

entire absence of the conveniences of social life that form the common capital of old communities, the exactions of the pope and the king were trifles. They fell, as all taxes do, upon industry. Whether the revenues which they touched were those of the clergy, the barons, or the burgesses, they withdrew the capital which supported labour. Dr. Lingard attributes the general belief of Henry's rapacity "to the remonstrances of factious barons, or the complaints of discontented historians." It would be more reasonable to attribute the remonstrances and complaints to the circumstance that the industry of the great body of the people began to have some due appreciation; and that "factious barons" began to see that their own condition was improved in proportion as the cultivators and the artisans were prosperous; and that security was as necessary for the burgess in his narrow street, as for the lord in his inaccessible castle. "Discontented historians" were those of the monasteries, who reflected the spirit of their superiors. There can be no question that the bishops and abbots of this period, having their worldly prosperity intimately blended with that of the whole community, stoutly resisted the encroachments not only of their king, but of their spiritual head. The mitred abbots, especially, were a most powerful body, having large possessions which, for the most part, they administered wisely and humanely. They had all the interests of great landed proprietors to maintain, and those interests were best upheld when they had a happy and thriving tenantry around them. The learning of the cloister was not tainted with the miserable political superstition of later times of the Church, when the king was set up as the image of God upon earth, above all human law, and beyond the reach of punishment for misdoing. The slavish doctrine of non-resistance was not yet preached in parliaments and synods. The churchmen of the thirteenth century were, amidst all the luxurious corruptions which have been imputed to them, a sturdy race, who knew the value of civil freedom, and battled for it as bravely as the men of the sword.

In the spring of 1258 England was severely visited by a common calamity of the middle ages—a scarcity of corn so great as to produce a famine. The harvest of 1257 had been unusually late, in consequence of heavy rains. The crops on the banks of the Severn, and other great rivers, were swept away by floods. The gradual rise of price, which is the surest preventive of the last evil of scarcity, was interfered with by the usual mistaken policy of

compelling the holders of corn to bring their crops to market. Fifteen thousand people had died in London, when a herald went forth and proclaimed that those who wanted bread should apply to certain nobles, who would bestow alms upon them. Ships arrived from Germany, bringing as much corn as was equal to the produce of three English counties; and a proclamation was issued, forbidding any merchant to buy corn for storing-up. We know that all such interference is mistaken benevolence; but it is not easy to see how a government could then act otherwise in such an emergency. A portion of the kingdom had been laid waste by fire and sword. There had been an insurrection of the Welsh in 1257, and the border lands had been reduced to an uninhabited desert. With these evils around them, the parliament met at Westminster on the 2nd of May. In the great hall was a large body of barons assembled, each in complete armour. As the king entered, there was a clatter of swords; and Henry, looking round in alarm, said, "Am I a prisoner?" "No, sir," said Roger Bigod, "but your foreign favourites and your prodigality have brought misery upon the realm; wherefore we demand that the powers of government be delegated to a committee of bishops and barons, who may correct abuses, and enact good laws." In that assembly was the most remarkable man of those times, Simon de Montfort, earl of Leicester. He was the son of the Count de Montfort, the persecutor of the Albigenses; and he became earl of Leicester in right of his mother. In 1238 he had married Eleanor, a sister of king Henry. The union was opposed, upon the ground that he was a foreign subject; but from that time he became an Englishman in all his actions. More than any man of his times he appears to have seen of what material the great mixed commonalty of England was composed. He soon became endeared to the people; and was consequently obnoxious to the court, surrounded as it was by those who regarded the English merely as a rabble to be plundered and despised. The favourites of Henry procured his banishment from the king's presence. He was afterwards entrusted with the government of Guienne; and, ruling there firmly, was complained of by those whose interests were mixed up with a lax administration, and was removed from his government. He withdrew for a time to France. In the great meeting in Westminster Hall, on the 2nd of May, 1258, Simon de Montfort stood the most dreaded man of the formidable league. The king's tyrannical half-brother, William de Valence, and the earl of Leicester, were at bitter enmity. But no

