THE PROVISIONS OF OXFORD: A FORGOTTEN DOCUMENT AND SOME COMMENTS.\textsuperscript{1}


I.

THE "Provisions of Oxford" are known from two texts—
that in the Annals of Burton, which was published by
Fulman in 1684,\textsuperscript{2} and again by H. R. Luard in the Rolls
Series,\textsuperscript{3} familiar from its inclusion in Stubbs' Select Charters,\textsuperscript{4}
and another, slightly varying, text in Tiberius B. IV, which,
although it is mentioned in the Catalogue of the Cottonian
Manuscripts,\textsuperscript{5} has only recently attracted attention.\textsuperscript{6} Yet another
text existed in the seventeenth century, but this appears to have
survived only in the abstract which is printed below.

As its heading shows, this abstract was made by John Selden
from a roll in the possession of Sir Edward Coke. Coke seems
to have called his document a parliament roll, but he bestowed

\textsuperscript{1} This paper was written before Professor R. F. Treharne's detailed mono-
graph on The Baronial Plan of Reform (Manchester University Press, 1932)
appeared. We have since availed ourselves of this, and of some private sugges-
tions kindly offered to us by Dr. Treharne, to make a few modifications and
corrections. On some points we have preferred our own conclusions.

\textsuperscript{2} Rerum Anglicaresscriptores Veteres, pp. 412-16.
\textsuperscript{3} Annales Monastici, i. pp. 446-53.
\textsuperscript{4} Ninth edition, pp. 378-84.
\textsuperscript{5} Tiberius B. IV, fos. 213-14. In Thomas Smith's Catalogue of 1696 it is
mentioned at p. 22, col. 2: "Provisiones Oxonii tempore Regis Henrici III;" and in the copy in the Students' Room at the British Museum is a manuscript
note "Ex hoc corrigi possunt Provisiones Editae in Annal. Burton, 412." It is
again mentioned in the Catalogue of 1802, p. 35, and Index, s.v. Oxford.

\textsuperscript{6} Professor E. F. Jacob, in History, ix. 191, Oxford Studies in Social and Legal
History, viii. 71, and English Historical Review, xli. 560; Professor F. M. Powicke,
"The Baronial Council" in Essays in Medieval History presented to T. F. Tout,
p. 121.
that name rather indiscriminately, and we ought not to imagine that he was warranted by any contemporary title or endorsement. Nothing that can properly be called a parliament roll has survived from the reign of Henry III and, so far as we know, no such roll was written until the early years of Edward I. Our first notice of this particular roll is in the second edition of Selden's *Titles of Honor*, published in 1631; it is not mentioned in the first edition of 1614. It was apparently sought, but without success, by Sir Joseph Ayloffe about the middle of the eighteenth century. It is not now at Holkham with such of Coke’s legal manuscripts as are to be found there. Both roll and abstract may have perished in the disastrous fire which consumed eight chests full of Selden’s manuscripts in January, 1680, for even the abstract we know only from copies among the collections of transcripts made by William Petyt and John Anstis.

Among the manuscripts at Holkham (no. 677, fo. 402) is a transcript “Ex fragmento rot. Parl. de anno 51 Hen. III” (*Historical Manuscripts Commission, Ninth Report*, App. II, p. 366). This document Coke cites as a parliament roll in his *Institutes*, iii. c. 70 (ed. 1644, p. 151). But the record was evidently similar to that printed in Coke’s *Documents Illustrative of English History*, pp. 354 ff.

P. 722: “For all Parlament Rols of the time of Henrie the third are lost, excepted one of some passages in the Parlament of Oxford, in the 44 (sic) of the same King which I have heretofore vseyd by the fauor of an honorable person that communicated it.”

The two editions are, of course, very unlike; but any reference to this roll would presumably have appeared at pp. 279-81 of the first edition.


We owe the following note to the kindness of Mr. C. W. James, the present librarian. “We have (at Holkham) a Catalogue of the Chief Justice’s Library drawn up by a clerk, but signed in various places by Edw. Coke. Among his ‘Legal MSS’ there is an entry of ‘The roll of parliament anr 42 Hen. 3 of some called insanum parliamentum.’ This, I take it, is the roll he lent to Selden. But it has disappeared, together with the greater number of the Legal MSS. mentioned in the Catalogue. From internal evidence, I date this Catalogue 1630.”

For the fire, see J. Ayloffe, *Antient and Present State of the University of Oxford* (1714), i. 462; W. D. Macray, *Annals of the Bodleian* (1890), p. 121. Neither the original abstract nor any copy of it is to be found among Selden’s collections at Lincoln’s Inn.

Inner Temple, Petyt MSS. no. 533/6, fos. 53-6.

Stowe MSS. no. 1029, fo. 170v-176. It should be remembered that Selden died in 1654, and that Petyt lived between 1636 and 1707, and Anstis between 1669 and 1745. Selden’s original abstract was presumably made in 1630 or earlier.
For convenience of reference we have numbered each item in the abstract separately, and in this way we get thirty-three paragraphs. The first twenty-two correspond to the "Provisions of Oxford" as they appear in what we may call the Burton-Tiberius text, but the order is different, and there are both omissions and additions. The omissions can best be indicated by giving the paragraphs in the order in which they appear in the Burton-Tiberius text and noting the gaps:

**Burton-Tiberius Text.**

- Opening section.
- Electi ex parte domini Regis.
- Electi ex parte comitum et baronum.
- Oath of Commune.
- Oath to Twenty-Four.
- Articles from the oath of the Justiciar
- Articles from that providing for the reform of the Church
- Thence to the end.

**Coke Roll.**

- Paragraph no. 4.
- Omitted.
- Omitted.
- Paragraph no. 22.
- Possibly paragraph no. 12.
- Paragraphs nos. 16, 17, 19, 20, 21, 18.
- Omitted.
- Paragraphs nos. 1, 3, 5, 6, 8, 9, 10, 14.

Four paragraphs (nos. 2, 7, 11, 13) and possibly a fifth (no. 12) are not to be found in the Burton-Tiberius text. Paragraph no. 2 regarding prise and paragraph no. 7 regarding purchases (of land) by religious houses are related respectively to articles 22 and 10 of the "Petition of the Barons." Paragraph no. 11 is a note of the delay until 8 August demanded by Henry of Almaine so that he could obtain instructions from his father, the king of the Romans, before he took the oath of the Commune. Paragraph no. 12 is a note that the king's councillors—presumably the Fifteen—took their oath, the terms of which have not come down to us, unless indeed, as is quite probable, it is the oath which the Burton Annalist calls "le serment a vint e quatre."

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1 *Annales Monastici*, i. 440, 442; *Select Charters* (ninth edition), pp. 375-6. Hitherto the only articles in the Petition which could be connected with the "Provisions" were 4 and 5, relating to castles: cf. Treharne, *op. cit.*, p. 70.
3 This oath appears from the opening words to be identical with that which the earl of Gloucester called "le comun serement ke fet avuns as Baruns" (*Hist. MSS. Comm., Report on Manuscripts of Lord Middleton*, p. 69). In Tiberius B. IV, the oath is headed: "Cest le serment de xxiiiij."
The next entry (no. 13) is the letter of 4 August, which we know from a copy on the Patent Roll, announcing the adherence of the king and Edward to the constitution agreed to at Oxford. Beyond these omissions and additions and the transposition of the order in which the different items are given, the most striking differences are in the lists of the council, of the Twelve, and of the Twenty-four to treat of the aid for the king. Among the council the Coke Roll includes Philip Basset in place of John fitz Geoffrey, and, among the Twelve, William Bardolf in place of the bishop of London. Among the Twenty-four to treat of the aid the Coke Roll, like Tiberius B. IV, includes William of Powick and John of Oare; but the names of those they replaced are left in the list, and we have therefore twenty-six names in all. The two omissions should presumably be John Grey, whose name is omitted in Tiberius B. IV, and John fitz Geoffrey, who died in November, 1258. The name of the bishop of London, who died in May, 1259, is retained in the Coke Roll, presumably by an oversight. Of these lists we have more to say later.

