Henry III 1263-64, see for example nos 119-20, 149, 166 and 215, available on the Henry III Fine Rolls Project's website (<http://www.finerollshenry3.org.uk>), accessed 24 January 2016.

<sup>206</sup> Although there is no direct evidence that he was granted a pardon from the king for his support to Montfort, Giles de Erdington is seen dealing with justice for the king again in October 1265, CPR 1258-66, pp. 492, 650, 652, 654, 664, 667, 676 and 680; CFR 1264-65, nos 563, 566 and 598, available on the Henry III Fine Rolls Project's website (<http://www.finerollshenry3.org.uk>), accessed 24 January 2016.

<sup>207</sup> Ann. Cest., pp. 90-1.

<sup>208</sup> According to Wait, *Simon de Arderne*, who was apparently from Cheshire and who subsequently served as vallettus in Edward's household after 1265, was in the Robert de Ferrers' household in 1264, thus suggesting

or Edward instead is difficult to tell, for records do not provide any detail on the scale of the forces involved on either the baronial or the royalist side. A good indication that Montfort's party was not necessarily dominant was the replacement of William la Zouche as justiciar of Chester by Luke de Tany.<sup>209</sup> Tany was not familiar with the region: he held lands in Northumberland and Yorkshire and had no links whatsoever with Cheshire.<sup>210</sup> The appointment of a complete stranger – the first since Gilbert Talbot in 1255 – to the most important office in Cheshire suggests that Montfort did not have enough support in the area to appoint a justiciar from among local tenants. Moreover, records show that Henry III and his son counted some strong supporters among Cheshire landholders, and Edward, while in prison at Wallingford, even had to send at some point before March 1265 letters patent to order Cheshire inhabitants to obey Luke de Tany, which indicates that Montfort was struggling to establish his authority in the county.<sup>211</sup> With regard to the loyalty of the county, therefore, the most plausible hypothesis is that it was neither pro-baronial nor pro-royalist; instead, the region was divided between supporters of both sides, who fought fiercely to gain control in 1264-65.

It is hard to determine with any certainty whether the adhesion of certain Cheshire men to the baronial movement was due to genuine beliefs in reform, or was only the consequence of Edward's lordship in the area. With regard to Richard de Vernon, his support of Montfort might be tentatively explained by his removal from the custody of the castle and

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that he was supporting the rebels, Wait, 'Household and Resources', p. 336. I have not found, however, evidence linking Simon de Arderne to Cheshire. He does not appear in the affairs of the county and Ormerod does not include Simon in his genealogy of the Ardernes, Ormerod, *History of Cheshire*, II, pp. 41-2.

<sup>209</sup> Ann. Cest., pp. 90-1.

<sup>210</sup> We have to dismiss entirely Prestwich's idea that Luke de Tany was a 'thoroughgoing royalist'; although he might have been at the end of the Barons' War – he was said to have executed some rebels – he certainly was not under Montfort's regime. This is corroborated by the pardon he received at the instance of Henry of Almain in September 1266, and by the fact that he was appointed by Montfort as justiciar of Chester, M. Prestwich, 'Tany, Sir Luke de (d. 1282)', rev. *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn, Oct 2005) [<http://www.oxforddnb.com/view/article/37698>, accessed 12 Aug 2016]; Prestwich, *Edward I*, p. 70; CPR 1258-66, p. 638; CPR 1266-72, p. 442.

<sup>211</sup> TNA CHES 29/3, m. 6 d.; Calendar, case 51, pp. 59-60.

the honour of the Peak by Edward in May 1254.<sup>212</sup> He was apparently reluctant to comply, for he had previously been ordered by the king on 14 February to deliver the castle, and in March, Ralph de Donjon was asked to take seisin.<sup>213</sup> This may have been a source of discontent for Vernon, who does not appear in Edward's administration or in Cheshire affairs for the rest of his lordship.

As for the remaining Cheshire communities, considering their firm attachment to local laws and customs, and the fact that various measures adopted by the reformers could not apply to the county, it is unlikely that support for the barons there was fuelled by idealism or, indeed, by the need for reform. Records do not show that Montfort made any considerate gesture towards the county or towards the local tenants while he had control of the region. This thus excludes the possibility that support for the barons in Cheshire was motivated by mere opportunism and by the prospect of significant reward. The adhesion of various Cheshire tenants and communities to the barons, therefore, is probably best understood as a consequence of the royal policy conducted by Henry III and, more importantly, by his son. Confronted by the inability of Edward to address existing issues, joining Montfort and the reformers probably appeared to local men as the only alternative, and as the best way to manifest their discontent.

In any case, Montfort's support in Cheshire was at least enough to ensure him temporary domination over the region. By appointing his own men to local offices, he rapidly ensured control of the administrative machinery of the county, thus superseding completely Edward's authority. Henry III's eldest son was now being no more than a figurehead in Montfort's hands; the Chronicle of Melrose indicates that Montfort carefully attended his

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<sup>212</sup> TNA C 61/4, m. 4; Studd, 'A Catalogue', acta 9, p. 188.

<sup>213</sup> CPR 1247-58, pp. 272 and 365.

meals, and closely supervised any interviews he had with visitors. His impuissance was such that even his barber was paid for by Eleanor de Montfort.<sup>214</sup>

Yet although Edward's situation seemed hopeless, his former friends refused to abandon him. They notably attempted to rescue him at Wallingford early in October 1264, but their operation failed: the constable refused to liberate Edward, and Henry III ordered them to leave the place.<sup>215</sup> Some of his friends in the county of Chester continued to support the royalist cause. According to the Dunstable annalist, James de Audley, William la Zouche and Dafydd ap Gruffudd were put to flight in November 1264 by a significant army gathered by Robert de Ferrers, earl of Derby.<sup>216</sup> Ferrers had a clear motive for revenge – his lands had been ravaged by Edward merely weeks before the Battle of Lewes<sup>217</sup> – and he apparently attempted to seize Cheshire as well as the Peak Castle for himself.<sup>218</sup> His ambitions, however, were soon frustrated by Montfort who arrested him in February 1265.<sup>219</sup> By doing so, Montfort temporarily put an end to the resistance in Cheshire, as no further sign of royalist activity there is documented until the summer of 1265.

Now in a position of force, Simon de Montfort could finally release Edward. This occurred on the occasion of the Hilary Parliament, held between 20 January and 11 March 1265. A hundred and twenty prelates were supposed to attend, including the abbot of Chester, as well as two knights from each county, and representatives for every town and for the Cinque Ports.<sup>220</sup> On 11 March 1265, Edward was finally handed over to his father in a great

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<sup>214</sup> The Chronicle of Melrose relates that when Oliver, abbot of Driburgh came to visit Edward, Simon de Montfort stood in the room to make sure that no important information or letters were exchanged between them, *Chronica de Mailrose E Codice Unico*, ed. J. Stevenson (Edinburgh: The Bannatyne Club, 1835), p. 215; *Manners and Household Expenses of England in the Thirteenth and Fifteenth Centuries Illustrated by Original Records*, ed. T. H. Turner (London: Roxburghe Club, 1841), pp. 9 and 31.

<sup>215</sup> Rishanger, *De Bellis*, p. 40; *Flores Hist.*, II, pp. 502-3; CPR 1258-66, p. 374.

<sup>216</sup> *Ann. Mon.*, III, p. 235.

<sup>217</sup> *Flores Hist.*, II, pp. 488-9.

<sup>218</sup> CPR 1258-66, p. 397; *Ann. Mon.*, III, p. 235.

<sup>219</sup> Maddicott, *Simon de Montfort*, p. 323.

