

THE CAPTIVITY AND DEATH OF EDWARD OF CARNARVON.¹

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DURING the last few years a good deal of energy has been put into the study of the reign of Edward II, and a considerable amount of new light has been thrown on the character of that period. As a result there has been some modest sort of rehabilitation, not indeed of the king, but of the times in which he lived. The easy generalisation which saw in the personality of the ruler the character of the age is not one which commends itself to the modern historian. We no longer believe all England virtuous and pious, because Oliver Cromwell was a good family man and a convinced Puritan, and that then suddenly in 1660 all England became vicious, because Charles II was not a model husband and believed that Presbyterianism was no religion for a gentleman. Similarly there is no need to accept the view that the age of the heroes died with the hero-king Edward I, and that, because Edward II was a scatter-brained wastrel, all the troubles of his twenty years' reign came by the following of his example. Even in mediæval history, where the personality of the ruler counted for much, a weak king might reign decently, if the men who ruled in his name were competent to carry on the administrative machine.

Accordingly it has been urged that the reign of Edward II has an importance of its own, however insignificant may be the character of that ruler. It has been shown that in these twenty years the military system was reconstituted by reason of the borrowing by the

¹ An elaboration of the lecture delivered in the chapter house of Gloucester Cathedral on 27 February to the Gloucester and Cheltenham branch of the Historical Association, and in the John Rylands Library, 10 March, 1920.

English of the lessons learnt from the Scots at Bannockburn, and by applying them with such thoroughness that the battle array of Crecy and Poitiers was already in existence when it was revealed to the Continent by the French Wars of Edward III. Again there is reason for recognising that Edward II's reign is a period of great importance in administrative history. The king's favourite, the younger Despenser, was among the few radical reformers in mediæval English history, and his openness to new ideas gave the official class the chance of reforming their administrative departments and making them more efficient and up to date. In the theory of politics too the Whig doctrine of government by a complaisant monarch, ruling only with the counsel and consent of his natural advisers, the territorial magnates of the land, found under Edward II a more complete expression than it ever attained again before the Revolution of 1399. Even in the economic sphere the Staple system of state regulated foreign trade, once ascribed to the wisdom of Edward III, is found to have grown up almost by itself in the reign of Edward II. Save for one hideous period of famine, the period was not particularly unprosperous, and, save for the desolation of the North by the Scots, was fairly peaceful, that is, according to the not too exacting standard of the middle ages.

However much we may strive to claim more importance for the period than historians have always allowed, there has been no attempt to rehabilitate the character of Edward II. That king still remains to the modern historian exactly what he was to the chroniclers of his own and the next succeeding age. He is still, as Stubbs truly said, the first king after the Norman Conquest who was not a man of business. Tall, well-built, strong and handsome, he had no serious purpose in life, no better policy than to amuse himself and to save himself worry and trouble. He is one of the best mediæval examples of the brutal and brainless athlete, established on a throne. He was not, I suspect, exceptionally vicious or depraved. He was just incompetent, idle, frivolous, and incurious. Most of his distractions, for which his nobles severely blamed him, seem to us harmless enough ; but contemporary opinion saw something ignoble and unkingly in a monarch who forsook the society of the magnates, his natural associates, and lived with courtiers, favourites, officials on the make, and even men of meaner estate, grooms, watermen, actors, buffoons, ditchers and

delvers and other craftsmen. He lived hard and drank deeply. He was inconstant and untrustworthy, and could not keep a secret. He had so ungovernable a temper, and lost control of himself so easily that anyone who excited his wrath was liable to receive a sound drubbing from his royal hands. His supreme fault was that, being too idle to rule the country himself, he handed over the government to his personal friends and household servants. He not only refused to associate with the nobles; he neglected their counsels and declined to share power with them. This was his great offence to the grim lords of the time; this was the crime for which they could not forgive him.

