

Aspects of the revolution of 1258

Some of the papers in this series have focused on material in the fine rolls. Others have used the fine rolls in a mix with many other sources. Others again, essentially guest papers, while discussing issues very relevant to the period, have not used the fine rolls at all. This present paper comes into the third and first of these categories. In part one, without calling in aid the fine rolls (other than in a small addendum), it presents new evidence for the strength of Simon de Montfort's commitment to baronial control of the king at the start of the revolution of 1258. In part two, it looks at what the fine rolls can tell us about the parliament of April and May 1258, which began the revolution.

1. Simon the Montfort and the Treaty of Paris: the beginnings of baronial control in 1258.

Historians have long been aware that Simon de Montfort played a key role in the process which led to The Treaty of Paris. This great treaty, finally proclaimed in December 1259, saw Henry III resign his claims to Normandy, Anjou, Maine and Poitou, while retaining Gascony as a fief held from the king of France. The Treaty set the parameters for relations between England and France for the next eighty years. In 1257 and 1258 Montfort was one of Henry's envoys sent to France to negotiate the terms of the treaty. As John Maddicott has observed, his choice was natural, given his connections with the French court, and his recent rapprochement with the king. Once, however, the main outlines of the Treaty had been agreed in May 1258, Montfort ruthlessly exploited one of its clauses to extract concessions for himself. The clause in question required Simon de Montfort's wife, Eleanor (Henry III's sister), to renounce her claims to the territories now abandoned to the king of France. This they (the Montforts) refused to do until their grievances against King Henry had been redressed. As a result, the treaty did not come into force until December 1259, much to the fury of the king and Montfort's baronial opponents.¹

All this is well known. What appears to be unknown, or at least unremarked, is that the first draft which we have of the treaty, one agreed in Paris on 28 May 1258, provides the earliest evidence of Montfort's commitment to the reform of the realm, and the baronial control of the king which was its centre piece. To understand this, a word of background is necessary.

King Henry III wanted peace with France so that he could concentrate on his cherished Sicilian project, the project, that is, to place his second son on the throne of Sicily. The problem Henry faced was that he lacked the wherewithal to finance the army which was needed to conquer Sicily from Manfred, its Hohenstaufen ruler.² True the English church was raising large sums for the project, but the papacy absolutely refused to let Henry have them for his army. Instead, they were assigned to pay the debts the papacy had already run up in the struggle for the kingdom. What then was Henry to do? Here the papal envoy, Master Arlot, who arrived in England early in April 1258, brought two suggestions from the pope,

¹ J.R. Maddicott, *Simon de Montfort* (Cambridge, 1994), pp.139-41, 155-6.

² For the first phase of the Sicilian project, see my 'fine of the month' for February 2012: <http://www.finerollshenry3.org.uk/redist/pdf/fm-02-2012.pdf>.

or, perhaps more accurately, two demands. The first was that Henry should secure a tax from parliament. Henry had already tried to do that before without success. He was to try again at the April 1258 parliament, this time with disastrous results since the demand helped to provoke the revolution. Arlot's other idea was ingenious and more achievable. This was that King Louis IX of France, as one of his concessions in the treaty of peace, should give enough money to hire 1000 knights for one year, or 500 knights over two years. These then could be the core of a Sicilian army.³ Henry leapt at this. After all, had not the men of Aquila assured him that if he sent a captain and 1000 knights he would recover the kingdom from Manfred with ease.⁴ He, therefore, instructed his envoys, when they set off for Paris around 8 May, to ask for this concession. They were successful. Under the terms of the treaty, agreed on 28 May, King Louis promised to pay the costs of hiring 500 knights for two years.⁵ So far so good, but there was now a snag, for Henry was no longer to be free to spend the money as he wished. Instead, the treaty laid down that

‘And the king of England ought not to spend this money other than in the service of God, or the church, or to the profit of the realm of England, and this by view of upstanding men of the land, elected by the king of England and the high men of the land’.

‘Et li rois d’Engleterre ne doit ces deners despendre fors qe en servise Deu ou de l’Iglise ou au profit du reame de Engleterre et ce par la veue des prodes hommes de la terre esleuz par le rei d’Engleterre e par les hauz hommes de la terre’.⁶

The reference to the service of God and the church at least hinted that the money might be spent on the Sicilian project. On the other hand, the reference to ‘the profit of the realm of England’ suggested the opposite, given the general view that the project, far from profiting the realm, had damaged it profoundly. In any case, the king no longer had control over the matter since the expenditure of the money was to be in the hands of a group of magnates chosen by ‘the high men of the land’ as well as himself.⁷

What had happened? The answer, of course, is that there had been a political revolution. On 30 April a large group of earls, barons and knights had marched armed into Westminster hall, confronted Henry, and forced him to agree to reform of the realm.⁸ On 2 May Henry announced that the reforms were to be determined by twenty-four men, twelve chosen by himself, and twelve chosen by the magnates.⁹ He would accept whatever they decided. The clause in the peace treaty clearly reflects this new situation, and also suggests the kinds of controls over the king which the reformers envisaged. The committee in the treaty, chosen by the king *and* ‘the high men of the land’ parallels the twenty-four, chosen equally by the king

³ *Close Rolls 1256-9*, pp.325-6.