<sup>220</sup> CR 1264-68, pp. 84-7.

ceremony at Westminster Hall.<sup>221</sup> The relaxation of his custody changed little: his grants to Montfort were reconfirmed in perpetuity; he was forbidden to bring foreigners into the realm – his household was to be strictly submitted to the control of the king’s council – and he had to stay in England for another three years.<sup>222</sup>

Meanwhile, despite Montfort’s best efforts to legitimise his power over the Crown and to bring a lasting peace to the realm, dissensions started to appear among the reformers. By promoting his family interests to the detriment of the common good, he rapidly aroused jealousy among his allies. His disregard for the laws of the realm, best exemplified by Ferrers’ sudden arrest in February 1265, moreover, alienated the support of various lords, most notably Gilbert de Clare who left the court during the Hilary Parliament.<sup>223</sup> Within weeks, the earl of Gloucester was in collusion with the marcher lords. Backed by the assistance of John de Warenne and William de Valence, freshly disembarked from France in Pembrokeshire with troops, they now represented a threat Montfort could no longer ignore.<sup>224</sup>

Edward’s escape on horseback from Hereford on 28 May 1265 marked the beginning of the end for Montfort. After making a formal alliance with the earl of Gloucester at Ludlow, the king’s son was soon joined by various marcher lords.<sup>225</sup> In the meantime, troubles erupted throughout the marches. This was particularly the case in Cheshire, where James de Audley and Urian de St Pierre seized Beeston Castle less than three days after Edward’s escape. They then moved towards Chester around 7 June to besiege Luke de Tany and his men in the castle there.<sup>226</sup> The rapidity with which they moved strongly suggests that Edward had been in contact with his former friends in Cheshire before his escape, for Beeston lay more than ninety miles to the North-East of Hereford. The attacks by his men, however, were not

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<sup>221</sup> S. Ambler, ‘Magna Carta: Its Confirmation at Simon de Montfort’s Parliament of 1265’, *EHR*, 130 (2015), pp. 801-30, at p. 805. I am most grateful to Dr. Sophie Ambler for giving me access to the draft of her article before its publication

<sup>222</sup> Jobson, *The First English Revolution*, p. 134; Morris, *A Great and Terrible King*, p. 65.

<sup>223</sup> Maddicott, *Simon de Montfort*, pp. 328-9;

<sup>224</sup> *Ibid.*, p. 333.

<sup>225</sup> *Ann. Cest.*, pp. 94-5; Prestwich, *Edward I*, p. 49.

<sup>226</sup> *Ann. Cest.*, pp. 94-5.

enough to regain total control of the county; Luke de Tany and his accomplices successfully resisted a ten-week long siege upon the castle.<sup>227</sup>

Although Chester held out, within in a month, Bridgnorth, Ludlow, Shrewsbury, Worcester and Gloucester had been taken, and all the bridges over the Severn were destroyed and its fords kept under good guard. Montfort was isolated on the western bank of the river, and was cut off from his base.<sup>228</sup> Thanks to his son Simon's moves in July, Montfort managed to delay the final battle, but on 1 August Edward raided Kenilworth, where Simon the younger had sought refuge, and took many baronial supporters prisoner. Three days later, at Evesham, both armies finally met, and battle was inevitable.<sup>229</sup>

Unlike the Battle of Lewes, it is not clear whether Cheshire men fought at Evesham; records do not report their presence there. Yet, on 8 August 1265, John de Grey received the custody of Nottinghamshire and Derbyshire, along with the castle of Nottingham, and the manor of Wirksworth, which had previously belonged to Robert de Ferrers. Similarly, Hamo Lestrangle was granted the wardship of the lands and heirs of William de Caynes.<sup>230</sup> Such significant grants only four days after the victory at Evesham might be a sign that both John de Grey and Hamo Lestrangle were rewarded for their parts in the battle. James de Audley might also have been present at Evesham; he was possibly with Edward at the end of June, but was sent to Lancashire a few days before the battle with the power to receive into the king's peace anyone who wished to return to it.<sup>231</sup> Yet, since the justiciar of Chester – the military leader of the county – was not present with troops at Evesham, and as royalist supporters were still besieging Montfortian forces in Chester Castle, it is unlikely that many Cheshire men fought at Evesham. Their absence did not prevent a victory for Edward over

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<sup>227</sup> Ibid.

<sup>228</sup> Maddicott, *Simon de Montfort*, p. 335.

<sup>229</sup> Prestwich, *Edward I*, pp. 50-1.

<sup>230</sup> CPR 1258-66, p. 435.

<sup>231</sup> Ibid., pp. 434 and 632.

Montfort and his army. Largely outnumbered, Montfort's ranks were cut to pieces by royalist troops and both he and his eldest son Henry were killed, along with thirty other knights.<sup>232</sup>

After the royalist victory, Edward rushed to Chester and arrived at Beeston less than ten days later. Although such a swift move clearly reflected the importance the region had for him, it is worth stressing here that the king's son does not seem to have been concerned with Cheshire affairs during the two-month campaign that followed his escape. Moreover, details of his itinerary, albeit incomplete, do not indicate that he visited the region either, even though he remained in the marches for most of the summer of 1265. In any case, his arrival at Chester was enough to bring the baronial forces to submission; the *Annales Cestrienses* report that Luke de Tany surrendered Chester Castle to the king's son on 12 August 1265 and put himself and his companions in his grace. Edward imprisoned the Montfortians, before liberating them over time.<sup>233</sup> While in Chester, he also took two important decisions. The first was to appoint James de Audley as justiciar of Chester, almost certainly as a reward for his support.<sup>234</sup> The second was to reconfirm on 27 August 1265 to the barons, knights, free tenants and the whole community of Cheshire all the liberties and customs that had previously been conferred upon them by Ranulf III through his great charter.<sup>235</sup>

Renewing such a charter – the so-called Magna Carta of Cheshire – in the days that followed Evesham was a symbolic gesture: it suggests that what local inhabitants there truly expected from the king and his son was, ultimately, the protection of their existing laws and customs. Their latent opposition since 1237, therefore, should not be regarded as an attempt to resist by all means the royal takeover, but rather as the most sincere expression of a desire to have their traditional rights and customs respected. To some extent, this explains the relative

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<sup>232</sup> Morris, *A Great and Terrible King*, p. 68.

<sup>233</sup> *Ann. Cest.*, pp. 94-5.

<sup>234</sup> *Ibid.*

<sup>235</sup> TNA C 53/193, m. 3 and C 66/120, m. 22; Studd, 'A Catalogue', acta 904, p. 649. Both of these are *inspeximus*. The importance of the Cheshire Magna Carta was such for the local communities that it was reconfirmed by Edward IV as late as July 1463.

sympathy towards Montfort in the area: his cause offered an alternative. Furthermore, as Ranulf III's ex-protégé, the earl of Leicester might have understood better than Henry III and his son the importance that existing laws and customs had locally. But, with his death at Evesham and with the formal recognition of their ancient rights by Edward, local people no longer had a reason to oppose the king and his son.

Edward, moreover, restored order peacefully. In the same charter, he granted that all fees belonging to landholders convicted of felony were to be surrendered to their rightful holder after a year and a day, and that all services originally owed beyond Cheshire to the earls were not to be customary in the future.<sup>236</sup> Such considerate measures emphasise Edward's pragmatism and political maturity. By promoting a peaceful settlement over vengeance, as his father was soon to do, he had a better chance of ending rapidly the trouble in the region, and restoring both his authority and his public image as the true lord of Cheshire. This conciliatory attitude was also revealed by the settlement of his dispute with Simon de Whitchurch, who had been elected without his approval as abbot of Chester at the end of May 1265.<sup>237</sup>

A few days after he reissued the Cheshire Magna Carta, Edward left Chester to return to Winchester. There, on 25 September 1265, he confirmed to the church of St Werburgh the gifts, dignities, liberties and possessions previously conferred on them by Ranulf III.<sup>238</sup> This evidently aimed to please and reassure this influential religious community in Chester, and is another sign of Edward's desire to maintain a benevolent attitude towards the county.<sup>239</sup> On the other hand, it is the last extant document of his concerning Cheshire until January 1270,

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<sup>236</sup> Ibid.

<sup>237</sup> Ann. Cest., p. 94-7.

<sup>238</sup> Char. St Wer, I, act 27, p. 82; Studd, 'A Catalogue', acta 912, pp. 655-6.

<sup>239</sup> It seems that Edward maintained his generosity towards the religious houses in Cheshire afterwards: in January 1270, he reconfirmed to the abbot and monks of the Dieulacres Abbey all the lands, possessions, rents, liberties and customs that Ranulf III previously granted them, or that they were to acquire in the future. In February 1270, he also granted to the abbot and convent of Dieulacres licence to improve the waste of Rudheath within their manor of Byley in Cheshire. Finally, in August 1270, before departing for the Holy Land, Edward founded the Cistercian abbey of Darnhall, TNA C 53/78, m. 11; C 53/117, m. 43 and C 53/59, m. 2; Studd, 'A Catalogue', acta 993, p. 707, acta 996, p. 709 and acta 1007, p. 717.

and his itinerary shows that after his visit in August 1265, he did not return to the region until October 1267.<sup>240</sup> Such a long absence suggests that he had finally regained control over Cheshire, and that his presence was not required there anymore.