Had the barons worked together as a single party, they could easily have reduced the weak king to helplessness. But the magnates were so distracted by local and family feuds that it required some great crisis to make them take up a common line of policy. Their co-operation was the more difficult since their natural leader, Thomas, Earl of Lancaster, was a man whose character was not at all unlike that of his cousin the king. More brutal, vicious, and capricious than Edward, Thomas resembled his kinsman in his laziness, his neglect of business, his wish to shuffle out of responsibility and in his habit of leaving all his affairs to be executed by the officers of his household. The consequence was that there was not only a king, who would not govern, but an opposition leader who could only oppose. In 1312, and again more completely after Bannockburn, the opposition became the government. Earl Thomas now showed himself even more incompetent than his cousin. He refused to govern; he continued as victor to hold aloof from affairs, abiding in the same sulky isolation in which he had lived when he was in opposition. Consequently the failure of Thomas was even more complete than the failure of Edward. Hence the extraordinarily purposelessness of much of the politics of the reign, hence the long-drawn-out intrigues, negotiations, and threatenings of war that take up so much of the story of the chroniclers.

The real struggle was not so much between Edward and Thomas as between the organised households through which, like all mediæval magnates, the king and the earl governed their estates and exercised their political authority. And as between the two there can be no doubt but that the followers of the king were abler, more serious, and better organised than the followers of the earl. They showed great skill in setting the rival factions of the opposition against each other,

and in the end broke up its unity so completely that the king won an easy triumph. The two chief centres of aristocratic power were the North and the West, the lands beyond the Humber, and the Severn valley and the adjacent March of Wales, where the great struggles of the reign were fought out. In the early part of 1322 Edward first conquered his western enemies in a bloodless campaign in the Severn valley, and then turning northwards crushed Earl Thomas and his northern foes. When Lancaster was beheaded under the walls of his own castle of Pontefract, the royalist triumph was consummated, and from 1322 to 1326 the courtiers, inspired by the younger Despenser, ruled England in the king's name. A sanguinary proscription of the contrariant lords now followed. The baronial leaders lost in many cases life, or liberty, and in more cases their lands. Their abject helplessness gave Edward the best chance a mediæval sovereign ever had of making himself an autocrat. But once more the man in power was too incompetent to take advantage of his opportunity. The king, after a short spell of activity, soon fell back into his old ways. Before his sluggishness, indifference, and weakness, the best laid plans of his advisers could not be carried out. Their failure was the more complete since they pursued their own self interest with far more zeal and singleness of purpose than they strove to advance the welfare of the state. The fine schemes of ministers for consolidating the royal power and reforming the government were brought to naught by the intense greediness of the younger Despenser. During four years of isolation from power, the aristocracy had time to reconstitute itself, and the ignoble quarrel of the king and his queen brought about the crisis of 1326.

Isabella and her lover Mortimer landed in Suffolk with a handful of followers. But disgust of the ruling faction drove every one to their standards, the more so as the invaders were shrewd enough to pose as the champions of the outraged contrariants and the avenger of the wrongs of the Martyr of Pontefract. When Henry of Lancaster, the brother and heir of Earl Thomas, joined Isabella and Mortimer, he gave the signal for a general desertion of the king's cause. The king soon found himself powerless to resist the united opposition of the reconstituted baronage, backed up by the sympathy of the mass of the people. Before long even the ministerial rats began to leave the sinking ship. The very courtiers, who had been the chief agents of the

Despensers and the crown, the self-seeking bishops, who had wormed their way to their sees by truckling to the caprices of the king, went over almost as a body to the side whose victory seemed now to be certain. Edward fled to the West, accompanied by the Despensers, his chancellor, Robert Baldock, and a very few faithful followers. He soon found his own realm of England too hot to hold him. Unable to maintain himself at Gloucester, Edward fled beyond the Severn to the great marcher principality which the younger Despenser was erecting out of his wife's lordship of Glamorgan. As a last effort to maintain a foothold in England, the elder Despenser made his way back over the Severn to Bristol, where he at once met his doom. It was in Bristol town that the opposition leaders proclaimed that, as Edward II had openly withdrawn himself from the realm, leaving England without ruler or governance, his son Edward, Duke of Aquitaine, was chosen by the magnates as Keeper of the Realm. It was the first notice to the king that his barons were determined to put an end to his authority.