Turning now to paragraphs nos. 23-33, we may first note that the documents underlying four are already known. These are a writ dated 20 October, 1258 (no. 23) to be found both on the Patent Roll and in the Burton Annals, a letter (no. 24) from the council (of the Fifteen) and the twelve representatives of the Commune which is embodied in a later document on the Patent Roll, a writ (no. 25) to be found in slightly differing versions in the Burton Annals and among Matthew Paris’s Additamenta.

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1 *Letters of Henry III* (Rolls Series), ii. 129.
2 *Tiberius B. IV*, fo. 213v°. Awre or, as it is usually written, Aure is undoubtedly Oare, Somerset.
3 The name of John fitz Geoffrey is, however, erroneously retained.
4 He was alive on 8 November (*Cal. Patent Rolls* (1258-66), pp. 2, 5), but dead by 27 November (*ibid.* (1247-58), p. 666). Philip Basset and the bishop of London are mentioned as his executors on 29 November (*Close Roll*, 43 Henry III (C. 54/74), m. 14). We may note that Close Rolls, nos. 72, 73 and 74, are now available in print, but our references are adequate to identifying the entries cited and we have not therefore added references to the printed volume (*Close Rolls, 1256-59*).
5 See below, p. 305.
6 *Letters of Henry III*, ii. 130-2; *Annales Monastici*, i. 453-5.
7 *Foedera*, i. 381.
and a list (no. 28), which is entered on the Patent Roll, of the four knights in each county appointed to hold inquisitions into complaints of oppression. The writ to the sheriff mentioned in paragraph no. 27 may be one of 28 March, 1259, directing that there be read in the county court and elsewhere the long letter of that date explaining the reforms agreed to by the king and the barons, but the abstract is too summary to make this identification certain. The rest of the entries by reason of their novelty are of more interest.

Paragraph no. 26 appears to establish the date (10 July, 1258), hitherto unknown, of Edward's formal submission, and thus enables us to make a small but not unimportant correction in what has been understood to have been the order of events. The fact of Edward's submission is mentioned, without date, in the letter from "someone at court" embodied in the Burton Annals, but the wording suggests that this was after the departure of the Poitevins from Dover on 14 July, and has misled recent writers.

Paragraph no. 29 is certainly of considerable importance. It is a memorandum that the justices and other learned men—that is, the official councillors of the king—are to consider the amendment of the laws before the assembly of the next parliament: they are to meet a week earlier, when apparently they are to consult with the Fifteen. This procedure seems evidently designed to secure adequate consideration for those articles in

2 Foedera, i. 381: the actual terms of the writ are not entered on the Patent Roll.
3 Annales Monastici, i. 445.
4 Cf. Ramsay, *Dawn of the Constitution*, p. 175; Tout, *Political History of England*, 1216-1377, pp. 102-3; F. M. Powicke, *Baronial Council*, pp. 122-3. It is, however, evident from the letter entered on the Patent Roll, under date 12 July, addressed by Edward to all persons in Gascony, that he had by then made his submission (Cal. Patent Rolls (1247-58), p. 664; Foedera, i. 374). It may be noted that up to 11 July warning letters were being sent against acting on Edward's instructions (Cal. Patent Rolls (1247-58), pp. 639-41; Foedera, i. 374). Dr. Treharne (op. cit., p. 78) follows Matthew Paris (Chronica Maiora, v. p. 702) in giving the date of embarkation as 18 July; but there is no indication of such a delay in official documents and Fitz Thedmar states categorically that all, including William of St. Ermine and other followers of the king's brothers, crossed the Channel on the appointed Sunday or the following day (*Liber de Antiquis Legibus*, p. 38).
the "Petition of the Barons" which could not be dealt with in the brief time available at the parliament of Oxford, and it appears to have resulted in the *Providencia baronum Anglie*, whatever date we may ascribe to that document.\(^1\) The point, however, upon which we would lay stress is that we have here additional proof that the parliaments constituted according to the "Provisions of Oxford" were not, as has been suggested, "in fact composed solely of the king, the Council of Fifteen and that of the Twelve."\(^2\) The justices and the principal officers of the chancery and the exchequer had their place in the parliaments of Henry III as they had in the parliaments of Edward I, nor can we imagine that the justiciar would be absent.\(^3\) The appointment of fifteen magnates as permanent members of the council, with the addition of twelve others at the periodical parliaments, was intended to provide an elaborate means of control; but these devices implied the continuance of the normal judicial and administrative institutions of the country. Nor was there any suspension of the recognised course of parliamentary business, and in dealing with difficult questions referred to parliament the assistance of the judges and the king’s ministers must obviously have been required.\(^4\)

The point is of such fundamental importance in the history of parliament and the misconceptions so serious and so general that we need no excuse for going into some detail. Our conten-

\(^1\) For the text see *Oxford Studies in Social and Legal History*, viii. 366-9. Professor Jacob discusses the date at pp. 82 ff. and comes to the conclusion (p. 72) that the date is March, 1259, as Professor Powicke has also done (*Baronial Council*, p. 126, n. 4). But it is not easy to suppose that "anno . . . xl. secundo" in the heading to the Cambridge text is a scribal error for "anno . . . xl. tercio." The truncated St. Alban’s text which bears the date "anno . . . xl. xiiii" may represent a later recension, the opening paragraphs of which were practically identical with the first draft.


\(^3\) It should be unnecessary to point out that High Bigod, justiciar 1258-60, was a member neither of the Fifteen nor of the Twelve; see below, p. 304.

\(^4\) For some examples of the procedure under Henry III, see *Trans. Royal Historical Society*, Fourth Series, v. 56-8, 60-2, xi. 154.
tion is that the king's ministers continued to be members of his council, and as such were not only consulted from day to day, but attended parliament as a matter of course. A separate point is that the parliaments of 1258-61 were attended by many others besides the Fifteen, the Twelve and the king's ministers.

We are definitely told that in 1257 the barons of the exchequer and the judges took the councillor's oath, and there is ample evidence, apart from this, that they were in fact members of the council. Doubtless after June, 1258, the ministers tended to be overshadowed by the magnates, but they did not cease to be members of the council. Three examples will suffice, all of which we take from the Close Roll of 44 Henry III. The first entry we select shows conclusively that the treasurer was still a member of the council, as he had been in 1255:

Prouisum fuit die sabbati proxima post festum sancti Edwardi martiris (20 November 1259) coram iusticiano capitali, episcopo Wigornensi, Philippo Basset, I. de Crekhale thesaurario regis et aliis de consilio regis . . .

Incidentally, we may remark that the alii de consilio regis must have been members of lower status than the treasurer. Let us next compare two entries dated 4 September, 1260, at Clarendon. The first mentions that action has been taken "de consilio magnatum cum Rege tunc existencium." The other entry tells us who were the magnates then with the king who were acting as his councillors in attendance, for it is warranted "per ipsum regem, comitem Glouc' et I. Mansell', Robertum Wallerand et W. de Merton' tunc existentibus (sic) apud Clarindon." This is sufficiently conclusive evidence that at least one senior chancery clerk, Walter of Merton, was included among the council. The last example is a note of warranty, under date 28 October, 1260, "per Henricum de Bathonia et Henricum de Bratton' et per totum consilium," which certainly seems to imply the presence of the two judges at the council.

Having established the fact of the presence of the king's

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1 Annales Monastici, i. 395-6.
3 Foedera, loc. cit.
4 C. 54/75, m. 19d.
5 C. 54/75, m. 5.
6 Ibid., m. 1.
ministers in the council, we may turn to the evidence for their presence at parliament. A London chronicler informs us that the barons of the exchequer were present at the Michaelmas parliament at Windsor in 1254. They did not cease to attend in consequence of the constitutional changes introduced in 1258. When, for example, in 1259, a case is adjourned to parliament in order that the rolls of the exchequer might be consulted, we can be sure that the barons of the exchequer are again expected to be present. Again, it is arranged that a dispute between a Jew and his debtor shall be argued before the barons of the exchequer and the justices of the Jews at the Candlemas parliament of 1261. While we should be justified in deducing from this evidence that not only the barons of the exchequer but the justices and other important ministers must normally have been present at parliament, the Coke Roll fortunately provides positive evidence that this was so.