Interestingly, Edward's magnanimity was not exclusively restricted to Cheshire's boundaries. Senanus de Stoke, Richard and John de Havering, and William de Turevil, for example, were promised the protection of their persons and goods by Henry III's eldest son, if they surrendered the castles of Wallingford and Berkhamsted to him.<sup>241</sup> Similarly, on 24 August, Edward asked for letters patent to be sent in the king's name to the Montfortian garrison of Kenilworth: they were to be declared public enemies, and disinherited or lose their lives unless they surrendered without delay. Although the terms were severe, these men were not to be exposed to retribution.<sup>242</sup> This demonstrates that the king's son had no desire for revenge, and the orders he subsequently issued do not reveal anything different.<sup>243</sup>

Edward did not, however, entirely renounce his share of the spoils. When Henry III ordered in September 1265, during a parliament specially convened at Winchester, that all those who had rebelled against him were to be disinherited in perpetuity, Edward, unlike his uncle Richard of Cornwall, did not protest.<sup>244</sup> As a result in mid-October 1265, he was rewarded by the king, together with several of his supporters, such as Hamo Lestrangle and Roger de Leybourne. He received £80 that had previously belonged to Simon de Montfort, and, at a later date, various lands in Yorkshire and Lincolnshire that previously belonged to the king's enemies. His wife Eleanor of Castile also received her share of rewards; she was granted three manors whose former owners, Ralph de Gernet, Richard de Vernon and Richard

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<sup>240</sup> Itinerary, p. 105.

<sup>241</sup> TNA SC 1/8/19; Studd, 'A Catalogue', acta 905, p. 650. The king ratified his son's promise on 7 January 1266, and took over their lands under his protection, CPR 1258-66, p. 528.

<sup>242</sup> TNA SC 1/12/12; Studd, 'A Catalogue', acta 903, p. 648.

<sup>243</sup> TNA SC 1/8/20; C 66/87, m. 13; SC 1/8/23 and SC 1/8/24; Studd, 'A Catalogue', acta 910, pp. 654-5, acta 911, p. 655, acta 915, p. 657 and acta 917, p. 658.

<sup>244</sup> Prestwich, Edward I, pp. 53-7; Morris, A Great and Terrible King, pp. 71-2.

de Grey, were all convicted Montfortians.<sup>245</sup> Yet as Wait points out, Edward does not seem to have benefited disproportionately from the spoils of war; his conduct was restrained, especially in comparison with other royalist leaders, and his acquisitions were only used to cover his debts and to reward his followers.<sup>246</sup>

The king's order to disinherit in perpetuity the Montfortians inevitably delayed the peace settlement. This was already the case in Cheshire, despite Edward's instructions: Geoffrey de Cheadle was only pardoned in March 1266, and five years after Evesham, Richard de Vernon still had not recovered possession of his two manors.<sup>247</sup> Although Henry III's eldest son could be pragmatic, this did not prevent him from punishing severely some of his former enemies, especially when it suited his personal interests.

Meanwhile, various places still held out elsewhere in the realm. In December 1265, Edward was sent by his father at Bickerdyke, near the Isle of Axholme to bring to terms Simon de Montfort, who had gathered his forces there.<sup>248</sup> On Christmas Day 1265, both cousins met. Part of the discussions that went on have luckily survived in a seventeenth century manuscript, thus shedding an interesting light on this otherwise unknown episode of the war. In substance, Edward, by the king's command, asked the rebels to come before him to hear his father's judgment. Six hostages were thus chosen by Simon de Montfort to go on 6 January and, in return, Henry III promised the rebels that they would not be sent to jail, and that their lives and limbs would be spared.<sup>249</sup> The following day, at Misterton, Edward provided a safe-conduct for the rebels.<sup>250</sup> For some unknown reason, Edward extended the terms until 28 January,<sup>251</sup> and, shortly before 16 January 1266, the rebels eventually

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<sup>245</sup> CPR 1258-66, pp. 464 and 466-8; Close Rolls (Supplementary) of the Reign of Henry III, 1244-66 (H.M.S.O., 1975), acts 379 and 382, p. 40; C. H. Knowles, 'The Resettlement of England after the Barons' War, 1264-1267', *Transactions of the Royal Historical Society*, 32 (1982), pp. 25-41, at p. 26.

<sup>246</sup> Wait, 'The Household and Resources', p. 124.

<sup>247</sup> TNA Ward 2/14/53D/27 and KB 26/198, m. 17/1; A Calendar of Acts, II, acta 46, p. 6 and acta 51, p. 7.

<sup>248</sup> Jobson, *The First English Revolution*, p. 154.

<sup>249</sup> Bibliothèque Nationale, Clairambault 1188, f. 51. Richard de Vernon was notably among the witnesses.

<sup>250</sup> *Ibid.*, f. 52.

<sup>251</sup> *Ibid.*

submitted: they agreed to leave Axholme and attend the king before Easter 1266 to hear his award (dictum).<sup>252</sup>

The end of the war does not reveal much about Edward's lordship of Chester. With peace apparently restored in the county, the priority was now to deal with the remaining pockets of resistance in the realm. The most problematic was Kenilworth. The last rebels had sought refuge there, and it resisted royalist assaults led by Edmund.<sup>253</sup> Edward arrived in the summer of 1266 to assist his brother, and barges were brought from Chester.<sup>254</sup> In December 1266, he rode further North towards Alnwick to put an end to another rising led by John de Vescy.<sup>255</sup>

Despite these royalist successes, peace took another eight months to be achieved. Rebels continued to resist on the Isle of Ely and, in April 1267, Gilbert de Clare, who had disapproved from the start of the treatment reserved for former rebels, suddenly joined forces with them.<sup>256</sup> Tensions escalated and the likelihood of another bloody battle increased. Luckily, reason prevailed. Under the pressure from the papal legate Ottobuono, both sides reached an agreement, and Henry III, entering London on 1 July 1267, admitted various rebel leaders in his peace.<sup>257</sup> Only a few days later, Edward dealt with the last pocket of resistance on the Isle of Ely.<sup>258</sup> Finally, after nine years of reform, betrayal, siege, skirmish, and massacre, England was at peace.

In conclusion, even though events in the region mirrored those occurring in the rest of the realm during the period of baronial reform and rebellion, Cheshire's experiences differed from those of other English counties. Indeed, the constant desire of local inhabitants there to have their existing rights and customs protected, and their determination to maintain their

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<sup>252</sup> CPR 1258-66, pp. 536 and 538; the terms were extended for Hugh de Nevill, *ibid.*, p. 577.

<sup>253</sup> Jobson, *The First English Revolution*, pp. 155-6.

<sup>254</sup> Prestwich, *Edward I*, pp. 56-7

<sup>255</sup> *Ibid.*, p. 57.

<sup>256</sup> *Chronicle of Bury St Edmunds*, pp. 37-8; Jobson, *The First English Revolution*, p. 159.

<sup>257</sup> Jobson, *The First English Revolution*, pp. 159-60.

<sup>258</sup> *Ann. Mon.*, IV, pp. 207-10; *Chronicle of Bury St Edmunds*, p. 38.

administrative machinery, regardless of the different reforms, rendered the situation there unique within the realm. There was a genuine desire to have their ancient rights respected. In the end, this shows that the county of Chester very much remained an independent territory in the thirteenth century, in spite of the royal takeover initiated in 1237.

Furthermore, even though Edward seems to have neglected local problems in the first place, he was, on the other hand, willing to address them after the crisis of 1258. This is best exemplified by the assembly of local barons, knights, and freemen he summoned at Shotwick in September 1260. Edward's efforts, however, only met with little success and local discontent continued to grow steadily from 1258 until the final victory at Evesham. Yet Edward should not be judged too harshly here. In 1258, despite the successes he encountered in Gascony in 1254-55, he still had little experience of lordship and was dragged into problems for which he was hardly responsible. The events that followed proved both exceptional and tragic in nature, for no other rebellion until the seventeenth century sought to reform the government of the realm as much as this one did in 1258.<sup>259</sup> In the meantime, Edward also had to deal with problems that arose in the rest of his apanage. This was especially true in Gascony in the early 1260s. Finally, it is worth mentioning that Cheshire was a difficult area to govern: even Ranulf III, the most powerful earl of Chester, had submitted to the demands of his local barons by issuing a 'Magna Carta' for the county.

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<sup>259</sup> Maddicott, Simon de Montfort, p. 352.