violence of Henry's adherents could prevent the completion of the agreement which placed the power of the state in other hands. A commission of twenty-four was decided on, one half of which had been selected from the king's council, and the other half was to be appointed by the barons at a parliament to be held at Oxford. On these conditions it was agreed that the king's debts should be paid. On the 11th of June, this famous parliament met at Oxford. It has been called, "The mad parliament." It would have been well for England if all parliaments had been equally sane. It has been the fashion to consider the "Provisions of Oxford," as they were called, as the rash innovations of an ambitious oligarchy. The principle of the securities then required from the crown was adopted from the Great Charter; and the appointment of a supreme council of state was one of the conditions imposed upon John, with the more stringent demand that the twenty-five barons, who were then to control the executive, should be selected without the concurrence of the king. That the parliament of Oxford so managed the elections to the council as to obtain a majority holding popular opinions is not unlikely, and it can scarcely be imputed to them as a fault. The earl of Leicester was nominated as head of the council. It was enacted that four knights should be chosen by the votes of the freeholders in each county, who should submit all breaches of law and justice to a parliament, to be called together regularly thrice in each year; that the sheriffs of the counties should be chosen by the freeholders; and that the great officers of state should be re-appointed. Prince Edward reluctantly took the oaths to observe the provisions to which his father had sworn. But the king's half-brothers, though two of them had been nominated to the council, openly expressed their dissatisfaction; and De Montfort, threatening them with the loss of their lands, and even their lives, they fled to France, with a host of followers who were hated by the English. The council of state filled up the vacancies in their own body without reference to the king's right of nomination. It soon became clear that this was no settlement of the great question between the crown and the popular leaders.

In July, the king was at Westminster, and being in his pleasure barge on the Thames, a thunder-storm came on, at which he was alarmed, and landed in the garden of the bishop of Durham. De Montfort was in the palace of the bishop, and went forward to greet the king. "What do you fear, sir?" said the earl; "the storm has passed over." The king replied, "I fear thunder and lightning

beyond measure; but, by God's head, I fear you more than all the thunder and lightning in the world." At the beginning of 1259, the king's brother Richard, who was now king of the Romans, came to England to look after his pecuniary interests. He was not allowed to set foot in the country till he had sworn to the Provisions of Oxford. He took the oaths, and then commenced a vigorous opposition to the committee of government. In a short time, this controlling power of the state was split into two factions—that of the earl of Leicester and that of the earl of Gloucester. De Montfort withdrew to France. The movements of Prince Edward are involved in considerable obscurity, during the next year or two; and a suspicion went forth that he had a design of seizing the crown. The king, having obtained a dispensation from the pope to violate the Provisions of Oxford, told the committee of council, in 1261, that he should rule without them. He obtained possession of the Tower of London, and commanded the citizens to renew their fealty to him. Edward was in France, but he hurried home; and though his father had also procured for him a dispensation, he refused to violate the oath which he had taken at Oxford. There is a show of civil war for a year, which the king carries on with mercenary troops; but in 1262 he again consents to observe this solemn pledge. It would be tedious to follow through the monotonous distractions and unintelligible intrigues of this period; which are very obscurely shadowed out in public documents and contemporary chronicles; and which modern historians have recorded according to their own predilections. As Simon de Montfort was undoubtedly the popular leader—adored by the commons and respected by the clergy,—Hume, as the consistent supporter of kings and hater of priests, denounces him as the champion of a tyrannous aristocracy,—a subverter of the monarchy,—a bold and artful conspirator,—a licenser of pillage,—a hypocritical pretender to sanctity,—a man of violence, ingratitude, tyranny, rapacity, and treachery. The historian uses these bitter words against the earl of Leicester in the utter absence of any established charge against his public conduct, or any probable imputation that he was not sincerely desirous of promoting the welfare of the English people. Like all statesmen of pre-eminent ability, Leicester was assailed by great and petty rivals; and he had as much difficulty in struggling with his own adherents as in carrying on a national contest against a faithless king and a rapacious court. But in every evidence of the opinion of his contemporaries,—in the annals of the monk and

the ballad of the minstrel—there is one leader who “loves right and hates wrong;” who was “the Mattathias of the suffering people,” (the gift of the Lord); was, in the words of a hymn long sung in his honour, “*Protector gentis Angliæ.*” In all the emanations of contemporary opinion,—in the Latin poem of the cloistered scholar, and the English song of the travelling harper—“all with one accord agree in their praise and support of the great Simon de Montfort.”\*

In 1263 Leicester returned to England. His rival, Gloucester, was dead; and the son of Gloucester gathered his retainers and put himself under the guidance of De Montfort. In 1264, after various turns of fortune, the differences between the king of England and his barons in arms were referred to Louis of France, by mutual consent. He decided that the Great Charter should be observed, but he set aside the Provisions of Oxford. The observance of the Great Charter had been so often sworn to, and so constantly violated, that the decree of Louis appeared to give no greater warranty than what previously existed for the liberties of the kingdom; and the barons rejected the decree as unfairly obtained by the influence of Henry's sister, the wife of Louis. The civil war was renewed. When licence takes the place of law there is little hope for the rich who are not able to protect themselves. The Jews of London were massacred and plundered by both parties. The people of London were all in arms. The royalists had captured Northampton, under the command of the king. Prince Edward had compelled the submission of Tutbury. The military talents and the force of character of Edward now presented themselves in conspicuous rivalry with the energies and popularity of De Montfort. The great trial of strength was come. On the 13th of May, 1264, the two armies of the king and the barons met on the downs of Lewes.