Who else were present? Now we do not doubt that the device of the committee of Twelve was intended to secure adequate representation at the parliaments of the prelates and magnates who were not of the council in the sense that the Fifteen were, while at the same time, by placing a special duty on the Twelve, the burden which frequent attendance might have been felt to be by many prelates and barons would be removed. But this did not mean that more than the Twelve would not come nor that a special summons might not be sent on special occasions. The period during which the country was governed according to the constitution agreed to at Oxford may be regarded as extending from the Michaelmas parliament of 1258 to the Candlemas parliament of 1261. Including these two meetings, eight parliaments in all appear to have been held in a period of a little under two and a half years. For four of these parliaments we have

1 *Liber de Antiquis Legibus* (Camden Soc.), p. 20.
3 *Close Roll, 45 Henry III* (C. 54/77), m. 17.
4 Below, p. 315.
direct evidence that a large assembly was summoned. The first of them was attended by a large number of knights from the counties, although it is doubtful whether, as a body, they took any real part in the proceedings.\(^1\) The Michaelmas parliament of 1259 was attended by a large number of prelates and magnates as well as an *innumerabilis populus*, who presumably came to watch.\(^2\) To the Easter parliament of 1260 more than a hundred prelates and barons were summoned by special writ,\(^3\) and we know that, in the event, others attended, among them being Edward, Simon de Montfort and the king of the Romans.\(^4\) Finally, to the Candlemas parliament of 1261 twenty-seven barons were specially summoned, only five of whom we know to have been among the Fifteen or the Twelve.\(^5\) Our information is so fragmentary, in particular the enrolment of writs of summons is so casual, that we cannot be at all certain of the numbers attending other parliaments in 1259 and 1260, but there are some indications that there was more than the minimum attendance. For example, there was probably a fairly large attendance at the Candlemas parliament of 1259, upon which fresh light is thrown by the following paragraphs of the Coke Roll.

Paragraph no. 30 deals with the measures of control to which Edward was subjected. It mentions the council which had been selected for him—possibly the four named in the Burton Annals as his appointed counsellors\(^6\)—who were to be bound by a like oath to that taken by the Fifteen; Edward’s chancellor was to seal nothing but that to which his council agreed. This pro-

\(^1\) See the writs on the Patent Roll (*Calendar (1247-58)*, pp. 645-9), and Close Roll (*English Historical Review*, xlvi, 631-2).


\(^3\) *Lords’ Reports*, iii, 19-20 (from Close Roll); *Cal. Patent Rolls (1258-66)*, p. 123; see also Powicke, *Baronial Council*, pp. 133-4, where the documents from the Close Roll, except the list of names, are again printed.

\(^4\) *Liber de Antiquis Legibus*, pp. 44-5. This account is substantially confirmed by letters of 10 April from the king to the justiciar and the mayor of London (C. 54/76, m. 2d).

\(^5\) *Lords’ Reports*, iii. 23. The five are the earls of Warwick and Winchester, John Balliol, Thomas Gresley and William Bardolf: see lists below.

\(^6\) *Annales Monastici*, i. 445.
vision seems to be otherwise unknown and it helps to explain
the agreement of 14 March, 1259, for freeing Edward.¹

Paragraph nos. 31 and 32 add appreciably to our knowledge
of the happenings in the early months of 1259. It is known, of
course, that on the feast of St. Peter in Cathedra (22 February)
there was a formal declaration by the council and the twelve
representatives of the Commune of their intentions regarding
reforms—a document entered higher up on the Coke Roll
(paragraph no. 24). Preparatory to this declaration and on the
same day there had been, it appears, a solemn compact “for
the service of the king and the government of the kingdom” between
the council and the Commune, to which the clergy became parties
by a separate instrument. Simon de Montfort and the Earl of
Gloucester acted on behalf of the council, the Earl of Winchester
and Thomas Gresley on behalf of the Commune, and the bishops
of Worcester and Salisbury on behalf of the clergy. Incidentally
we may note that, since the bishop of Salisbury was one of the
proctors of the clergy, there was pretty certainly a substantial
gathering of prelates at the Candlemas parliament of 1259, at
least of others than those who chanced to be among the Fifteen
or the Twelve.

Paragraph no. 33 indicates the degree of humiliation to which
the king was subjected. At Oxford it had been decided to reform
the royal households; in practice this seems to have meant the
ejection of the more dignified of the king’s (and presumably also
of the queen’s and Edward’s) menial servants.² Doubtless some
of these had been guilty of abusing the king’s right of prise,³ and

We may observe that it is highly probable that all those whose names are
mentioned in this document attended the Candlemas parliament.

² The reform of the households of the king and queen is mentioned in both
versions of the “Provisions of Oxford” and the households of the king and
Edward in the letter “from someone at court” in the Burton Annals (Annales
Monastici, i. 445). It has been doubted whether any serious attempt was made
to carry this into effect (Tout, Chapters in Medieval Administrative History, i.
298-9). Certainly there seems to have been no complete purge. Though the
stewards, for example, were displaced (ibid.), as well as the cook and the usher of
the buttery, the marshal of the horse, Elias of Rochester, remained (Cal. Charter

³ Cf. article no. 22 of the petition of the barons and paragraph no. 2 of the
Coke Roll.
the establishments were probably upon an extravagant scale, but the blow to royal pride would not be mitigated by such considerations. In this, as in other matters, the barons provided a precedent for the Ordainers in their dealings with Edward II.  

II.

We turn now to discuss the relation of the Coke Roll to other contemporary records.

It is but rarely in the Middle Ages that we have so many documents, as we have for the years from 1258 to 1267, to illustrate the successive stages of legislation and constitutional reform. If we had to rely solely upon official sources our information would be much more fragmentary than it is, for although at one time there must have been on the chancery files a collection of minutes, memoranda and drafts, these have long since been dissipated and destroyed, and the documents considered worthy of enrolment were few. But because there existed for a time a council dominated by a baronial oligarchy which, it is scarcely an exaggeration to say, in Professor Powicke's words "was not regarded and did not behave as an expression of the Curia Regis," there was need for the multiplication of documents which normally perhaps would exist only in one or two copies. In this way several private or semi-official collections of state papers were doubtless made, collections varying in content with the interest or duties of their original possessors. The most noteworthy of those that survive in any form is the one that came into the hands of the Burton annalist. Another collection probably found its way to St. Albans, although relatively little of it was entered in the Liber

1 Cf. Conway Davies, *Baronial Opposition to Edward II*, pp. 382 ff. As soon as he could Henry, of course, removed the baronial nominees from his household: *Annales Monastici*, iv (Wykes), 129. There seems to be a reference to the household in the king's complaint in 1261 that the council have removed from him those whom he likes and has found loyal and good and who know how to manage his affairs to advantage: *English Historical Review*, xli, 567 (17).

2 *Essays presented to T. F. Tout*, p. 123.

3 *Annales Monastici*, i. 439-84: other matter is interspersed.
Additamentorum.1 Tiberius B. IV, which contains, besides the "Provisions of Oxford," a lengthy statement of the grievances of the king against the council and the council's replies, seems to imply the existence of a collection covering the period from June, 1258, to February, 1261.2 The Coke Roll contained an extensive collection of documents covering less than a year from June, 1258, onwards.

We can, we think, point to evidence that these collections were made with a practical end in view, and were not merely put together as souvenirs or to gratify monastic historians. We have already drawn attention to the differences in the lists of those composing the council of Fifteen, the Twelve and the Twenty-four to treat of the aid for the king.3 These differences can only have been due to attempts to keep the lists up to date, although it would seem that an imperfect indication of the omission of a name might cause the copyist sometimes to include one or two too many: in this way we may account for the twenty-five names in Tiberius B. IV and the twenty-six names in the Coke Roll, where we require only twenty-four for the complement of the commission to treat of the aid. The differences in the lists of the council and the Twelve are of greater historical importance and merit some detailed study.

We should compare the lists supplied by the different versions of the "Provisions of Oxford" with lists entered upon the Close

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1 Cf. Flores Historiarum, ii. 473-4: "quarum tenor [sc. letters from the king in 1261] in fine huius libri vna cum prouisionibus Oxonie apponetur." Apart, however, from the letters between the barons and the pope (Chronica Maiora, vi. 400-16), the only documents in the Liber Additamentorum likely to have come from such a collection are the incomplete "Nova provisio Magnatum" (pp. 496, 497 n.) and the "Provisions of Westminster" (p. 512), both of which have been edited by Professor E. F. Jacob, Oxford Studies in Social and Legal History, viii. 366-76. The copy of the writ of 28 July, 1258, inserted in the Liber Additamentorum seems to have been obtained locally, for it is taken from that addressed to the four knights appointed for Hertfordshire (Chronica Maiora, vi. 396-7), while the copy used by the Burton annalist looks like an official draft (Annales Monastici, i. 456-7).