## Conclusion

A study of the Lord Edward's lordship of the county of Chester between 1254 and 1272 reveals two main features. The first is that his lordship marked a clear transition in the evolution of the county. Despite the royal takeover of 1237 and Henry III's attempts to bring in administrative practices there similar to elsewhere in the realm, Cheshire was still a very independent region in the thirteenth century, distinct from the rest of England and the grant of the county to Edward in 1254 only helped to preserve this situation. The second is that his lordship demonstrates the extent, and the precociousness, of Edward's political ability.

These two traits are best illustrated by the way Edward handled the administrative structure. Indeed, although there were traditionally four main officials in the county (the justiciar, seneschal, constable and chamberlain), Edward, like his father after 1237, relied extensively on the office of justiciar for all sorts of business. He used the justiciar as his personal representative and as a link between himself and the local communities. The standing conferred upon the justiciar proved detrimental to other traditional offices. The position of the chamberlain had already been severely modified by Henry III in 1240 to give further financial responsibilities to the justiciar,<sup>1</sup> but the offices of seneschal and constable of Chester more or less disappeared under Edward's lordship. To a large extent, this was coincidence: no one could have planned that Edmund de Lacy would predecease his mother, Margaret de Lacy, in 1258, or that the office of seneschal would die with Roger de Montalt in 1260.<sup>2</sup> Nevertheless, Edward decided to rely almost exclusively on the justiciar of Chester to govern Cheshire. As a lord who was largely absent, this was the most prudent solution. This explains why the offices of seneschal and constable were not replaced during his lordship, and why no Lacys or Montalts subsequently appeared in his administration. By relying on the only

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<sup>1</sup> CIPR, p. 64.

<sup>2</sup> Above, pp. 41-4.

major official who could be easily replaced, Edward was able to control the county more effectively without risk of interference from other traditional officials. Compared with the time of the earls of Chester, this was a striking change of affairs.

Unlike his father, Edward decided to confer the office of justiciar primarily on men who not only had a solid experience of royal administration, but who also had notable local interests and connections.<sup>3</sup> In so doing, Edward could implement more easily his power within the county and prevent, or at least minimise, any potential excesses by the justiciars. This sensible attitude seems to have been successful, for nothing in the records indicates that the justiciars abused their powers. The important familial connections existing between various justiciars should be regarded in similar fashion. Moreover, his decision to rely mainly on men who belonged to families previously active under the last earls of Chester was prudent. It is highly likely that Edward hoped to recreate links with the former earls of Chester, thus giving local people a sense of continuity and himself more legitimacy in his control of the county.

The composition of Edward's affinity also emphasises his acute political sense, especially because he had to recreate one in a region that was unknown to him. Due to his long absences away from the county, the affinity played a crucial role in Cheshire and helped him maintain control even in the most dramatic of circumstances. This is best illustrated in the aftermath of his escape in May 1265: members of his affinity, led most notably by James de Audley and Urian de St Pierre, resumed the fight against Montfort in Cheshire and triggered royalist resistance throughout the land.<sup>4</sup> As with the justiciars, Edward relied on substantial men with local interests and familial connections for his affinity. More importantly, despite specific restrictions imposed upon him by the Bazas charter and by his father, Edward nevertheless managed to retain the loyalty of these men in various ways – through grants of

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<sup>3</sup> Above, pp. 34-8.

<sup>4</sup> Ann. Cest., pp. 94-5.

lands, gifts and appointments at important offices – during a period when allegiances frequently changed, as Hamo Lestrangle’s temporary support to Montfort illustrates.<sup>5</sup> On the other hand, why other members of the most prominent families in Cheshire were ignored by Edward, and rarely appear in the records, for both his affinity and for administration, remains unclear. One tentative explanation could be that some of them were unable to perform any service because of their age, health, or gender. Or Edward may have preferred to rely only on specific families in order to prevent local disputes and so as not to give away too much power to Cheshire tenants during his absence. In any case, this is one of the most intriguing features of Edward’s lordship.

It is also striking that, as involved as Edward was in governing the county, he did not attempt to modify its administrative structure. All the changes had been introduced by Henry III before 1254, and Edward limited himself to using the structure that was already in place.<sup>6</sup> Was this because he did not have the freedom to do so, or because reforms were not necessary? This question remains a difficult one to answer. The resentment caused by the office of escheator suggests that changes were needed, but there is no evidence that Edward had authority to reform the local administration, although he was able to do so in Gascony.<sup>7</sup> Moreover, as local tenants were firmly attached to their existing laws and customs, Edward may have thought more to secure, rather than to modify the administrative structure to avoid any problems when he was away.

In his administration of the county, Edward developed a keen interest in local litigation. Although he was absent a great deal of time, he was concerned with, and seems to have issued regular instructions to the justiciar of Chester about specific cases that required his attention. A good case in point was the dispute between Roger de Venables and the abbot of Chester in 1260; Edward, whilst remaining in the South East of England, intervened on

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<sup>5</sup> Above, pp. 65-6; Ann. Mon., III, p. 222.

<sup>6</sup> Above, pp. 68-9.

<sup>7</sup> TNA CHES 29/1, m. 1; Calendar, case 5, p. 2. See also below, pp. 263-4.

various occasions to settle the case.<sup>8</sup> This was an important change for Cheshire: local men had now the opportunity to present their case to a lord who was not the earl anymore. Once Edward reached the throne, moreover, they could directly appeal to the king.

Even though he had significant judicial responsibilities – Edward theoretically had the power to deal with the most important cases, ‘the pleas of the sword’,<sup>9</sup> there is no evidence that he personally rendered judgment or that Cheshire cases were judged beyond the limits of the county. Similarly, despite Henry III’s occasional intrusions into his son’s administration, there is no evidence that he tried to interfere with the actual litigation in Cheshire. The only exception was Edward’s feud with Richard de Vernon over certain manors,<sup>10</sup> but as Edward was one of the parties, this may explain why the dispute was ultimately settled in the king’s court. To a large extent, therefore, Edward’s justice in Cheshire was independent of that administered elsewhere in the realm, and it is likely that he enjoyed this freedom of action.

Considering the size of his apanage, however, there is some uncertainty about how he could have delivered justice effectively while he was away in France. Moreover, his involvement in the Ferrers’ case in 1269 and his behaviour after the Battle of Evesham inevitably raise questions about his fairness.<sup>11</sup> Yet such doubts do not appear justified with regard to Cheshire as nothing in the records suggests that he abused his position there. This probably explains why local communities, despite their conservatism, were more willing to collaborate with him. In 1250-51, they refused to send a record of a dispute to Henry III who subsequently amerced them for £100,<sup>12</sup> but Edward regularly received records of cases requiring his attention, and this even continued after he ascended the throne.<sup>13</sup> Edward, on the

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<sup>8</sup> TNA CHES 29/1, mm. 7, 9 d. and 12; Calendar, case 143, p. 21, case 193, p. 26 and case 233, pp. 32-3; Itinerary, pp. 48-52.

<sup>9</sup> Cheshire Record Office LBM/31 1/1; J. R. Studd, ‘A Catalogue of the Acts of the Lord Edward, 1254-1272’ (University of Leeds, unpublished PhD thesis, 1971), acta 865, p. 621.

<sup>10</sup> TNA KB 26/198, m. 17/1; A Calendar of Acts of the Lord Edward Relating to Cheshire, ed. J. R. Studd (2 Vols., Cheshire History, xv-xvi, 1985), II, acta 51, p. 7.

<sup>11</sup> Above, pp. 120-2 and 243-44.

<sup>12</sup> CIPR, p. 100; CR 1247-51, pp. 349 and 442.

<sup>13</sup> For example, see Calendar, case 125, pp. 52-3 and case 27, p. 82.

other hand, did not attempt to reform the existing judicial structure. The legal processes observed in Cheshire were fairly similar to those elsewhere in the realm, but regional characteristics, inherited from the earls of Chester, were preserved by the royal takeover of 1237. These still existed in 1254 and were best exemplified by the importance of the justiciar in the judicial machinery, and by the custom of *thwertnic*.<sup>14</sup> Yet Edward embraced the judicial structure as it was and does not seem to have experienced any trouble in delivering justice.