⁴ *Diplomatic Documents 1101-1272*, ed. P. Chaplais (London, 1964), no.298.

⁵ *Layettes du Trésor des Chartes*, iii, no.4416, p.412, column a.; *Diplomatic Documents*, no.209, pp.204-5.

⁶ *Layettes*, iii, no.4416, p.412, column a.; *Diplomatic Documents*, no.209, pp.204-5. The text given is from *Layettes* and has slight differences in spelling from that in *Diplomatic Documents*.

⁷ *Diplomatic Documents*, p.205.

⁸ The Tewkesbury annals in *Annales Monastici*, ed. H.R. Luard, 5 vols. (Rolls ser., 1864-9), i, 163-4.

⁹ *Documents of the Baronial Movement of Reform and Rebellion*, ed. R.F. Treharne and I.J. Sanders (Oxford, 1973), nos.1 and 2.

and the magnates, who were to reform the realm.¹⁰ The committee's control over the money for the soldiers foreshadowed the general control over expenditure eventually exercised by the ruling council of fifteen, which was chosen by the twenty-four. There was also another reason for the clause in the treaty. Despite efforts to cover it up, the reform of the realm had begun with the coercion of the king. The king might well seek to strike back. Civil war was close. The last thing Henry could be permitted was free disposal of money with which to hire mercenaries to attack his opponents.

How then had this remarkable clause got into the treaty? The answer is Simon de Montfort. It was Montfort, along with Peter of Savoy, Hugh Bigod, and the king's half brothers, Geoffrey and Guy de Lusignan, who were commissioned on 8 May to go out to Paris and agree the terms of the treaty.¹¹ That the king's Poitevin half brothers, soon to be marked down by the reformers and expelled from England, were responsible for the clause is inconceivable. Peter of Savoy, too, although allied to the reformers, is an unlikely candidate. He and his Savoyard kin were far more likely to get a hold of the promised money if it was controlled by the king rather than by the barons. Hugh Bigod, soon to be justiciar in the new regime, doubtless favoured the clause, but, merely a younger brother of the earl of Norfolk, he had nothing like Montfort's political weight. The obvious person behind the clause is Montfort himself. He secured the payment for the knights as the king wished, but then ensured it could be spent only on the say so of the baronial reformers. This is, therefore, the first indication of Montfort's commitment to conciliar control of the king. Later, Henry III was to allege that Montfort had put into Louis's head the idea of getting a renunciation from Eleanor de Montfort.¹² If so, the treaty shows Montfort's hand at two points, one revealing his attachment to reform, the other his determined pursuit of his private interests. As so often in Montfort's career, these two moved together in uneasy relationship.¹³

To Montfort's role in negotiating the Treaty of Paris, the fine rolls provide just a tiny sliver of evidence. The question has been raised as to whether Montfort was part of the delegation

¹⁰ 'upstanding men of the land...high men of the land' ('prodes hommes de la terre...hauz hommes de la terre') is striking here. Was 'terre' chosen deliberately by Montfort, as opposed to 'kingdom' or even 'realm' ('regne', 'reaume'), so as to stress that the 'prodes/hauz hommes' had an authority distinct from that of the king? In 1259, the alliance between Montfort and the Lord Edward described the reform movement as 'l'emprise qui est fete par les Barons de la terre': D.A. Carpenter, *The Reign of Henry III* (London, 1996), p.251. Next year, at his 'trial', Montfort used the words 'the prodeshomes de sa terre' in the context of the treaty of Paris itself: 'The earl says that he was an envoy along with other prodeshomes de sa terre'. Montfort also complained that Henry put his trust more in foreigners 'que en genz de sa terre'. However, Henry III, on one occasion, got his own back and argued that Montfort himself had acted against 'la comun de la terre': *Documents of the Baronial Movement*, pp.194-5, caps.1,2; pp.208-9, cap.38; pp. 204-5, cap.25. It is interesting to note that in the French vernacular translation of Magna Carta, 'regnum' is translated 'regne' throughout save in chapter 45. This stipulated that sheriffs and other officials were to know the 'legem regni'. In the French this becomes 'la lei de la terre'. In the Latin text it is the 'communia totius terrae' which is to force the king to keep the Charter. In the French this becomes 'la commune de tote Engleterre'. See J.C. Holt, 'A vernacular-French text of Magna Carta 1215', *English Historical Review*, lxxxix (1974), 346-64, with cap.45 at p.361 and cap.61 at p.363.