During the next few days Edward, after an unsuccessful attempt to escape to Lundy Island, wandered aimlessly through Glamorgan. Meanwhile Henry of Lancaster was commissioned to effect his capture, and soon, not without a suspicion of treachery, was successful in his quest. On 16 November, 1326, Edward and his comrades in misfortune were betrayed at Neath; and conveyed thence to Llantrissant. Within a few days Hugh the younger paid at Hereford the same fatal penalty that his father had paid at Bristol. Meanwhile Edward was escorted to Monmouth, where he surrendered the great seal, the symbol of sovereignty which he had hitherto retained, to his bitter enemy Adam Orleton, Bishop of Hereford.

We have now, at last, reached our real subject—the captivity and death of Edward II. The question at once arises whether, when we have recast so many of our judgments on the period, we may not with advantage review afresh the traditional story of the unhappy monarch's imprisonment, and in particular try once more to pierce the veil of mystery and legend which have obscured the story of his death. Now it may certainly be said that it is well worth our while to reconsider this story, to examine meticulously the evidence on which the account in our histories is based, and to try and fit in a few new but striking bits of testimony that have latterly been brought to light. To

perform this task is now my chief business, but though I may perhaps discharge a useful service in putting together the chief testimonies that bear on the story of the deposed king's last years, yet I may say at once that the result of this investigation is rather negative. It raises doubts ; it explains hesitations ; it gives some justification to those who believed that Edward did not meet a violent death in his prison. Above all, it discredits the only detailed narrative of the sufferings of the wretched king. But it does not shake our faith in the essential truth of the accepted story.

The history of the captivity of Edward II falls naturally into two stages. The first goes from his surrender on 16 November, 1326, to 4 April, 1327. During this period Henry of Lancaster, Earl of Leicester, was responsible for his custody, having been appointed to that charge with the informal approval of the barons. The details of the king's history during these months are fairly well known, and there is little suggestion of mystery about them, though there is plenty of pathos. Within a short time of the tragedy at Hereford, Edward was escorted to Henry of Lancaster's castle of Kenilworth where he remained as long as he continued under his care. During this period the formal stages of the revolution were accomplished. The barons had shown in dealing with the unpopular king a pedantic precision that well anticipates the stiff legalism of the revolution Whigs in their relations to James II in 1688. Their first position was that the king, by withdrawing himself from the realm, had compelled them to appoint a regent, and their choice of his eldest son as Keeper of the Kingdom showed their adhesion to the right line of descent. It is true that Edward of Carnarvon only withdrew himself for a few miles beyond the region where the king's writ ran, and that the lordship of Glamorgan was not foreign to any very impressive extent. But with Edward's forcible return to England this excuse might well seem to have been no longer plausible. This mattered the less since after the barons got possession of Edward's great seal, they could formally act in his name even when he was in their prison. Indeed it seemed to them the line of least resistance to pretend that Edward was still governing. This is best seen in the change in the form of the writs, issued so far back as October, for the assembling of a parliament. The original writs, tested by the young Edward, had stated that, in the king's absence from the realm, the business in parliament would be

dealt with by the queen and the duke, the Keeper of the Realm. But now that the great seal was in the possession of the victors, writs in the usual form were issued to supply the informality of the earlier ones. When parliament at last met on 7 January, at Westminster, it was resolved that Edward should be deposed for incompetence, and his son put in his place. But twice were deputations sent to Kenilworth to induce the king to meet parliament. The motive for this apparently was to extract from him a public resignation. The magnates shrank from the drastic course of deposition, which a few years earlier the nobles of Germany had adopted in the case of their incapable king, Adolf of Nassau. It would seem less revolutionary, and less disturbing to precedent, if Edward could be induced formally to divest himself of the office, which in any case he was no longer to be allowed to hold. But the captive of Kenilworth stubbornly refused to face parliament. As Edward would not meet parliament, parliament resolved that its representatives should meet Edward. A deputation of parliament visited Kenilworth, and Edward was offered the alternative of resignation or deposition. He showed little fight, and promptly accepted the inevitable. Clad in black, dazed with confusion, he was led before the deputies and announced with many tears that he would yield to the wishes of parliament and not stand in the way of his son's advancement. Then the proctor of the parliament renounced formally the fealty and homage which the individual members had made to the king. Finally the steward of the household broke his wand of office to indicate that the royal household was discharged. These things happened on 20 January. On their being related in London, the last stage of the revolution was consummated and Edward, Duke of Aquitaine, was definitely proclaimed as King Edward III. His regnal year was treated as beginning on 25 January.