Edward's lordship was also a time of transition concerning Wales, but his policy there was a complete failure. After almost a century and a half of mutual aggression, Cheshire and Wales were more or less at peace due to the rapprochement initiated by Ranulf III and Llywelyn ap Iorwerth at the beginning of the thirteenth century. This stability was the exception compared to the situation along the rest of the border, where marcher lordships remained in a constant state of political unrest. Despite this rapprochement, links between Cheshire and Wales seem to have been fairly limited, beyond those forged through trade and marriage. Although Welsh settlements existed in Cheshire, Welshmen were not prominent in the administration or common affairs of the county, and had little, if any, influence.<sup>15</sup>

The grant of the county of Chester in 1254, along with the royal lands in *Perfeddwlad* put an end to this fragile stability. Edward was not responsible for the initial problems: tensions already existed during John de Grey's justiciarship (1245-50) and gradually worsened under Alan la Zouche (1250-55), probably because of fiscal pressure and constant breaches of local customs perpetrated by English officials. But Edward's inability, or refusal – the question remains unanswered due to the lack of evidence – to address the existing issues before 1256 triggered the Welsh rebellion. It contrasted with the care he demonstrated in

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<sup>14</sup> Above, pp. 86-8 and 100-102.

<sup>15</sup> Above, pp. 127-39.

Gascony in settling local disputes and severely impacted upon the rest of his lordship. This remains the second most intriguing aspect of his lordship.<sup>16</sup>

Edward responded to the Welsh uprising of November 1256 personally. This is not only reflected by his loan of £1,000 contracted from Boniface of Savoy for ‘his war in Wales’,<sup>17</sup> but also by the scale of the campaign organised in 1257, which gathered several thousand soldiers and aimed to conduct simultaneous operations in various parts of Wales. Although the campaign was an absolute disaster, it did not prevent Edward from organising expeditions again in 1263, and in 1265.<sup>18</sup> Cheshire played an important role in the war against the Welsh; its location proved useful for mustering troops and some of its men, most notably the justiciar of Chester, were regularly involved in the war, either in campaigns or in maintaining various truces on the border. Men like James de Audley or John de Grey, for example, formed the spearhead of the English response. In spite of the part Cheshire played in the war, Edward does not seem to have exhausted its resources; only a small number of local landholders were involved.<sup>19</sup>

The resources gathered by Edward resulted in little, as did his military operations. All his expeditions failed and the period 1256-65 saw the steady loss of territories and castles conferred on him in 1254. Meanwhile, Cheshire experienced severe depredations, although the extent of the Welsh damage in the county remains impossible to assess. More strikingly, the conflict showed the limits of Edward’s powers and of his resources: never was he in a position to resist the Welsh advance and he had to rely constantly on financial help from the king or from his uncles. To a certain extent, this probably explains why he occasionally seems almost to have ignored the situation on the border. While it was true that there were pressing

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<sup>16</sup> Above, pp. 144-51.

<sup>17</sup> TNA C 66/71, m. 4; Studd, ‘A Catalogue’, acta 626, p. 500.

<sup>18</sup> Above, pp. 152-5, 174 and 178-9.

<sup>19</sup> Above, pp. 156-8.

problems in Gascony to be dealt with at the time, there was also little he could do, because of his limited finances, to stop the Welsh advance on the border.

Edward clearly appears to have lost all interest in his Welsh dominions after the failure of the expedition there in the summer of 1265. He granted the castles of Cardigan and Carmarthen to his brother Edmund in the aftermath of the truce agreed with the Welsh,<sup>20</sup> and does not seem to have taken any part in the negotiations that led to the Treaty of Montgomery in 1267. This treaty was the biggest failure of his entire lordship: Llywelyn ap Gruffudd was to retain all the territories he had conquered during the war and the strong English position that had been established after the Treaty of Woodstock in 1247 was now nothing more than a memory.<sup>21</sup> For Cheshire too the Treaty of Montgomery was a major setback. Edward's lordship not only ended the stability painstakingly achieved by Ranulf III and Llywelyn ap Iorwerth, but the loss of important castles and territories on the western flank left Cheshire dangerously exposed to Welsh raids. With the absence of strong marcher lordship in the region, the Cheshire border was now the weakest area of the whole Anglo-Welsh frontier.

The Welsh rebellion was not only the only major problem Edward had to face during his lordship of Cheshire. He also encountered severe difficulties in dealing with local landholders. As in Perfeddwlad, tensions in the county in 1254 were not new. Henry III had managed to supersede the earl's authority after the royal takeover of 1237 without arousing discontent. To do so, he adopted a dual policy: he confirmed local laws and customs to please local communities, whilst progressively enforcing his authority by appointing new men foreign to the county to the offices of chamberlain and justiciar. Events, and peace until 1249, indicate that he was successful.<sup>22</sup> Yet Henry III's attempts to alter the administrative structure of the county in 1249 proved catastrophic.<sup>23</sup> By introducing the office of escheator and by

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<sup>20</sup> CPR 1258-66, p. 513; CPR 1266-72, p. 299.

<sup>21</sup> AWR, act 363, pp. 536-42.

<sup>22</sup> Above, pp. 187-9.

<sup>23</sup> CPR 1247-58, pp. 35 and 40.

farming the county at great cost, Henry caused serious discontent. Indeed, from 1249 onwards, royal chancery records reveal that the king had to deal with an increasing volume of complaints from Cheshire. Tensions were such that the king had to amerce local inhabitants £100 pro contemptu for having refused to comply with one of his orders, and he had to send keepers of the peace into Cheshire in November 1251.<sup>24</sup>

Edward originally responded to local discontent in Cheshire in the same way that he did in Wales by initially ignoring the situation, but then by showing some serious concern. Although the period from May 1254 to October 1255 is relatively well documented, there is nothing in the records to show that Edward tried to address the problems in Cheshire. This cannot be explained by geographical distance: Edward was in Gascony at the time and still issued various instructions concerning common affairs in Ireland. One potential explanation could be that, in spite of the grant of 1254, Edward was not in full control of Cheshire: Henry III was still issuing instructions to the justiciar of Chester to maintain local laws and customs as late as July 1255, and even replaced him in September.<sup>25</sup> Edward's inability to deal with local problems had dramatic consequences as tensions continued to build up in the county. Yet, unlike those in many other areas, Cheshire tenants did not want reforms or new laws, but rather the preservation of their existing rights and customs. This did not prevent some local men from being originally involved in the baronial movement of reform. Their influence, albeit impossible to assess precisely, was certainly small for there is little in the programme of the Provisions of Oxford that addressed existing problems in Cheshire.<sup>26</sup>

The crisis of 1258, on the other hand, was the opportunity for Edward to be more involved in his lordship; this was a turning point in his relationship with his Cheshire tenants. His exact approach in the aftermath of the crisis of 1258 is not known, but Edward took the important decision in November 1258 to confirm in Cheshire the liberties and customs that

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<sup>24</sup> Above, pp. 189-94.

<sup>25</sup> BL Add Ms, 35179, f. 83 d.; CR 1254-56, p. 134.

<sup>26</sup> Above, pp. 208-10.

existed under Ranulf III.<sup>27</sup> By so doing, Edward certainly hoped, as his father did in the early 1250s, to appease local discontent. Moreover, in the following years, he regularly showed some goodwill towards Cheshire. This can be observed through the generous charter he granted in October 1259 relating to the Forest of Lyme, and through his attempt to discuss local problems at Shotwick in September 1260.<sup>28</sup> His efforts, however, met with little success and discontent remained significant. In the meantime, as with Wales, Edward was diverted by the recurring problems in Gascony which required his presence overseas.

As civil war drew closer, the county of Chester appears to have become ever more divided. On the one hand, Edward managed to retain a firm level of loyalty in the region; Cheshire men were still ready to lend him money and some of them fought with him at Northampton and Lewes. Furthermore, in March 1263, the justiciar of Chester along with a body of knights even led a raid in Staffordshire against potential baronial targets.<sup>29</sup> On the other hand, William la Zouche had to put Chester in defence in March 1264 to protect the city against the Welsh and the barons. More importantly, the fact that Montfort could appropriate Cheshire after the Battle of Lewes, and to retain its control for several months without arousing protest, clearly suggests that he enjoyed the support of part of the population there.<sup>30</sup> Yet it was also from Cheshire that royalist resistance resumed. Following Edward's escape, Cheshire lords were the first to oppose Montfort at a time when he was still firmly in control of the realm. They formed the spearhead of the royalist response, even though it is unclear whether many of them ultimately fought at Evesham. Montfortian supporters continued to

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<sup>27</sup> *Placitorum in Domo Capitulari Westmonasteriensi Asservatorum Abbreviatio: Temporibus Regum Ric. I. Johann. Henr. III. Edw. I. Edw. II.* (Record Commission, 1811), p. 308.

<sup>28</sup> G. Barraclough, *The Earldom and County Palatine of Chester* (Oxford: Basil Blackwell, 1953), pp. 34-5; TNA C 61/4, m. 1 d.; Studd, 'A Catalogue', acta 710, pp. 545-6 and acta 843-4, pp. 609-10

<sup>29</sup> *Ann. Cest.*, pp. 86-7; above, pp. 220, 224-5 and 228-9.