¹¹ *Layettes*, v, no.687; *Foedera*, I, i, 371; *Cal Patent Rolls 1247-58*, p.628;

¹² *Documents of the Baronial Movement*, pp.194-5, cap.5. See Maddicott, *Simon de Montfort*, pp.155-6. Montfort denied the charge and Louis may well have thought a renunciation was necessary from Eleanor without any prompting. It does not seem unlikely, however, that Montfort still stressed the necessity.

¹³ The uneasy relationship is, of course, a major theme of Maddicott's masterly biography.

sent out to Paris at the end of 1257 to attend Louis IX's epiphany (6 January) parliament, as Matthew Paris states he was.¹⁴ What the fine rolls show is that on 20 December 1257, at Westminster, Henry III pardoned Montfort debts totalling to £73 10s.¹⁵ This was just the kind of reward which might be expected before departure on a diplomatic mission. Since the journey from Westminster to Paris could be made in twelve days, Montfort could easily have got to Paris for the parliament if he left around 20 December.¹⁶ This fits in with the evidence from the witness lists of royal charters. We know Montfort was at court at Westminster on 18 December 1257. He is then absent from the charter witness lists of 28, 29, 30 December, 15, 18, 22 January, and 2 and 4 February. He appears again on 8 February, leaving plenty of time for a return from Paris.¹⁷ One might also note that on 7 January 1258, Henry III empowered Montfort along with the bishop and Worcester and the bishop elect of Winchester (also part of the delegation in Paris's account) to investigate exactions at the port of Dover.¹⁸

Montfort, therefore, was central to the negotiations which led to the Treaty of Paris, being a member of all the embassies sent to Louis IX. This makes his ability to get the clause on baronial control into the treaty all the more understandable. The only puzzle is that Louis IX accepted it, and did nothing to protect the interests of his fellow king. Perhaps he simply failed to see the significance of the clause, being unaware of the true nature of the revolution in England which had produced it.

2. The fine rolls and the Westminster parliament of April and May 1258.

The parliament at Westminster which culminated in the march on the king's hall and Henry III's acceptance of reform began on 9 April. It lasted, according to Matthew Paris, till 5 May.¹⁹ What strikes one immediately, looking at the fine rolls, is the remarkable volume of business they record in this period. Indeed, between 10 April and 5 May, there are no less than 173 entries on the roll, running from nos.424 to 597 in the on-line translation.²⁰ I will analyse the bulk of this business and discuss its significance in a moment, but first one other point.

Margaret Howell, in her wonderful biography of Henry III's queen, Eleanor of Provence, has asked about the whereabouts of the queen's uncle, Peter of Savoy on 30 April, the day of the march on the king's hall.²¹ Peter had been one of the seven magnates who confederated

¹⁴ Maddicott, *Simon de Montfort*, p.140, note 123; Matthew Paris, *Chronica Majora*, v, 649-50, 659-60, 663.

¹⁵ *Cal Fine Rolls 1257-8*, no.147. A calculation of the money the king owed Montfort was made around the same time: *Cal. Patent Rolls 1247-58*, p.609.

¹⁶ P. Chaplais, 'The making of the Treaty of Paris and the royal style', in his *Essays in Medieval Diplomacy and Administration* (London, 1981), I, 240, note 1. Henry III took seventeen days to travel from Westminster to Paris in 1259 but he was accompanied by a large train.

¹⁷ *Cal. Charter Rolls 1257-1300*, pp.3-5; *The Royal Charter Witness of Henry III*, ed. M. Morris, 2 vols. (List and Index Soc., 291-2, 2001), ii, 116-7.

¹⁸ *Cal. Patent Rolls 1247-58*, p.610. There is documentary proof that the bishop of Worcester went: *Cal. Liberate Rolls 1251-60*, p.416.

¹⁹ It is testimony to the length of the parliament that Paris covers it in three separated chapters: *Chronica Majora*, v, 676-7, 680-1, 688-90. He was wrong in stating that the parliament began on 2 April. The dating clauses of royal letters only have the king arriving at Westminster on 9 April.