Now that the pedantic pomps of his resignation were over, the chroniclers tell us little of the doings of Edward of Carnarvon at Kenilworth. In general terms we are informed that his treatment at the hands of his gaoler was good, and that he lacked nothing that a recluse or monk needed for his sustenance. This is likely enough, for Henry of Lancaster was a kindly gentleman, and, though he took a leading part in bringing about the king's deposition and was profoundly conscious of his brother's wrongs and of his own, he was not the man to treat with unnecessary harshness a captive entrusted to his

custody. But Henry soon began to have new grievances of his own. The leaders of the revolution had ostentatiously made the wrongs of Lancaster a pretext for their action. They had besought the pope to canonise the incompetent and disreputable Earl Thomas, and they had, as we have seen, given his more respectable brother the custody of the captive king. They had also—rather tardily—restored him to his brother's earldoms, so that we may henceforth call him Earl of Lancaster as well as Earl of Leicester. They had given him the first place in the standing council of regency which was to act in the name of the infant Edward III. Nevertheless Henry soon found that he had the show of power rather than its reality. Mortimer and the queen, not the Earl of Lancaster, really controlled the government. No sooner had the victorious coalition succeeded in establishing itself, than it began to show signs of breaking up. The moral of Edward II's reign is once more affirmed under his supplanter. It was easy for any strong combination of parties to seize the government of England. It was extremely difficult to retain for any long period the authority thus easily acquired.

Under these circumstances a natural reaction against the new government set in. It was equally natural that it should take the form of a wave of sympathy in favour of the deposed king. Soon partisans of Edward of Carnarvon were traversing the country, dilating upon his misfortunes and his sufferings. English public opinion veered in those days between extremes of brutality and extremes of sentimentality. It was normally callous enough, but from time to time it reacted in a contrary direction. It then became prone to show sympathy for fallen greatness, to pity misfortune, and to assume that the victim of fate was the champion of a good cause, the friend of the people. Thus the wretched Thomas of Lancaster was being acclaimed as a saint, not so much by partisans who wished to make profit by his deification as by simple-minded folk who easily persuaded themselves that a magnate, condemned to so cruel a fate, must surely have laid down his life for the English people or for the Church of God. A similar wave of emotion now arose on behalf of Edward of Carnarvon. Plots were formed for his release, and his custody became a real burden to Henry of Lancaster. The burden was the more serious since a projected campaign against Scotland required the presence of Earl Henry and most of the magnates to the North.

Under these circumstances the custody of Edward of Carnarvon was changed. A canon of Leicester, Henry Knighton, who wrote in a Lancastrian foundation in the Lancastrian interest, tells us that Earl Henry refused any longer to accept responsibility for the deposed king, because, as rumour declared, while the earl was employed elsewhere, some ancient partisans of his captive were weaving plots to abduct him from Kenilworth.¹ On the other side, it is possible that the government, feeling less confidence in Earl Henry, or wishful to have the old king under stricter, perhaps under less scrupulous, direction were not unwilling to dispense with his services. However that may be, the change was made, and on 3 April the care of Edward of Carnarvon was transferred to Thomas of Berkeley and John Maltravers. With this begins the second stage of Edward II's captivity, the stage of mystery and darkness, culminating in more than the suspicion of a tragic end. With this and its after results will be our chief concern on this occasion.

It now becomes necessary, before we proceed with our story, to scrutinise the authorities on which it is based. As everybody knows, the chief sources for mediæval history are chronicles and records. The former, narrative histories in essence, vary immensely in their authenticity, and a good deal, but not everything, depends upon whether or not they are contemporary or nearly contemporary to the events which they describe. The merit of the chronicler is that he gives us a consecutive story, that he often suggests character, motives, reasons, a point of view, and generally gives us contemporary colour. His demerit is that he writes loosely, frequently draws his information from sources of doubtful authority, is often ignorant and prejudiced, and sometimes deliberately aims at falsifying the facts. The merit of the record is that it is impersonal, official, contemporary, and based on knowledge. It is set down, too, in the records of an administrative or judicial court, and is preserved not to help historians or satisfy general curiosity, but to be of practical use to officials, judges, administrators, and other persons employed in the government of the country. But the record has its limitations as much almost as the chronicle, though they are different in kind. It is valuable as evidence of external facts, exact dates, names, costs, movements, and it shows us the