2 Tiberius B. IV, fos. 213 ff. The second document has been printed by Professor E. F. Jacob in English Historical Review, XLII, 564-71.

3 Above, p. 294.
Roll about the end of April, 1259, and upon the Memoranda Roll of the Lord Treasurer’s Remembrancer in the Michaelmas term, 1259. The lists in the Burton Annals and Tiberius B. IV are identical and we have therefore four lists in all, covering a period roughly from June, 1258, to September, 1259. For convenience we set them out below, reducing each list to the order in which the names appear in the Burton Annals:

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<td>(1) Archb. of Canterbury</td>
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<td>(2) Bishop of Worcester</td>
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<td>(3) Earl of Leicester</td>
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<td>(4) Earl of Gloucester</td>
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<td>(5) Earl Marshal</td>
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<td>(6) Peter of Savoy</td>
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<td>(7) Earl of Aumale</td>
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<td>(8) Earl of Warwick</td>
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<td>(9) Earl of Hereford</td>
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<td>(10) John Mansel</td>
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<td>(11) John fitz Geoffrey</td>
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<td>(12) Peter de Montfort</td>
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<td>(13) Richard Grey</td>
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<td>(14) Roger Mortimer</td>
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<td>(15) James of Audley</td>
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<tr>
<td>Philip Basset</td>
<td>—</td>
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<td>(11)</td>
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<tr>
<td>Hugh Bigod, Justiciar</td>
<td>—</td>
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<tr>
<td>Henry of Wingham, Chancellor</td>
<td>—</td>
<td>(16)</td>
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1 Close Roll, 43 Henry III (C. 54/74), m. 12d. The lists of the Fifteen "Iurati de consilio Regis" and the Twelve "Iurati ex parte communitatis regni" are undated, but their place upon the roll indicates their date, apart from internal evidence.

2 E. 368/35, m. 4, entered among the Communia of the Michaelmas term: the list of those "ex parte communitatis electi" are entered on the face of the roll and upon the dorse is a list headed "Isti sunt de Consilio."

3 The original order in each case is indicated by the five series of numbers which follow the sequence of the manuscripts. We cannot trace any significance in the variations in order. The close relation between the Burton-Tiberius and Coke texts is, however, evident. In the original list of the Twelve the name of Philip Basset must have been so written as to make his position uncertain: his name is, however, the only one that varies in its order. In the Coke list of the Council, Philip Basset fills the place left vacant by John fitz Geoffrey’s death, but there is no other variation except that the earls of Aumale and Hereford have been reversed in order.
The Twelve.

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<tr>
<td>(1) Bishop of London</td>
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<td>(2) Earl of Winchester</td>
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<td>(3) [Humphrey de Bohun]</td>
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<td>(4) Philip Basset</td>
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<td>(5) John Balliol</td>
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<td>(6) John of Verdun</td>
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<td>(7) John Grey</td>
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<td>(8) Roger of Sumery</td>
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<td>(9) Roger of Monthaut</td>
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<td>(10) Hugh Despenser</td>
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<td>(11) Thomas Gresley</td>
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<td>(12) Giles of Argenton</td>
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<td>William Bardolf</td>
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<td>(12)</td>
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<td>Earl of Oxford</td>
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From these lists it would seem as though the vacancy in the council caused by the death of John fitz Geoffrey in November, 1258, was not filled by the appointment of Philip Basset until six months or more had elapsed. It should be noted that, although the names of the justiciar and the chancellor are added to the Close Roll list, this does not imply that either was among the Fifteen; quite obviously their presence on the council would be a matter of right.\(^1\) That their names are omitted from the other

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\(^1\) Another list, dated 13 October, 1259, identical with that in the Coke Roll and the Memoranda Roll, but with the addition of the name of “Hugues le Bigot, justice de Angleterre,” is to be found in the ratification of the Treaty of Paris by the council (Layettes du Trésor des Chartes, iii. 490; also, from an incorrect copy among the Carte Papers, Foedera, i. 390). Hugh Bigod’s name appears also in what seems intended for a list of the Fifteen in the Cronica Maiorum et Vicecomitum Londoniarum, s.a. 1257-58, which, however, lacks the names of Richard Grey and John fitz Geoffrey, although it seems to date from before the death of the latter, who is subsequently mentioned. Hugh Bigod must presumably be included as justiciar (Liber de Antiquis Legibus, pp. 37-8). The notes of warranty on the Chancery Rolls also frequently include the justiciar by name among the members of the council: Cal. Patent Rolls (1247-58), p. 440, (1258-66), pp. 8, 11, 60, 61, 63 et passim; Cal. Charter Rolls, ii. 23; Close Roll 42 Henry III (C. 54/73), mm. 5, 4, 43 Henry III (C. 54/74), mm. 14, 6, 5d, 44 Henry III (C. 54/75), mm. 19d, 14, 9, (C. 54/76), mm. 4d, 2d; Fine Roll 43 Henry III (C. 60/56), m. 10, 44 Henry III (C. 60/57), m. 11. The name of the chancellor is rarely mentioned in notes of warranty since he was assumed to be cognizant of all documents sealed (cf. Maxwell-Lyte, Great Seal, pp. 141 ff.); we do, however, find instructions of 16 November, 1258, to the justiciar and James le Sauvage, “prout nuper de consilio magnatum Regis ordinatum fuit,” warranted “per mandatum domini H. de Wengham” (C. 54/74, m. 15).
lists signified no more than that their membership of the council was assumed. The important question was “which of the magnates was required to attend although holding no ministerial office?”; in other words, “who constituted the Fifteen?"

It may be observed that Humphrey de Bohun appears as “Earl of Hereford” in the Burton-Tiberius list of the Twelve, and that in both the Coke Roll and the Memoranda Roll the name of Philip Basset has been included among the Twelve, presumably by mistake, after his appointment to the Council. It may further be noted that Fulk Basset, bishop of London (against whose name the word mortuus has been written in the Memoranda Roll), died on 21 May, 1259, and that John of Verdun had already left for Ireland on 23 May when he was granted letters of protection until Christmas; this may account for the omission of the latter from the Close Roll list, William Bardolf taking his place. We surmise that the vacancy left by the death of the bishop of London was filled by the reappointment of John of Verdun, as indicated in the Coke Roll, and that the earl of Oxford displaced Philip Basset, as the Memoranda Roll suggests.

Just as the lists of the Council and the Twelve were kept up to date, so it is probable that some attempt was made to keep up to date the list of the keepers of the king’s castles. The list on the Coke Roll has not been preserved in the abstract (paragraph no. 14), and we are therefore deprived in this case of the opportunity of comparing the names with the other lists that have

1 The expression frequently used at this time, that action was taken “de consilio procerum (or magnatum) qui sunt de consilio,” or some similar phrase, appears undoubtedly to indicate that the Fifteen, or a sufficient number of them, were present. For examples of this formula, see Excerpta e Rotulis Finium, iii. 296, 309, 318, 334; Cal. Patent Rolls (1247-58), pp. 644, 649, 650, 654 (1258-66), pp. 1, 3, 4 et passim; Cal. Charter Rolls, iii. 16-18, 20, 25-7; 35; Close Roll 42 Henry III (C. 54/73), m. 2d, 43 Henry III (C. 54/74), mm. 15, 15d, 13d, 44 Henry III (C. 54/75), mm. 8, 5, 2.

2 Cf. Treharne, op. cit., p. 87 n.

3 His burial is recorded on 25 May (Matthew Paris, Chronica Maiora, v. 747), but no chronicler appears to give the day of his death; his obit, however, was celebrated on the 21st (Sparrow Simpson, Documents illustrating the history of St. Paul’s Cathedral, pp. 66, 84); cf. Cal. Patent Rolls (1258-66), p. 23: licence to elect. 24 May.