Henry had marched from the neighbourhood of London upon Rochester. Having taken the castle of Tunbridge, he proceeded to Winchelsea, and, finally reaching Lewes, was lodged in the priory. Prince Edward occupied the castle. The position was a commanding one. The army of the barons had marched direct from London, and halted on the night of the 12th at the village of Fletching, ten miles from Lewes. The barons had sent a message to the king, assuring him that they desired to preserve the health and safety of his person, and to punish only the enemies of his

\* Preface to “Political Songs,” by Thomas Wright.

kingdom; and Henry returned an indignant answer, in which his brother Richard and Prince Edward concurred, defying each and all of them as public enemies. These were feudal forms of mutual defiance; and Edward and Richard accompanied the king's letter with a challenge to Simon de Montfort and Gilbert de Clare (the earl of Gloucester) to meet them in mortal single combat. Before sunrise of the morning of the 13th the army of the barons was on its march; and took up its position on a hill about two miles from Lewes. De Montfort's soldiers wore white crosses upon their breasts and backs, such as the army of God and the Church wore before the day of Runnymede. The king marched out to meet the advancing force. His army was in three divisions; that of the barons was in four. Edward, who commanded a division, made a fierce onslaught with his cavalry on that division of the adverse forces in which were the great body of the Londoners. He put them to the rout; and in the fury of his pursuit followed them over that undulating ground for four miles. When he returned, satiated with the blood of three thousand of these rebellious citizens, whom he regarded as the personal enemies of his family, he found that the field was lost. His impetuosity had given an advantage to the promptitude of De Montfort, who threw all his force on the weakened divisions of king Henry and the king of the Romans, and made both these leaders his prisoners. In that hollow which the modern railway traverses was the great scene of slaughter. One of the oldest known songs in the English language recites some circumstances of this battle:—

“The kyng of Alemaigne gederede ys host,  
Makede him a castel of a mulne post.”

He made his castle of a windmill. The next day a treaty was entered into, by which it was agreed that Prince Edward, and Henry, the son of the king of the Romans, should remain as hostages for their fathers; and that the whole matters in dispute should be referred to arbitration. Edward was sent to Dover Castle, and the old song says,

“Be the luef, be the loht, sire Edward,  
Thou shalt ride sporeless o thy lyard,  
Al the ryhte way to Dovere ward.”\*

Though the king was subject to no confinement in stone walls, as his brother Richard was, he was really a prisoner in the hands of

\* “Be thee willing, or be thee loth, Sir Edward, Thou shalt ride spurless on thy hack,” &c. The song is given in Mr. Wright's “Political Songs,” and also in Percy's “Reliques.”

the victors. No arbitration was attempted, for the referees refused the office. It was a triumph which placed the administration of the realm of England in the hands of De Montfort and De Clare. The queen had left England before the battle of Lewes, and had collected a great force of mercenary troops to invade the country. De Montfort, relying upon the attachment of the people, called out the whole militia of the nation, from every township and every city and borough. The harvest was approaching, but no excuse was admitted; and in a short time a great army encamped on Barham Downs. The pope had excommunicated De Montfort and his adherents; but the people were indifferent to the once terrible denunciation; and the name of the earl of Leicester went through the land as "Sir Simon the Righteous." All the acts of his government were done in the name of the king, who was treated with every outward respect. There were no deaths or forfeitures for political offences. De Montfort gathered the mariners of the Cinque Ports, and went to sea to meet the fleet of the queen, whose army was collected at Damme. The invasion was never attempted.

The earl of Leicester kept his Christmas at Kenilworth, his maternal inheritance. In the king's name he issued writs for the meeting of a parliament. There may have been some precedents for calling others to the great council than the tenants-in-chief of the crown and the prelates and abbots. But the writs of Simon de Montfort were the first in which we distinctly recognise the Parliament of England. They were directed to the sheriffs, commanding them to elect and return two knights for each county, two citizens for each city, and two burgesses for each borough. Only eleven prelates and twenty-three peers were summoned; but a large number of the dignified clergy came to this national council. Hume considers that Leicester summoned a parliament "on a more democratic basis than any which had been ever summoned since the foundation of the monarchy," merely to advance his own popularity. Lingard affirms that the popular representatives were chosen through Leicester's influence, to be "the obsequious ministers of his will." We believe that De Montfort felt that a social condition had arisen which rendered it imperative that the government should be put upon a broader basis than the fiat of a king, only controlled by a council of peers and prelates, whom he defied whenever it suited his will. That this able man saw, with any clear foresight, the possible freedom and security to be attained in a monarchy

resting upon the principle of representation, may be reasonably doubted; but it would be unjust not to assign to Simon de Montfort the glory of having seen that, in a time of national exigency, safety and peace could only be attained in a general council of freemen, instead of a limited assembly of the high-born and dignified;—"that he saw the part of society which was growing in strength, and with which a provident government ought to seek an alliance."\*