¹ Knighton, i. 444, R.S.

structure, personnel, and functions of the administrative machine. But it seldom throws light on the inner meaning of things; it is colourless, arid, jejune; it is largely taken up with common form, and though generally, bar human carelessness, based upon sound information, is liable to be falsified when the need arises. Under normal circumstances we can balance the chronicle and the record with each other, while correcting from the precision of the record, the mere gossip of the chronicler. In the light of the chronicle we can illuminate the dry facts of the record, combine them in some intelligible order, and give them colour and their proper setting.

Up to the transfer of Edward of Carnarvon from the custody of Henry of Lancaster to that of Berkeley and Maltravers, our information, though not very copious, is sufficient for our purpose, and there is no need to say from what source we learn this or that fact, since the whole story works together in substantial harmony. Perhaps the only doubt that has passed my mind in telling you the story in outline is as to certain picturesque details relating to the resignation of Edward, which would have been more picturesque had I the courage to tell you them in detail. These particulars came from the Chronicle of Geoffrey the Baker, a worthy as to whom I shall have later a good deal to say. At this stage I need only remark that, though much of Baker is suspicious, he quotes what seems good authority for this episode. It is the written evidence of an Oxfordshire knight, Sir Thomas de la Moor, who was himself present as a member of the household of Bishop Stratford of Winchester who took a leading part in the ceremony. This is worth remembering since the misunderstanding of Baker's reference to Moor's testimony has been misunderstood, last and not least by so great a scholar as Bishop Stubbs, as meaning that the whole of Baker's Chronicle was based on a French chronicle written by Moor. It is now agreed that this inference is illegitimate.

After April, 1327, our evidence becomes much scantier. We can barely trace the transference of the king's custody, the sum allowed for his maintenance, and a few insignificant details from the public records. There is more illustration of the condition of the country and of public opinion, as to which I shall have occasion to speak again. Moreover, the public records are partially supplemented from the private archives of the house of Berkeley, still largely, I believe, extant, but

mainly accessible through the seventeenth century tractate in which John Smith of Nibley, steward of the Berkeleys of that epoch, wrote his lives of the Berkeleys, which the Bristol and Gloucestershire Archæological Society has happily given to the world.¹ From these we learn various significant facts. But it is only after the king's death that the records give us abundant information as to his funeral, his lying-in-state, and ultimately the erection of his tomb. Again after 1330 there is some evidence preserved in the Rolls of Parliament as to the trials of his alleged murderers. The after careers of these suspects we can follow in abundant detail and with some profit from record sources. Even more scanty is the information of the chroniclers. If, as is unlikely, they knew the truth, they assuredly dared not tell it. Though several writers agree that the former king was murdered and even as to the method of his murder, their short accounts were written many years afterwards. The only circumstantial narrative, that of Baker, was written thirty years afterwards and is on the face of it highly suspicious.

The result of the conspiracy of silence was, as usual, a lack of faith in such scanty doles of information as were given out to the public. There was a general disbelief that Edward was really dead, and romantic stories arose in many quarters that he escaped and lived many years afterwards in obscurity. These stories, however fantastic, are natural under the circumstances. They are too corroborated by certain curious pieces of evidence. It is not unlikely that a more meticulous examination of the record sources may give some little further light on the problem. Some remarkable additions to the legend were made some forty years ago. Some very material new facts have been divulged within the last few years. But it is only after 1330 that we have copious references, not to the murder but to the fate of the alleged murderers. The fortunes of all these can be traced in detail, and what emerges from their history suggests some additional considerations as regards the problem of Edward II's end.