4 Ibid.
survived. We may remark, however, that the list in Tiberius B. IV includes the name of William of Clare as keeper of Winchester Castle,¹ while the list in the Burton Annals leaves the name of the keeper blank.² We know from the Patent Roll that the castle was committed to William of Clare on 22 June, 1258, but, his death speedily following,³ it was on 4 August committed to the earl of Leicester.⁴ The conclusion seems necessary that the original of the list of keepers of castles in the Burton Annals was corrected before 4 August, 1258, while the corresponding list in Tiberius B. IV escaped correction, although the list of the commission to treat of the aid for the king in the same manuscript had been subsequently corrected, if imperfectly.⁵ The entire omission of Scarborough and Northampton Castles⁶ from the Tiberius list does not seem to have any significance; it was presumably one of the several copyist’s errors to be found in that version of the “Provisions of Oxford.”

Incidentally it will be observed that the heading of the list in the Coke Roll shows that it was the Twenty-four who determined to whom the castles should be allotted,⁷ a fact seemingly not specifically mentioned elsewhere. Since this action was in compliance with two articles of the petition of the barons,⁸ it seems reasonable to deduce that the petition as a whole was referred to the Twenty-four. It seems to have escaped notice,⁹ we may add, that, of the twenty-one castles in the list, in the case

¹ Tiberius B. IV, fo. 214 v°. ² Annales Monastici, i. 453.
³ He was alive in the early days of July, since he was one of the knights sent “ad arrestandum et consignandum” the money deposited by the Poitevins in religious houses: see Cal. Patent Rolls (1247-58), p. 643, Annales Monastici, i. 445.
⁵ Above, p. 294.
⁶ It is, however, evident that Gilbert of Ghent did not at once obtain possession of Scarborough Castle, see Cal. Patent Rolls (1247-58), pp. 638, 665; and on 29 March, 1259, the appointment of keepers was renewed in the case of Dover, Scarborough, Nottingham and Bamborough, apparently because a new oath was exacted giving greater control to the Fifteen: Cal. Patent Rolls (1258-66), p. 19.
⁷ An entry of 9 September, 1259, on the Patent Roll states that this was done by the “nobles of the council” at the Oxford parliament, Cal. Patent Rolls (1258-66), p. 42.
⁸ Annales Monastici, i. 439. ⁹ Cf. Treharne, op. cit., p. 74.
of seven—Devizes, Horston, Gloucester, Rochester, Canterbury, Newcastle-upon-Tyne and Bamborough—no change whatever was made; the five keepers of these castles were presumably confirmed in their office, but no fresh instructions of any kind appear to have been issued to them.¹

It will be evident from what has been said that all the texts of the "Provisions of Oxford" have suffered correction to a greater or less degree; all too have suffered in other ways. It must, we think, be obvious that the original behind the texts provided by the Burton Annals and Tiberius B. IV was in a state of confusion and included matter which, strictly speaking, is irrelevant. The list of the Twenty-four could not have formed part of the "Provisions of Oxford," for, as Professor Powicke has emphasised, the Twenty-four were appointed early in May.²

It is not therefore an indication of incompleteness if the Coke Roll omitted this list. The Coke Roll, however, lacked also a large section of seven articles dealing with the reform of the Church, the appointment of the justiciar, the treasurer and the chancellor, the powers of the justiciar and the taking of rewards by the king's ministers, the appointment of sheriffs, and the

¹ John du Plessis, however, superseded Robert Neville at Newcastle on 3 November, 1258: Cal. Patent Rolls (1247-58), p. 655. For the keepers of the seven castles before the Oxford parliament, see ibid., pp. 417, 419, 457, 620, 622. The bulk of the new appointments settled at Oxford had effect from 22 June, others from 23 and 27 June, ibid., pp. 637-9. Sherborne, which is not mentioned in either the Burton Annals or Tiberius B. IV, was not committed to Stephen Longespee, who already had been given Corfe, until 11 July, but this decision was taken after the break-up of the Oxford Parliament (ibid., p. 639). For later changes see ibid., pp. 649, 654-5.

² Baronial Council, p. 120. We doubt, however, whether they "had probably been at work for a month before the adjourned parliament met," if by this is meant that they assembled as a body and drafted proposals. The language of the letters patent of 2 May (Foedera, i. 371—the Calendar is inaccurate) and of 5 May (Cal. Patent Rolls (1247-58), p. 627) seems impossible to reconcile with this view. Probably members of both groups of twelve did in the interval consider to some extent the problems with which they were charged, and there may have been opportunities for consultations between both sides; but three of the Twenty-four, Simon de Montfort, Guy de Lusignan and Hugh Bigod, were for practically the whole of the time in France (M. Cavrilovitch, Étude sur le Traité de Paris de 1259, pp. 22-5; Foedera, i. 371; Layettes du Trésor des Chartes, iii. 413-15), and it seems certain that the first formal meeting was at Oxford. See Treharne, op. cit., p. 69, for a similar view to our own.
reform of the Jewry.¹ The explanation of this omission is, doubtless, that the section should come at the beginning of the "Provisions," that it was lost from the Coke Roll—being written perhaps on a separate membrane—sometime between the date of its writing and the seventeenth century, and that it was misplaced in the Burton-Tiberius original. Nor can we conceive of any document such as the "Provisions of Oxford" being drafted in a way which put an article providing for the reform of the Church in the place it occupies in the Burton Annals and Tiberius B. IV; the mediæval sense of propriety would, without question, have put the Church in the first paragraph. The four articles which deal with the principal officers of the Crown thereupon follow logically² and, it may be noted, grammatically. The article concerning sheriffs comes naturally after one dealing with the king’s ministers, and a reference to the exchequer might well then suggest the Jewry. Escheators are a kindred subject, and with the paragraph that concerns them we come to the beginning of the Coke Roll, the order of which seems manifestly superior to that of the other texts. It seems obvious, for example, that the oath of keepers of the castles and their names should come together, as they do in the Patent Roll³ and the Coke Roll, and should not be widely separated. And again, the provision that three parliaments are to be held a year should come logically before the names of the Twelve elected to treat with the council at those parliaments. Two paragraphs, however, in the first twenty-two articles of the Coke Roll appear to be interpolations: the eleventh which records the delay granted to Henry of Almaine before deciding whether or not to take the oath of the Commune, and the thirteenth, the king’s letter of 4 August, 1258. The former is not in pari materia, and makes an obvious interruption; the latter, being subsequent to the date of the proceedings at Oxford, seems manifestly out of place. For in our view it seems necessary to suppose that the conclusions of the Oxford parlia-

¹ *Annales Monastici*, i. 450-1; above, p. 293.
ment were reduced to writing, not only in the form of separate memoranda as individual decisions were made, but in the form of ordered minutes to which reference could be made by the new government which carried on the work of the Twenty-four.

Some explanation is needed of the relations between the Twenty-four and the reconstituted Council to which they handed over the task of reform. We must admit that the exact scope of the activities of the Twenty-four is likely to remain conjectural, largely, however, because the conception of what should be their functions changed rapidly under the impact of the events of June and July, 1258. Originally they seem to have been charged with all save, perhaps, the routine work of the king’s council. Besides their general duty to “order, rectify and reform” the affairs of the kingdom,\(^1\) they were expected, for example, to settle the difference between the king and Simon de Montfort as to the lands to be assigned in respect of the yearly fee and the debts due to him.\(^2\) The statement in the “Provisions of Oxford” that the Twenty-four were to reform the affairs of the Church “kant il verrunt liu et tens” shows pretty conclusively that the *gravamina* of the clergy,\(^3\) as well as the “Petition of the Barons,”\(^4\) had been referred to them. Ultimately the Twenty-four were superseded by the Fifteen; but for a few weeks the two bodies may have had some sort of co-existence.\(^5\)

The Fifteen had not been selected by 22 June,\(^6\) but the new council was certainly constituted by the 28th, upon which day Henry of Wingham took oath “coram baronibus Anglie de custodia sigilli Regis.”\(^7\) The Lusignans had withdrawn in the


\(^3\) *Annales Monastici*, i. 412 ff. The articles as given here are presumably not in the form in which they were ultimately presented to the king.

\(^4\) Above, p. 293.