The Parliament of 1265, which assembled on the 28th of January, determined upon the release of Edward from confinement, but that he should remain "in free custody" at Hereford. It decreed that the charters and ordinances should be inviolably observed, and prescribed some strong securities which left the king little exercise of his free-will. It was not likely that they would be a permanent restraint upon a young prince of the vigour of Edward. Dissensions grew up between the earls of Leicester and Gloucester. The natural and acquired superiority of De Montfort provoked jealousy. His elevation was dangerous for himself. Robert Grosseteste, the bishop of Lincoln, while exhorting him to persevere in the cause of justice and truth, predicted his fall. So writes Matthew Paris. In the May of 1265, Prince Edward escaped from his "free custody," by proposing a trial of horse, and having obtained the fleetest, outrode his pursuers. There were nobles speedily in arms for the royalist cause, and the king's banner was raised under the earl of Gloucester at Ludlow. The prince received the command; but the nobles who joined him had the wisdom to make him swear that he would respect the Charters. De Montfort having the king in his possession, marched upon Worcester. Edward obtained at Kenilworth an advantage over Simon, the son of the great earl, and went forward to give battle to De Montfort, who had taken up a position at Evesham. He waited there the expected arrival of his son's troops from Kenilworth; but Edward had taken some of the leaders of that force prisoners, and the young de Montfort kept in the safety of his father's castle. The position of Leicester was a dangerous one, which he would have avoided if he had not felt assured that his son was at hand. The town of Evesham is, as it were, encircled by the Avon; and from Twyford to Evesham, the road, for more than two miles, is a tongue of land, with the river at no considerable distance on either hand. De Montfort was shut up in that bounded field of action, with a narrow stone bridge the only passage to the safer plains.

\* Mackintosh: "History of England," vol. i., p. 246.

On the morning of the 4th of August, the barber of the Earl, says "The Chronicle of Evesham," went up to the highest tower of the abbey-church; and he came down in gladness to tell that he saw the banner of De Montfort on the distant road, in advance of a mighty host. And again he went up; and pale and trembling he descended, for the banners of Prince Edward, and Gloucester, and Mortimer were now visible. Then said the earl of Leicester, "God have our souls all, our days are all done." De Montfort scorned to fly. He marched forward on the road by which his enemy was advancing. Henry, the king, was in the midst of his host. The battle was gained. In a little valley called Battlewell the carnage was thickest. The king, turned loose upon a war-horse, saved himself from his own friends by crying, "I am Henry of Winchester." There was no escape from the slaughter of Prince Edward's horsemen, but over that narrow Evesham bridge. De Montfort and his son Henry fell. There was no quarter given; and the mutilation of the remains of the great earl disgraced the conquerors.

## CHAPTER XXV.

The award of Kenilworth.—The Crusade of Prince Edward.—Attempt to assassinate Edward.—Death of Henry III.—Coronation of Edward I.—Llewellyn, Prince of Wales.—Submission of Llewellyn.—Various Statutes passed of public utility.—Persecution and banishment of the Jews.—Insurrection of the Welsh.—Llewellyn slain.—His brother executed.—Subjection of Wales.—Statutes for Wales.

THE 4th of August, 1265, was a day of terror throughout many parts of England. Robert of Gloucester, in his versified chronicle, declares that he was a witness to the general storm which added to the horrors of the great battle of that day. Whilst the blood of the slain was crimsoning the waters of the Avon, the air suddenly grew dark, so that the monks of the magnificent abbey of Evesham, who went on with their daily services whilst the din of battle was braying around them, could no longer sing the alternate verses of their psalms.\* Then, according to the custom of the time, whilst the thunder pealed, the bells of the abbey church rang out their imploring notes; and the fierce warriors, stumbling amidst the dead and dying, suspended their horrible carnage in that dismal hour, though their leaders had said no quarter should be given. The people believed that Heaven thus asserted its displeasure at the death and discomfiture of their champion. His memory did not soon fade away. It was thought necessary that a positive law should prohibit "any man from holding Simon, earl of Leicester, for a saint or just one;" and "that the vain and foolish miracles related of him by certain persons shall not pass any man's lips." Thus saith "the award made between the king and his commons at Kenilworth." In the parliament held at Kenilworth, in November, 1266,† it was an especial object to restore the peace of the kingdom by assigning to the king his legitimate power, under the condition that he should adhere to his oath to preserve and keep the liberties of the church, and the Charters; and that, with certain exceptions, all those who, during "the present troubles of the realm," had committed offences against the king or his crown,

\* See "Chronicon Willelmi de Rishanger," Camden Society, p. 47.

† Statutes of the Realm, vol. i. p. 12. 1820.