<sup>30</sup> *Ann. Cest.*, pp. 86-9; above, pp. 234-7.

resist in Cheshire after Montfort's death, thus showing the extent of their loyalty there. It was only after Edward's arrival in the region that they finally surrendered.<sup>31</sup>

Edward's attitude in Cheshire in August 1265 demonstrates how politically able and skilful he was. Unlike his father, he understood the need to promote peace over vengeance. By offering generous terms to the baronial supporters in the county, and, more importantly, by reconfirming the Magna Carta of Cheshire, Edward rapidly restored order in the region.<sup>32</sup> In so doing, he put an end to more than a decade and a half of latent opposition towards the Crown. In fact, the confirmation of the local Magna Carta in the aftermath of the bloody mess of Evesham was probably the most significant act of Edward's lordship. Evidence shows that he had become increasingly aware of his position in Cheshire, as reflected by his reference to 'the pleas of the sword' and by the curious connections that existed between the families he used in his administration and those who had served under the former earls. In the meantime, after the removal of Thomas de Orreby in December 1262,<sup>33</sup> there is no further evidence that Henry III tried to interfere in the county. But, by confirming the Cheshire Magna Carta, Edward was now assuming the role left by the earl of Chester. This is clearly shown by the charter of confirmation he issued for the abbey of Dieulacres in Staffordshire in January 1270. In the opening lines, Edward referred to 'Ranulf, earl of Chester, our predecessor'.<sup>34</sup> Edward's attempt to restore order in Cheshire was eventually successful; no further troubles are documented after 1265, although war continued elsewhere in England until the summer of 1267. The rest of his lordship appears to have been without major incident; Edward only replaced the justiciars of Chester and visited the county twice before leaving for the Holy Land in 1270.<sup>35</sup>

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<sup>31</sup> Ann. Cest., pp. 94-7.

<sup>32</sup> TNA C 53/193, m. 3 and C 66/120, m. 22; Studd, 'A Catalogue', acta 904, p. 649.

<sup>33</sup> CPR 1258-66, p. 238.

<sup>34</sup> TNA C 53/78, m. 8; Studd, 'A Catalogue', acta 993, p. 707.

<sup>35</sup> Itinerary, pp. 105 and 120-1.

With regard to its general administration, the operation of the courts there, and its relationship with Wales and with local people, therefore, Edward's lordship of Cheshire was in every aspect a time of transition for the county. The biggest change, however, was in terms of power. Between 1237 and 1272, Cheshire evolved from being the main part of the earldom of Chester, held by the earl, and largely unaffected by royal interference, to become an abnormal county, distinct from the rest of the realm, and directly controlled by the future king of England. Such a development would never have occurred had Henry III had not taken over the county in 1237, but more importantly, had Edward not carefully handled the county in the following years. Governing Cheshire and retaining the loyalty of its inhabitants in the exceptional circumstances of 1254-72 was a significant achievement that demonstrates how able Edward was.

Yet to truly understand Edward's lordship, it is important to compare it with the way he governed other territories in his apanage. The discussion of his administration of justice in Ireland and Gascony in this thesis, for example, has revealed some interesting similarities with Cheshire, such as his concern and commitment to deliver justice in these territories.<sup>36</sup> But was this also the case for other aspects of his lordship?

Although it is possible to address this question with regard to Gascony, it is more difficult for Ireland. Edward's documents concerning Ireland are more numerous than for Cheshire, but shed little light on his local lordship there or on the relationship he had, if ever he had one, with his tenants. Moreover, it is important to bear in mind that Henry III did not only interfere in Cheshire; as Trabut-Cussac emphasised, he also intervened extensively in Gascon affairs.<sup>37</sup> It is likely that Henry took an interest in Ireland, too, even though the extent of his influence there has yet to be clearly assessed. In these circumstances, it is quite possible

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<sup>36</sup> Above, pp. 117-20.

<sup>37</sup> See J. P. Trabut-Cussac, *L'Administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 à 1307* (Genève: Librairie Droz, 1972), pp. 3-40.

that the observations made concerning Edward's administration in the rest of his apanage may not reflect entirely his choices, but those of his father too.

Yet three main features can be distinguished by an examination of his lordship across his apanage. The first, and by far the most important, is that Edward showed concern across his dominions. Although he never visited Ireland, he did not ignore the island altogether, or delegate entirely his authority to local officials. Indeed, extant documents reveal that he regularly sent instructions concerning local affairs there throughout his lordship.<sup>38</sup> Furthermore, he issued more than twenty acta for Ireland before his return to England in October 1255, whilst the earliest surviving document concerning Cheshire he issued, apart from the confirmation of current officials, was not issued earlier than October 1255.<sup>39</sup>

As with his meeting with Cheshire barons in Shotwick in 1260, Edward did not hesitate to address local problems elsewhere in his apanage. In Gascony in January 1255, he summoned the mayor of Oléron to appear before him to answer why he had received, to the detriment of his community, the men of Guillaume and Inbert de Fors.<sup>40</sup> Later, in March 1255, it was the provost of Labouheyre (Landes, France), who had to appear before Edward because he had maltreated certain men of Bayonne, acting as messengers, and deprived some of them of their goods.<sup>41</sup> More importantly, in October 1255, he summoned various Gascon 'vicomtes' (vicecomes) to appear before him to discuss peace and affairs in the duchy.<sup>42</sup> His desire to settle local disputes was not only restricted to Gascony. In late October or early November 1266, he issued instructions to the justiciar of Ireland to go in person, or to send his deputy, to Waterford, where citizens had complained of various disruptions in maritime traffic

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<sup>38</sup> Edward issued more than hundred and twenty acta concerning Ireland; there are also ten charters concerned with Ireland that have survived with a witness list.

<sup>39</sup> This is Edward's lost charter granting various rights to Thomas Mainwaring issued in the fortieth years of the reign of his father (28 October 1255-27 October 1256), Studd, 'A Catalogue', acta 1032, p. 736.

<sup>40</sup> TNA C 61/3, m. 3; Studd, 'A Catalogue', acta 128, p. 252.

<sup>41</sup> TNA C 61/3, m. 1 d.; Studd, 'A Catalogue', acta 194, p. 289.

<sup>42</sup> TNA C 61/3, m. 1; Studd, 'A Catalogue', acta 445, p. 412.

perpetrated by the men of New Ross. The justiciar was to investigate the feud, rectify the problems and arrest any man as he deemed necessary.<sup>43</sup>

Edward's commitment to addressing issues arising within his apanage was also reflected by his itinerary. As mentioned, he never visited Ireland, but he did spend extensive periods of time in Gascony. That he developed a clear attachment to the duchy is certain; as king, Edward visited it twice, shortly after his return from the crusade in 1273-74 and again in 1286 when he stayed for almost three years.<sup>44</sup> Prior to this, he visited Gascony on various occasions because he had to deal with serious issues there. This is best exemplified by his trips of 1260-62.<sup>45</sup> As with Cheshire, this demonstrates that he was aware of the important responsibilities he had to fulfil in his apanage.

His administration in Ireland and Gascony, on the other hand, does differ from that in Cheshire and reveals some striking contrasts. The most interesting aspect is the constant rollover of personnel in his apanage. As in Cheshire, Edward regularly replaced his most important officials in Gascony (the seneschal) and in Ireland (the justiciar). In fact, during his lordship there were more seneschals (fourteen) and justiciars of Ireland (thirteen or fourteen) than there were justiciars of Chester (ten).<sup>46</sup> Regular replacements of minor officials were also made across the apanage.<sup>47</sup> This dynamic can be explained for various reasons. It is important, first, to consider the political context. Affairs in Gascony and Ireland, like those in Cheshire, were subject to regular intervention by Henry III. They were also affected by the situation in England and by internal problems. Geoffrey de Lusignan, for example, was appointed

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<sup>43</sup> Chartae, Privilegia et Immunitates: Being Transcripts of Charters and Privileges to Cities, Towns, Abbeys, and other Bodies Corporate, 1171-1395 (Dublin: Irish Record Commission, 1889), p. 31; Studd, 'A Catalogue', acta 939, pp. 673-4.

<sup>44</sup> M. Morris, *A Great and Terrible King: Edward I and the Forging of Britain* (London: Windmill, 2009), pp. 109-10; M. Prestwich, *Edward I* (Berkeley and Los Angeles: University of California Press, 1988), p. 324.

<sup>45</sup> Above, p. 168.