\(^5\) As seems to be implied by the language of the paragraph in the “Provisions” dealing with the chancellor’s oath (see below, p. 313). Dr. Treharne takes another view (*op. cit.*, p. 75), but he does not explain why the king delayed until 4 August his formal acceptance of the council of Fifteen. There are, of course, difficulties, however we explain the sequence of events.


\(^7\) Close Roll 42 Henry III (C. 54/73), m. 6d. The oath was, of course, that set out in the “Provisions of Oxford” requiring the assent of the council to all important documents that passed the seal (*Annales Monastici*, i. 439).
interval;¹ and on the 28th the Oxford parliament seems to have broken up to go in their pursuit. Some days of confusion followed. Wingham himself did not rejoin the king until 3 July at Winchester.² On 5 July the Lusignans received their safe-conduct for overseas.³ Since William of Valence and Guy and Aylmer of Lusignan had been three of the Twenty-four, it is obvious that three vacancies were now created, unless, as is indeed probable, they had already been replaced by Peter of Savoy, the earl of Aumale and James of Audley, the three magnates elected to the council of Fifteen, who were not among the king’s or barons’ original nominees. However that may be, only seven of the Twenty-four (excluding the Lusignans) did not find a place either among the Fifteen or in an office which constituted membership of the council, for, as we have already pointed out, Hugh Bigod and Henry of Wingham, as justiciar and chancellor, were members ex officio. It might well, therefore, have been difficult to have distinguished the actions of the Twenty-four from those of the council, but it seems certain that it was quite definitely the council that at once took up the tasks left unfinished at Oxford, and also assumed the direction of current affairs.

On 8 July, while the court was still at Winchester, it was arranged that the “amendment a la Gyuerie,” which is mentioned in the “Provisions of Oxford” as a task to be performed, should be considered on the 28th of the month. The entry on the Close Roll ⁴ is worth reproducing in full:

De Iudeis.—Quia Rex intendit ordinare de Iudaismo suo per consilium suum die dominica proxima post festum sancte Marie Magdalene, prouisum est per consilium Regis et mandatum est Balliuo de Walingford, et constabulariis Castri Wintonie et Turris Londoniarum quod omnes prisones Iudeos in custodia sua detentos deliberent quousque prouisio predida facta fuerit.

It is evident from this that not only had the council fixed the day for the consideration of the question, but that it was the council which would decide upon the reforms to be effected. In the

² Close Roll, loc. cit. ³ Foedera, i. 374. ⁴ C. 54/73, m. 6d.
latter part of July also a large number of letters, all bearing the date 1 August, were prepared and dispatched to Rome by the hands of master Rostand, the nuncio; "and all this," we are told, "was done by the counsel of the earl of Leicester, the earl Marshal, Peter of Savoy, the earl of Warwick, John Maunsel, John fitz Geoffrey, Peter de Montfort and others of the king’s council." 

Moreover, we have the notes of warranty upon the chancery rolls which clearly testify to the authority exercised by the council from 6 July onwards.

But it would seem as though the committee of the Twenty-four had not yet been formally dissolved. A passage in the *Cronica Maiorum et Vicecomitum Londoniarum* describes the action of "quidam de predictis duodecim baronibus"—presumably the twelve elected in May *ex parte procerum*—in obtaining the formal adherence of the City to "quicquid predicti barones providissent ad commodum et emendationem regni." This was on 23 July; on 4 August, but not until then, the king formally announced the constitution of "nostre conseil des prodes hommes de nostre terre" for redressing and amending all the affairs of king and kingdom, promised to accept the decisions of the majority, and required general obedience to their "establissemens." From that date, therefore, the Fifteen, together with the justiciar, constituted the effective and acknowledged govern-

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1 C. 54/73, m. 4d.; *Foedera*, i. 376.

2 With *Cal. Patent Rolls* (1247-58), p. 640, where, on that date, the earl of Leicester, the earl of Gloucester, the earl Marshal, the justiciar, John fitz Geoffrey, John Maunsel and others of the king’s council are warranted, compare *ibid.* (1258-66), pp. 8, 11, 15 et passim. On the Close Roll the formula "*per consilium Regis*" is employed on 6 and 7 July (C. 54/73, m. 6d), on 9 July, "*per Hugonem Bigod iusticiarium et consilium Regis*" (*ibid.*, m. 5). Warranty "*per consilium*" is, of course, ambiguous: letters so warranted may be found on 21 June and the council in this instance may be the Twenty-four (*Cal. Patent Rolls* (1247-58), p. 636).

3 *Liber de Antiquis Legibus*, pp. 38-9. We must remember that, including the justiciar, ten of the twelve baronial nominees were on the council; they could therefore be rightly described as deliberating between 23 July and 5 August "*super usibus et consuetudinis regni in melius conformandis.*" for this the council was doing.

4 *Letters of Henry III*, p. 129. It is perhaps not without significance that on this same day Simon de Montfort was appointed keeper of Winchester Castle; above, p. 306.
ment of the country; \(^1\) up to that date, however, it seems to have lacked formal recognition and to have been covertly opposed by the king and his friends.

The council proceeded with the tasks set by the Oxford parliament. On 5 August, the day after the king's announcement of the new council, proclamation was made in London regulating the exercise of the king's right of prise,\(^2\) one of the reforms, as the Coke Roll indicates, decided upon at Oxford. Other reforms, in particular those demanding more formal legislation, could not be accomplished so speedily; but again we may note that the limitation upon the acquisition of land by religious houses, another of the reforms of the Oxford parliament of which we are informed by the Coke Roll, was included in the "Provisions of Westminster" in October, 1259.\(^8\)

Without attempting, however, to show in any detail the manner and order in which effect was given to the resolutions of the Oxford parliament, it is clear that very little was accomplished immediately, and that it was some weeks before the council had a free hand. It was then a mere matter of prudence to collect the scattered memoranda of such decisions as had been taken, and to reduce them to order. This step was taken, it would seem, early in July or on the last day or two of June, for we have no hesitation in ascribing the original of the Burton-Tiberius text to that time. The list of keepers of castles contains no appointment later than 27 June: it is an Oxford list.\(^4\) Nor is there anything in the original—as distinguished from corrections in the two copies—which points to the use of material of a date later than June or (excepting the paragraphs regarding the election of the Twenty-four) from any source other than the resolutions of the Oxford parliament. The confusion of the text may be due to haste or to the incompetence of the clerk employed to put together material on perhaps half-a-dozen slips of parchment;

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\(^1\) As Professor Powicke has demonstrated, op. cit. Even more convincing perhaps is the separate ratification of the Treaty of Paris by the Fifteen and the justiciar (Layettes du Trésor des Chartes, iii. 490; above, p. 304).

\(^2\) Liber de Antiquis Legibus, p. 39.

\(^3\) Statutes of the Realm, i. 10; Annales Monastici, i. 474, 482.

\(^4\) Above, p. 307.
but the confusion certainly dates from the day of the redaction of the document.

The date of the Coke text is less certain. It did not owe its origin to an attempt to correct the Burton-Tiberius text: it was an independent recension of similar, but not quite identical, material. Where the Coke Roll gave a French version of what appears in Latin in the Burton-Tiberius text—as in paragraphs nos. 6, 18, 19 and 21—we can be pretty sure that the two compilers had before them the memoranda of different clerks. On the whole, it seems most likely that the Coke text was compiled at very much the same time as the Burton-Tiberius text, when the desirability, if not the need, of a permanent record of the resolutions of the Oxford parliament was most obvious. If that is so, the corrections in the various lists, as well as the interpolations of paragraphs nos. 11 and 13 and the addition of paragraphs nos. 23 to 33 in the abstract, would have been the work of a later hand. Whether the Coke Roll was the altered original or a copy of it we have no means of knowing.