²⁰ http://www.finerollshenry3.org.uk/content/calendar/roll_055.html#d656190e25105

²¹ M. Howell, *Eleanor of Provence: Queenship in Thirteenth-Century England* (Oxford, 1998), p.154.

together on 12 April, in his case, probably exclusively, with a view to bringing down the king's Poitevin half-brothers. Did he then join the march? The fine rolls do not answer this question, but they do record that on 30 April a pardon was authorised by 'Peter of Savoy and other members of the council'.²² For the image see, thirty-eight entries from the bottom of the membrane

http://www.finerollshenry3.org.uk/content/fimages/C60_55/m07.html

Peter, therefore, was certainly at court and engaged in business on the fatal day. He may, of course, have avoided the confrontation, remaining perhaps in the queen's chamber, which was at the other end of the palace of Westminster from the great hall. Perhaps his standing aside explains why he was the only one of the seven confederates whom Henry allowed to witness his 2 May letters proclaiming his agreement to reform.²³ On the other hand, Henry pointedly avoided naming Peter as one of his twelve reformers. Henry evidently did not trust Peter of Savoy.²⁴ At the very least, despite being on the spot at the time, he had done nothing to prevent the revolution.

To return to the volume of business on the rolls during the parliament, the great bulk of this was produced by litigants purchasing writs to initiate or further common law legal actions. No less than 144 such writs were purchased between 10 April and 5 May. It would be interesting to discover how this compares with the purchase of writs at other parliaments. If, as I suspect may be the case, the volume in April and May 1258 was uniquely large, that would reflect how well publicised and well attended this parliament was. It would be worthwhile doing some research too on who exactly were the people purchasing the writs. Of course, not all may have done so in person, but many probably did. Did some of them add their voice to cry for reform, and even join the march on 30 April? What is clear is that those purchasing writs came from across the country. As other analyses have shown, the common law was not confined to the Home Counties. The purchasers came from every county save Rutland in the following proportions:

Lincolnshire	18
Yorkshire	18
Kent	10
Norfolk	10
Somerset	7
Cumberland	6
Derbyshire	6
Essex	6

²² *Cal. Fine Rolls 1257-8*, no.570.

²³ *Documents of the Baronial Movement*, nos.1,2.

²⁴ *Documents of the Baronial Movement*, p.100-1, cap.2; Howell, *Eleanor of Provence*, p.154.

And all the other counties between 1 and 5.

The purchase of writs makes one other point. It must have seemed to King Henry as though it was business, indeed very good business, as usual. (The writs usually cost between 6s 8d and a pound.) The revolution took the king completely by surprise. That is also suggested by the absence of any sign that Henry tried to appease his critics. Remission of debt would have been the aspect of such a policy most likely to show up in the fine rolls, but the only significant debts remitted during the parliament were those owed by John fitzAlan, Gerard Talbot, Roger of Clifford, and John de Vaux.²⁵ Some of these concessions were related to service in Wales. It is difficult to see them as any part of a policy designed to draw the sting from the parliament.

In fact, the people whom Henry most conspicuously tried to reward during the parliament were the Savoyards. As the fine rolls and other evidence shows, the whole of the 1000 marks due to Henry at Easter 1258 from the executors of the late bishop of Ely, were given to Peter of Savoy's brother, Thomas.²⁶ This was an extraordinarily provocative act (commented on by Matthew Paris), all the more so given that Thomas was now a sick man and no longer (if he ever had been) a valuable asset on the international scene. He arrived in England just before the parliament, pocketed his money and left.²⁷ If this concession was designed to pull Peter of Savoy away from the opposition camp, it had limited success, as we have seen. One wonders, however, whether the clause about baronial control of the money for mercenaries, which Montfort inserted into the Treaty of Paris, prompted second thoughts in Peter about the way he had gone along with the revolution. By then, however, it was too late.

²⁵ *Cal. Fine Rolls 1257-8*, nos.458, 532, 557, 570. I plan to discuss the remarkable debts of John fitzAlan in a future 'fine of the month'. It was the pardon of the Vaux debt which was authorised by Peter of Savoy and others of the council.

²⁶ *Cal. Fine Rolls 1256-7*, no.916; *Cal. Patent Rolls 1247-58*, p.622; *Cal. Liberate Rolls 1251-60*, p.432; *Close Rolls 1256-9*, p.302. On 2 May Henry stood surety for the money owed by the earl of Gloucester for the marriage of his daughter to the marquis of Montferrat. This marriage had been arranged by Peter of Savoy. If Henry hoped (as he seems to have done) that this would secure the support of Gloucester, he was disappointed. On 2 May the king also pardoned Enguerrand de Fiennes, an Anglo-Flemish knight close to the queen, a debt of £81: *Cal. Fine Rolls 1257-8*, no.576. There were, during the parliament, some very ill timed favours to the Poitevin half brothers, one to William de Valence (of a kind which would have especially riled Montfort) being on 30 April itself: *Cal. Patent Rolls 1247-58*, p.625.

²⁷ Paris, *Chronica Majora*, v, 674-5. For Thomas and the other Savoyards see, of co course, E.L. Cox, *The Eagles of Savoy: The House of Savoy in Thirteenth-Century Europe* (Princeton, 1974).