<sup>46</sup> H. Wait, 'The Household and Resources of the Lord Edward, 1239-1272' (University of Oxford, unpublished D.Phil thesis, 1988), pp. 409, 411 and 415-6. For the number of justiciars of Ireland, uncertainty lies for Richard of Exeter (March 1270-November 1276); it is unclear whether he acted as justiciar or as deputy.

<sup>47</sup> For the lists of minor officials in Ireland and Gascony, see H. G. Richardson and G. O. Sayles, *The Administration of Ireland, 1172-1377* (Dublin: Dublin Stationery Office, 1963), pp. 92-140 and Trabut-Cussac, *L'Administration Anglaise*, pp. 341-78.

seneschal of Gascony by Edward in June 1258 to mark his opposition to the reformers, but he never served there as Henry III revoked his position a month later. Similarly, Hugh de Turberville's appointment by the king, while his son was in the Holy Land in June 1271, rapidly proved a mistake; his family was hated in the duchy, possibly because of his father's earlier abuses there, and he was unable to deal with local problems, hence his replacement in May 1272.<sup>48</sup> The situation in England also impacted upon Ireland, where Montfort tried to appoint at least three justiciars after the Battle of Lewes.<sup>49</sup> Moreover, it is important to remember that Edward's resources were not sufficient to reward his men or to administer his dominions. Appointing his men to offices across his apanage thus offered him a valuable alternative for rewarding them, and at little cost. In so doing, he could reinforce his authority locally on a regular basis and prevent them from monopolising power for too long. A great majority of these officials, on the other hand, continued to serve Edward after their replacement. This aspect was best exemplified by the personnel of the county of Chester: James de Audley and Alan la Zouche, for example, were appointed justiciars of Ireland after having assumed this position in Cheshire, and Gilbert Talbot was Edward's bailiff in the Channel Islands after his replacement as justiciar by Roger de Montalt. This reflects the connections that existed within the territories controlled by Edward and indicates that he knew how to transfer men and resources across his apanage to respond to local needs.

The status and backgrounds of officials appointed in different parts of Edward's apanage differed significantly. In Ireland, excluding the justiciars that Montfort tried to appoint, it seems that Edward relied mainly on men who had either substantial possessions, such as Maurice fitz Maurice, who possessed valuable estates in the North and West of Ireland,<sup>50</sup> and David de Barry, who held at least fourteen knights' fees there plus half a

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<sup>48</sup> Trabut-Cussac, *L'Administration Anglaise*, pp. 39-40 and 145.

<sup>49</sup> Wait, 'The Household and Resources', p. 411.

<sup>50</sup> R. Frame, 'Fitzgerald, Maurice fitz Maurice (d. 1286)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/9577>, accessed 4 Dec 2016].

cantred,<sup>51</sup> or by descent. This was the case with John fitz Geoffrey, son of Geoffrey fitz Peter, fourth earl of Essex, who acquired substantial interests in Ireland, and with Stephen de Longespée, third son of the earl of Salisbury, who also held various lands in Ireland.<sup>52</sup> All the justiciars of Ireland had solid experience of lordship and of local administration. Out of fourteen, two (Alan la Zouche and James de Audley) previously served as justiciars of Chester, while John fitz Geoffrey and Stephen Longespée were former seneschals of Gascony.<sup>53</sup> Furthermore, six served in Ireland prior to their appointment as justiciar: William de Dene and Richard de la Rochelle were former deputies of the justiciar; Stephen de Longespée was already in the king's service there in 1244; Richard of Exeter acted as Edward's itinerant justice in 1269; Maurice fitz Maurice had the custody of Athlone and the shrievalty of Connaught in 1259, and David de Barry was sheriff of the county of Cork in 1261.<sup>54</sup> The justiciars of Ireland were, therefore, all more experienced before taking their offices than the justiciars of Chester or the seneschals of Gascony, with the exception of Richard of Exeter. This may be explained by the fact that Ireland was more isolated and possibly more difficult to administer without Edward's close supervision. It probably needed, therefore, the most competent officials to control the island.

The situation was different in Gascony, due to the Treaty of Paris in 1259, which let the French king have considerable freedom to interfere in local affairs.<sup>55</sup> Indeed, before 1259 the seneschal was usually an Englishman with a strong experience in service. A notable example was Stephen Bauzan, who came from a prominent knightly family in Devon and who

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<sup>51</sup> CDI, I, act 3203, pp. 477-8.

<sup>52</sup> D. Carpenter, 'John fitz Geoffrey (c.1206–1258)', rev. Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004; online edn, Jan 2008) [<http://www.oxforddnb.com/view/article/38271>, accessed 4 Dec 2016]; M. Strickland, 'Longespée, William (I), third earl of Salisbury (b. in or before 1167, d. 1226)', Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004; online edn, May 2010) [<http://www.oxforddnb.com/view/article/16983>, accessed 4 Dec 2016]; CDI, II, act 2695, p. 401 and act 2947, p. 439.

<sup>53</sup> Carpenter, 'John fitz Geoffrey'; Strickland, 'Longespée, William'.

<sup>54</sup> Wait, 'The Household and Resources', pp. 411-2; CDI, I, act 2695, p. 401; CDI, II, act 1862, pp. 402-3; TNA C 61/4, m. 5; Studd, 'A Catalogue', acta 725, p. 553.

<sup>55</sup> Prestwich, Edward I, p. 299.

successively served the Marshals, the Clares and Henry III in the marches, in Wales, in Poitou, and in England before his appointment in August 1254.<sup>56</sup> After the treaty,<sup>57</sup> the seneschal was a more modest man who had, on the other hand, a good understanding of legal knowledge and local connections. This is best exemplified by John de Grailly, a Savoyard, to whom Edward granted lands in the duchy before 1262;<sup>58</sup> and by Thomas de Ippegrave, a clerk in Edward's household, who had acted as attorney for Montfort in the duchy in 1254 and on the king's behalf in the court of Gascony in 1260.<sup>59</sup> The only exception after 1259, in fact, was Roger de Leybourne. He was not a local knight, although he had served the king in Gascony in the early 1250s,<sup>60</sup> but his appointment in November 1269 was certainly related to Edward's anticipated absence in the Holy Land.

Interestingly, as with the justiciars of Chester, there were great variations between the different seneschals and the justiciars of Ireland. Some were important lords with substantial possessions, while others appear to have been modest knights, such as Richard of Exeter or Fortaner de Casanova. Furthermore, Edward seems to have relied primarily on local landholders to govern in Gascony and in Ireland; as in Cheshire, he sought to emphasise his presence and authority there by associating his governance with local families. At least four seneschals held lands in the duchy (Amanieu d'Albret, John de Grailly, Fortaner de Casanova and Luke de Tany),<sup>61</sup> while eight certainly did so in Ireland (Stephen de Longespée, William

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<sup>56</sup> H. Ridgeway, 'Bauzan, Sir Stephen (b. after 1210, d. 1257)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn, Jan 2008) [<http://www.oxforddnb.com/view/article/47235>, accessed 5 Dec 2016].

<sup>57</sup> According to Trabut-Cussac, however, it is worth bearing in mind that Edward does not seem to be entirely free concerning the choice of seneschals of Gascony until after the Battle of Evesham, see *L'Administration Anglaise*, p. 145.

<sup>58</sup> TNA C 53/52, m. 4; CPR 1266-72, p. 733; Studd, 'A Catalogue', acta 875-6, pp. 627-8.

<sup>59</sup> CPR 1247-58, p. 350; CPR 1258-66, p. 73. As a clerk, Ippegrave rose rapidly within Edward's household; he became keeper of the wardrobe before 1259 and was sent on mission to Ireland to the parliament there in 1264, see Studd, 'A Catalogue', fn 2, p. 392.

<sup>60</sup> K. Faulkner, 'Leybourne, Sir Roger of (c.1215-1271)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn, Jan 2008) [<http://www.oxforddnb.com/view/article/16624>, accessed 8 Dec 2016].