We have inferred that the "Provisions of Oxford" are in fact the resolutions of the Oxford parliament and not merely the resolutions of the Twenty-four. What we conceive to have happened is that the Twenty-four, from time to time during the session of the parliament, stated their proposals and that, possibly after debate, these received the approbation of the king and others present. In this way the language and some of the inconsistencies of the document can be explained. The Twenty-four never speak in the first person: if they speak at all in any of the articles it is in oratio obliqua. Next, if we examine the paragraphs concerning the chancellor, we must recognise that the oath which he is to take was drafted on some other occasion than the brief article which we would place fourth in the proper order of the "Provisions." ¹ Note the attempt to provide for every eventuality, while there is some effort to soften the language. By the earlier article the chancellor is required not to seal anything "hors de curs par la sole volunte del rei, mes le face par le

¹ For the two articles, see Annales Monastici, i. 439. Only the oath was to be found on the Coke Roll (paragraph no. 17), the other article, as we conceive, must have been upon an earlier membrane subsequently lost; see above, p. 307.
In the later article such things are not to be sealed "sanz le commandement le rei e de sun cunseil ke serra present"—a delicate restatement of the position—while grants of any considerable wardship or sum of money or escheat require the agreement of the Fifteen,¹ and nothing must be sealed contrary to any ordinance made or to be made by the Twenty-four. Again, the two paragraphs regarding the election of the Fifteen are clearly the work of two occasions; and that which formed paragraph no. 10 of the Coke Roll must be earlier than the paragraph (no. 19) giving the names of the council.²

Does either text of the "Provisions of Oxford" possess any special authority? There can, of course, be no question of the substantial authenticity of each separate paragraph. In some instances we possess independent official texts of the same documents;³ and where we do not, other contemporary evidence is as a rule conclusive.⁴ The question we wish to put is whether the Coke text, as we might reconstruct it, is more "official" than the Burton-Tiberius text. Manifestly it is superior in arrangement and, if we are right in our assumption that when it came into Selden’s hands it had lost the opening section which we can restore from the Burton-Tiberius text, the Coke text was more complete, since it supplied two additional articles (nos. 2 and 7).

But even so we cannot regard the Coke text as anything more than ordered memoranda prepared for the information of some

¹ This is, we think, implied by the words "le assentement del grant cunseil." In the fourteenth century the term "great council" appears always to indicate the presence of magnates as well as ministers: it is not a common expression in the thirteenth century.

² The repetition of the names of the four electors and the method of election indicates that paragraph no. 20 with no. 19 once formed an independent document, the whole of which was mechanically copied.

³ Besides the lists of the Fifteen and the Twelve, the oath of the keepers of castles which is to be found on the Patent Roll (Calendar (1247-58), p. 637) and the K.R. Memoranda Roll (E. 159/32, m. 11, schedule).

⁴ E.g. the names of the four electors are on the Patent Roll (Shirley, Royal Letters, ii. 128; Calendar (1247-58), p. 637), as are also the names of the keepers of castles (above, p. 306 f.). The provision for three parliaments a year is mentioned in the replies of Simon de Montfort to the articles drawn up against him in 1260 (Bémont, Simón de Montfort (1884), p. 351). And see pp. 293, 307 above as to the Jewry and paragraphs nos. 2 and 7 of the Coke Roll.
member or members of the council. In this sense we believe the Coke text to have been official, and we regard the Burton-Tiberius original in the same light, the latter being a less carefully compiled document by a less able clerk, but intended to serve a similar purpose. Knowledge of these memoranda was for the few within the government circle and for those to whom they cared to communicate them. That neither text was intended as a public document is practically certain, since, apart from the absence of the "Provisions of Oxford" from any roll of the chancery and exchequer, there is no evidence of such a document in an authoritative form, with preamble or attestation, and this at a time when documents intended for public information were drawn up with careful attention to such clauses.

The "Provisions of Oxford" were not designed, then, to be a permanent record. The purpose of such copies as were made was temporary and practical. By the time the Michaelmas parliament of 1259 had accomplished much of the task that had been begun at Oxford, their immediate interest must have diminished; and it may be significant that neither in the Burton-Tiberius text nor in the Coke text can we date any alteration later than the autumn of 1259.¹ Before many months were over there were no further alterations to make.

Public documents continue regularly to refer to the authority of the magnates of the council until about the end of 1260,² but soon after cease to do so, although a grant is made by their advice on 7 January, 1261,³ and there seems to be a reference to action

¹ As shown in particular by the lists of the council and the Twelve. It may be noted that early in 1260 Peter of Savoy seems to have been removed from the council (Bémont, Simon de Montfort (1884), p. 351), while another vacancy was created by the death of the Earl of Aumale at Amiens a few months later (Flores Historiarum, ii. 450; Excerpta e Rotulis Finium, ii. 327). Again, the death of Roger of Monthaut some time before 28 June, 1260 (ibid., ii. 329) must have created a vacancy among the Twelve.

² For instances in October and November see Cal. Patent Rolls (1258-66), pp. 95-7, 127-8, Close Roll, 45 Henry II (C. 54/77), mm. 25, 26d. Notes of warranty "per consilium" continue into December in the Close Roll and then cease. Dr. Treharne believes that internal changes and conflict altered the character of the council during 1260 (op. cit., pp. 235 ff.); nominally, at all events, it kept in being until early in 1261.

³ Cal. Charter Rolls, ii. 35.
taken with their approval in February.\footnote{Cal. Patent Rolls (1258-66), pp. 142, 149; the reference to them on p. 151 takes us back to 1258.} Certainly it was intended in November, 1260, that the claim of the Earl Marshal to the custody of prisoners condemned in the eyres of the justiciar should be determined by the magnates of the council in the following Candlemas parliament.\footnote{Trans. Royal Hist. Soc., Fourth Series, v. 61.} This parliament, meeting on 23 February,\footnote{C. 54/77, m. 17.} to which the king invited his friends to come in arms,\footnote{Lords' Reports, iii. 23.} is, however, the turning point. The smouldering dissension flared up into acrimonious dispute between king and council.\footnote{To this parliament we would ascribe the articles of the king against the council and the council's replies, preserved in Tiberius B. IV.} Thereafter there are no more references to the authority of the magnates of the council: the king is governing without their advice.\footnote{Cf. Flores Historiarum, ii. 464, where the king, addressing the magnates (of the council) apparently on the occasion of this parliament, is reported as saying: "Unde non miremini si, vestro non amplius consensurus consilio, vos volis relinquam de cetero."}

When the king had struggled free from baronial control, the details of the "Provisions of Oxford" could have had little more than historical interest. It is true that they continued to furnish a text to the dissident barons, and when in August, 1261, John Maunsel summoned Hugh Bigod to surrender Scarborough and Pickering castles he was met with the reminder that the authority of the king and a majority of the council was necessary to relieve the keeper of his charge.\footnote{Foedera, i. 409.} But this was no more than a taunt at an old colleague who had broken the common oath. The opponents of the king were now indeed the \textit{magnates rebelles} that he called them,\footnote{Close Roll 45 Henry III (C. 54/77), m. 8d (22 August, 1261).} and both sides had departed finally and irrevocably from the constitution sworn to at Oxford. When after Lewes a new constitutional scheme was produced it was on another basis than that of 1258.

It remains to add that the text below has been based upon the manuscript in the Petyt collection (for permission to print which we are indebted to the Library Committee of the Inner
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Temple), but we have noted the variations in the Stowe manuscript. Little further annotation is necessary, since we have already indicated where the text of any known documents summarised in the abstract may be found.

[fo. 53] Rotulus Parliamenti anno 42° H. 3 apud V[irum] Clarissimum abridged by Mr Selden out of the Original Roll which he borrowed of Mr Edward Cooke.¹

   That they take nothing of the Kings estate etc.
   Que les prises soient prise etc. au preu du Roy et du Roiaume.
[3] La chartre de la Franchise soit garde fermement.
   To be appointed for hearing all plaints of the people, so many in every County.
   A remembrer fet du Change du Londres amender et de la Citee de Londres et de totes les autres viles le Roy que a honte et destruction sont ales par talleages et autres oppressions.
   A remembrance to reforme them.
[8] Il fet a rememb[er] que les xxiiiij ont ordene qe iij Parlernents soient per an le premer as oiteves [fo. 53b] de St. Michel, le secunz le demaine de la Chandeleur, la tierce le primer jour de Juyn, Cestassavoir trois semains devant la Seint Jean. Et a ces iij parlements vendront le Consilers le Roy esleus tot ne soient il maunde pur voer [le estat] du Royaume, e pur treter des communes busoignes du Roy e du Reaume. E autrement foiz asemblerent quant mestier serra par le mandement le Roy.
   Il fet a remembrer qe le Comun eslise xij preudes homes qi vindront as Parlementz ou autre fois quant mestier serra ou quant le Roi ou son

² After this word is a comma which the transcriber of the Stowe MS. has mistaken for the figure 'j.'
³ Sic both MSS.
⁴ Both MSS. ' on.'
⁵ Stowe MS. 'voir.'
⁶ Both MSS. omit.
⁷ MSS. 'f.' Cf. Tiberius B. IV: "et autre foiz ensemblerent quant mester serra . . ."
Counsil les mandera pur treter des comunes busoignes du Roy e du Réaume et que le comun tendra pur estable ce que les xij ferront. Et ce [serra] ¹ fet por espernier le coust du comun.

10 Des xv. nomes.

That the 24 should name which they did that is the Erle Roger the Mareshall, the E. of Warwicke, Monsieur le Bigod and Mr John Mansell.

And they should name xv. to counsell the King and governe the Realme etc. and that which they [fo. 54] did should hold ferme etc. or the major part.

Yt appeares there that was 42 H. 3.²

11 Fet a remembrer que le merkerdie prochein apres la Seint John requi . . . ³ Monsieur H. fuis le Roy D'Alemaigne iour iesque as oitves de la gule D'August a respondre selonc le mandement du Roy son pere, le quel il vodra sea ⁴ le serement que le Comun D'Angleterre a fet ou non.

12 The Counsellours of the King took their Oath.

13 Littera Domini Regis super rati . . . ⁵ Consilii sui eligendi. H. par le grace de Dieu Roi d'Engleterre a touz saluz. Sachez qe por le profit de nostre Réaume et a request de noz hauz homes et preuodesomes de Comun de nostre Royaume otreames qe xxiiij de noz homes etc. And so according to that before ad signum.⁶ Sworne to by the King and Prince dated at London, le demainer prochein apres la gule hauast ⁷ lan de nostre Coronement xlij.

14 Les nomes des Chastiaus et des gardians liveres au parlement d'Oxford par le Rei et par les xxiiij Jurez.

The names of the Castles and the Keepers follow.

15 Le serement de Gardeins de Chastiaus.

16 La forme de serement la Justise.

[fо. 54b] For dooing Justice generally and as the xxiiij etc.

17 La serement du Chanceler.⁸

That he shall seal no writt fors breve du course sans le comandement le Roy e son Conseil qe serra present etc. nor against the ordinances of the xxiiij, nor take any reward autrement etc.

¹ Both MSS. omit.
² Stowe MS. 'that appears . . . 42 H. 3.' The first three words should run on to 'the major part.' The indication of date belongs properly to the next paragraph.
³ Gap in both MSS.
⁴ Sic both MSS.
⁵ Stowe MS. 'nati': gap in both MSS. The word may have been "raticificacione."
⁶ Referring back to paragraph no. 10.
⁷ Stowe MS. 'gule da aust.'
⁸ Tiberius B. IV, fo. 214, supplies the word missing from the chancellor's oath in the Burton Annals: it is "deneres."
[18] Ce sont le xxiiij qui sont mis per le Comun a treter de l'ayde de Roy.

Le Evesqe de Wircestre
Le Evesqe de Londres
Saresbury
Le Counte de Leicestre
Le Counte de Gloucestre
Sire Pierce de Savoy
Le Counte de Hereford
d'Aubemarle
de Wincestre
de Oxenford
Sire Johan le fiz Gefray
Sire Johan de Baliov

E si ascun de ceux ne poiat estre ou ne voloit qe ceus qe setvjent aint pour d'autre eslire en son lieu.


Le Archevesqe de Canterb'
Le Evesqe de Wincestre
Le Counte de Laycestre
Le Counte de Gloucestre
Le Count le Mareschall
Pierce de Savoy
Le Counte de Hereford'
Le Count d'Aumarle
Le Counte de Warwicke
Johan Maunsell
Sire Ph. Bassett
Sire de Monford
Richard de Grey
Roger de Mortimer
Jame de Audedel

Thus written.

[20] Les doze depar le Roy ont eslu des dozi qui sont depar le Comun, Le Counte Roger et Sire Hugh le Bigod. Et lautre parte devers le comun a eslu des xii qui sont depar le Roy le Count de Warwicke et Sire Johan Mansell et ceux iiiij ont poier deslier le Conseil le Roy, et quant il averont eslu le conseil le Roy il les monstront as xx[iiiij] e la ou la greigner part de ceaux xxiiij si assente soit tenu.

1 Stowe MS. ' Po.' 2 Both MSS. ' Est.' 3 Petyt MS. ' reux.' 4 Petyt MS. ' q '; Stowe MS. ' q3.' 5 Recte ' serrunt.' 6 Tiberius B. IV reads : "Et si ascun de ceux ne peuse estre ou ne veut ceux qe serront eyent poair des autres eslire en sez lieuz." 7 Recte " Wircestre." 8 Both MSS. omit the christian name. 9 Both MSS. omit.
Les noms de xiiij qui sont esluz par les Baruns a treiter aux trois Parlements par avoir le Conseil le Roy des communes busoignes.

Thus xliij

Le Counte de Wincestre
Sire Humfrey de Aboun
Sire Johan de Baillol
Sire Ph. Bassett
Sire Johan de Verduz
Sire Johan de Grey
Sire Roger de Someroy
Le seneschal de Monthaut
Sire Hugh le Despenser
Sire Thomas
Sire Gile de S.
Sire Guilliaume Bandouf

La fourme de Serement Comun.
An oath of Joyning together save la foy etc.

A long writt touching the reformacion of the abuses of Sheriffs through all the Counties of England.
And the iiiij Knights to heare plaints etc. 20 Octobre anno 42 H. 3 apud Westminster.

Le Conseil le Roy et les xiiij esleus par le Comun Dengleterre salvent toutes gents etc. for the reformacion of Justice they tell of the 4 Knights in every County and what oathes they will have taken in every franchise of their own etc. And they promysse upon their Oathes etc. la feste saint Pierre ou mais de Feurier lan de nostre Seigneur 1258.
Et tesmoigne de ceste chose nous avoms mis nos seaus a cest escrit.

Litera domini Regis directa iiiij Militibus inquisitoribus.
H. dei gratia talibus Militibus salutem. Cum nuper in Parliamento nostro Oxonie communiter fuit ordinatum 28 Julii anno 42 a Commission of oier and terminer and that the sheriffs shall take their oathes in pleno Comitatu.

Edwardus illustris Regis Anglie primogenitus et heres omnibus etc. Salutem, his promise to the Earles Barons and Commons to keep etc. 10 Julii 1258.

A Writt to the Sheriff to proclaime quasdam libertates et observantias etc. anno 43 H. 3.

The names of the 4 Knights for every County.

1 Sic. both MSS. 2 Recte "an oue." 3 Sic. both MSS. 4 Sic. both MSS.
The Justices et autres sages homes are summoned that between that and the next Parlement they should consider of what ill Lawes and need of reformation there were, and that they meet eight days before the Parlement beginne againe, at the place where it shall be appointed to treat etc.

Le Roy et les preude homes du Comun d'Angleterre porteront Chanceleir a sire Edward le quel etc. shall seal nothing but what is agreed by the Counsell given him, and shall take like oath as the Kings Chanceleir etc.

In Lettres of alliaunce between them for the service of the King and the Governement of the Kingdome.

Nos Symon de Montfort Counte de Leycestre et nos Richard de Clare Counte de Gloucestre avioms mis nos seaus au cest escrit pur nos et pur ceus du conseil etc. Et nos Roger de Quen[c]y Counte de Winchestre et Thomas Greel auom mis nos seaus a cest escrit por nos et por les autres que sont esleuz por le [Comun] in Febr' Fest. S. Peter 43 H. 3.

Walter Bishopp of Winchester and Giles Bishopp of Sarisbury.

Por toutes were procurators for all the Clergie and to the like purpose by an les Prelatz Instrument binde themselves the same day.

Divers of the Household officers removed as Cooke, Usher of the Buttery and such.

1 Stowe MS. ' that.' 2 Stowe MS. ' porteront . . . Chauncelleir.'
3 Stowe MS. ' Counsell.' 4 Stowe MS. ' tous.'
5 Both MSS. ' Queny.' 6 Sic. both MSS.
7 Petyt MS. omits. 8 Recte Worcester.