<sup>61</sup> Studd, 'A Catalogue', acta 871, p. 624 and acta 887, pp. 636-7; Trabut-Cussac, *L'Administration Anglaise*, pp. 142-3. There is no direct evidence that Fortaner de Casanova held lands in the duchy, but according to Trabut-Cussac, he was a local man.

de Dene, John fitz Geoffrey, Geoffrey de Geneville, David de Barry, Maurice fitz Maurice, Richard de la Rochelle and Robert de Ufford).<sup>62</sup>

Yet in neither Gascony nor Ireland did Edward attempt to create a specific regional bias: his main officials came from a variety of localities and backgrounds. There were a few Irishmen among the justiciars of Ireland (David de Barry and Maurice fitz Maurice for example),<sup>63</sup> but Richard de la Rochelle and Geoffrey de Geneville were French, James de Audley a marcher lord, Alan la Zouche was English with Norman origins, and Robert de Ufford came from Suffolk.<sup>64</sup> This was also the case in Gascony: Amanieu d'Albret and Fortaner de Casanova were Gascon, but Jean de Grailly was Savoyard, Henry de Cusances French, while Stephen Bauzan, Stephen de Longespée, Drew de Barentin, Roger de Leybourne and Luke de Tany were English.<sup>65</sup> Unlike Cheshire, there were no visible familial connections between the different officials in Gascony or in Ireland.<sup>66</sup> The dynastic trend that existed in Cheshire was thus specific to this region.

More specifically, concerning Gascony, Edward made three significant reforms following the king's departure from the duchy in 1255. To assist the seneschal, he created the office of lieutenant, which he conferred on a local man, Pierre de Bordeaux. Although no other lieutenant appears for the rest of his lordship, new ones were appointed again in 1272

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<sup>62</sup> CDI, I, act 2959, p. 442; CDI, II, act 78, p. 12, act 195, pp. 30-1, act 223, p. 34, act 391, p. 62 and act 718, p. 116; TNA C 47/10/13/16b. I am most grateful to Dr Robin Studd for this last reference.

<sup>63</sup> Wait, 'The Household and Resources', pp. 338 and 349.

<sup>64</sup> M. Prestwich, 'Geneville, Geoffrey de, first Lord Geneville (1225x33–1314)', rev. Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004; online edn, Oct 2005) [<http://www.oxforddnb.com/view/article/37448>, accessed 6 Dec 2016]; P. Brand, 'Ufford, Sir Robert of (b. in or before 1235, d. 1298)', Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/27976>, accessed 6 Dec 2016]; S. Lloyd, 'Audley, James (d. 1272)', Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/894>, accessed 18 Jan 2017]; T. F. Tout, 'Zouche, Alan de la (d. 1270)', rev. R. R. Davies, Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/30300>, accessed 22 April 2016].

<sup>65</sup> Trabut-Cussac, *L'Administration Anglaise*, pp. 142-3; Faulkner, 'Leybourne, Roger of'; M. Prestwich, 'Tany, Sir Luke de (d. 1282)', rev. Oxford Dictionary of National Biography (Oxford: Oxford University Press, 2004; online edn, Oct 2005) [<http://www.oxforddnb.com/view/article/37698>, accessed 12 Aug 2016].

<sup>66</sup> Only one case can clearly be identified: Maurice fitz Maurice was the second son of Maurice Fitzgerald (d. 1257), former justiciar of Ireland. Interestingly, he also entered a second marriage with Emeline, daughter of Stephen de Longespée, Frame 'Fitzgerald, Maurice'.

and they became increasingly important after he ascended the throne.<sup>67</sup> In 1255, Edward also created the exchequer of Bordeaux to control the finances of the duchy. The exchequer subsequently evolved in the 1260s to become a ‘connétable’, for which a new official, the constable, was to collect and handle money under the seneschal’s supervision.<sup>68</sup> Edward also appointed various clerks to run his affairs in the region. These were to answer to the constable or the seneschal, and to form the important body of clerks that later helped Edward I control his duchy.<sup>69</sup> All these reforms had a lasting impact on Gascony, and continued to evolve in Edward I’s reign.<sup>70</sup> This shows that, despite his father’s close control, and/or his potential inability to introduce reforms as in Cheshire, Edward was still able to adopt an independent policy in his apanage.

In addition to his commitment to deliver good lordship there, Edward extensively drew on his resources in Gascony and Ireland. This was especially true concerning Ireland. Indeed, as Wait has shown, Edward relied mainly on Irish revenues – just as his father did – to restore order in Gascony in 1254-55.<sup>71</sup> Similarly, to contain the Welsh rebellion, Edward regularly imported men and materials from Ireland. For his campaign in 1257 alone, a fleet of more than thirty ships transported to Wales not only foodstuffs, but also about 500 horses, and presumably as many mounted soldiers, as well as 700 foot-soldiers and several contingents of crossbowmen, ditch diggers, smiths and carpenters.<sup>72</sup> On a smaller scale, Gascon resources were used, notably to fight against Montfort in 1264-65.<sup>73</sup> Interestingly, Edward does not seem to have relied as extensively on Cheshire. This might be explained by the fact that the county was not as rich or productive as Ireland or Gascony, or perhaps by Edward’s desire not to upset local inhabitants by requiring too much money and too many services from them.

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<sup>67</sup> Trabut-Cussac, *L’Administration Anglaise*, pp. 13-4, and 164.

<sup>68</sup> *Ibid.*, pp. 13-4

<sup>69</sup> *Ibid.*, p. 14.

<sup>70</sup> For the evolution of the administration in Gascony under Edward I, see Trabut-Cussac, *L’Administration Anglaise*, pp. 141-337.

<sup>71</sup> Wait, ‘The Household and Resources’, p. 25,

<sup>72</sup> *Ibid.*, pp. 32-4.

<sup>73</sup> *Ibid.*, pp. 26-7.

Ultimately, Edward's lordship in his apanage was reasonably successful. He maintained his authority in Cheshire, as this study has shown. Furthermore, the restoration of the order in Gascony – especially if we consider the chaos left by Montfort in 1252 – was a spectacular achievement for which Edward is rarely given credit. Admittedly, the situation in Ireland is less clear: his control there was more distant and the island was mostly a means for him to raise troops and supplies for his operations. Yet he managed to administer it and to maintain his authority over Irish lords, some of whom at least, helped him at various times during his lordship.<sup>74</sup> All this makes his failure in North Wales all the more striking. Was the situation there too complicated for him to resolve or did he choose the wrong approach? The answers to these questions remain inconclusive, but it was the most significant – and to a large extent, only – failure of his lordship before becoming king. Considering the exceptional circumstances in which Edward had to act, therefore, in England, Wales and Gascony, and considering his inexperience and his father's regular interventions in affairs within his apanage, an analysis of his lordship in Cheshire shows how skilful and politically able he was despite his errors. In this respect, the seeds of Edward's later performance as king certainly reside in the lessons learnt during his turbulent youth.

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<sup>74</sup> *Ibid.*, pp. 35-6.

## Appendix 1: The Map of the County of Chester



## **Appendix 2: The List of the Officials of the County of Chester, 1254-72<sup>1</sup>**

### **1. The justiciars of Chester**

- Alan la Zouche (2 July 1250-Michaelmas 1255)
- Gilbert Talbot (September 1255-May 1257)
- Roger de Montalt (May 1257-September 1259)
- Fulk de Orreby (September 1259-August 1261)
- Thomas de Orreby (August 1261-December 1262)
- William la Zouche (January 1263-December 1264)
- Luke de Tany (January 1265-August 1265)
- James de Audley (August 1265-1267)
- Thomas de Boulton (1267-before July 1270)
- Reginald de Grey (July 1270-October 1274)

### **2. The chamberlains of Chester**

- Ranulf de Exon (c. 1250-55)
- William de Shelfhanger (c. 1256-57)
- Richard de Orreby (October 1259-63)
- William de Brickhill (1270-71)

### **3. The escheators/foresters of Chester**

- Fulk de Orreby (April 1249-November 1259)
- Thomas de Orreby (November 1259- ?)
- Adam de Chetwynd (c. 1270-75)

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<sup>1</sup> This list has been adapted from H. Wait, 'The Household and Resources of the Lord Edward, 1239-1272' (University of Oxford, unpublished D.Phil thesis, 1988), p. 409. For the list of officials across Edward's apanage, see *ibid.*, pp. 400-16. For Edward's officials in Gascony and in Ireland, see also H. G. Richardson and G. O. Sayles, *The Administration of Ireland, 1172-1377* (Dublin: Dublin Stationery Office, 1963), pp. 92-140 and J. P. Trabut-Cussac, *L'Administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 à 1307* (Genève: Librairie Droz, 1972), pp. 341-78.

#### **4. The constables of the castle of Chester**

- Nicholas de Vaux (c. 1250-Michaelmas 1255)
- Peter the Huntsman (March 1260)
- Eudes la Zouche (December 1262)
- Robert de Pulford (c. 1263-64)
- Robert de Stockport (c. 1266-67)
- Robert de Huxley (1269-74)

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Ward

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