We start with the known fact that the custody of the deposed

¹ Smith or Smyth, *Lives of the Berkeleys*, 3 vols. Some conception of the wealth of the still surviving Berkeley Castle manuscripts can be obtained from Isaac H. Jeayes' *Descriptive Catalogue of the Charters and Muniments in the possession of Lord Fitzhardinge at Berkeley Castle*. Bristol, 1892.

king was vested in Berkeley and Maltravers from 3 April, and we know within a few days that an allowance of £5 a day was assigned to the two keepers "for the expenses of the household of the Lord Edward, sometime King of England, our father".¹ This was a liberal sum, larger, if we may trust a chronicler, than the sum allowed to Henry of Lancaster for keeping Edward at Kenilworth,² and approaching half the amount of Edward's domestic establishment in his youth before he had been made Prince of Wales. It would have given an ample margin both for maintaining the deposed king with a reasonable degree of state and for the adequate safeguarding of his person. If the captive were not generously entertained, it must have been because his keepers did not wish to treat him well, and perhaps because they regarded the allowance as a bribe to commit evil deeds.

It has often been suggested that Edward was deliberately handed over from kindly to unscrupulous keepers. Yet there is not much to encourage this idea, save inference from later facts. Perhaps the previous career of Thomas of Berkeley and John Maltravers suggests a little more malevolent hostility to their prisoner than Henry of Lancaster felt. But all three keepers were avowed enemies of the captive who in his days of power had inflicted grievous suffering upon them. Berkeley and Maltravers were members of that Lancastrian party of which Earl Henry had been the head. Henry's prudence had saved him from the dire fate of many of the contrarians, and he had condoned his brother's murder by accepting his personal liberty and a mere fragment of his inheritance from Edward II. But the other two had incurred forfeiture. Berkeley had shared the captivity of his father Maurice, and when the latter died in 1326 in confinement, he was still under duress. A Gloucestershire magnate of high position, he had forfeited the ancestral castle of Berkeley, over which Hugh Despenser now ruled. Indeed, the Berkeley lands, included, not only Berkeley, but Redcliffe and Bedminster with a commanding authority

¹ *Fædera*, ii. 705, dated 24 April, Stamford. The issues of Glamorgan, still in the king's hands, were chargeable with the payment which was to be accounted for at the exchequer. Other moneys came from the treasure found at Caerphilly, when the son of the younger Despenser surrendered tardily that stronghold. Ultimately the exchequer took up the burden. The Berkeley household accounts show bountiful provision of wine, wax, capons, kids, eggs, cheese, cows, "ad hospicium patris regis": Jeayes, pp. 274-277.

² Baker, p. 28, gives 100 marks a month as the sum.

over the great mercantile borough of Bristol, which looked on the house of Berkeley as its chief enemy. The absorption of the estate in the Despenser lands would have given Hugh a position in Gloucestershire transcending that of the earls of Gloucester of the house of Clare. The arrival of Isabella in London had released him from his prison. He had followed the queen to Gloucester and thence to Bristol, and was rewarded by his restoration to Berkeley and his great estates in Southern Gloucestershire. But a stronger claim on the victors than his sufferings was the fact that he had married a daughter of Roger Mortimer. John Maltravers, the other keeper, was the son of a Dorsetshire baron who was still alive. He married Thomas of Berkeley's sister and was closely associated with his policy. Luckily for himself he had escaped in the rout of Boroughbridge and had managed to reach the Continent. He only returned in the train of Isabella and Mortimer. On the whole, then, the new keepers were likely to be a little more hostile than Earl Henry to their prisoner. It was in fact a sheer loss to Edward to be removed from the care of the most independent of the magnates to the custody of the son-in-law of the queen's paramour, associated with another dependent of Mortimer who was his own brother-in-law.

Already there had been, as we have said, rumours of plots for releasing Edward and procuring his return. It is possible that such schemes were already being hatched when the ex-king remained at Kenilworth, and the probability is increased by the fact that the chief agents of the plot, the brothers Dunhead, or Dunheved, had property and interests on Dunsmore, Warwickshire, between Kenilworth and Rugby. Of these brothers Stephen Dunhead had been lord of the manor of Dunchurch, near Rugby, but, forced to abjure the realm for felony in 1321, he strove to evade forfeiting it by demising it to a neighbouring baron.¹ His brother Thomas was a Dominican friar and an eloquent preacher, who, if chroniclers' gossip can be believed, had sought to get a divorce between Edward and Isabella from the papal curia.² On his return from this vain quest, Friar Thomas found his former master deposed and in prison, and at once strove to procure his release. As dates are almost lacking, we cannot exactly place the beginnings of this conspiracy, but it must have been when Edward was still at Kenil-

¹ *C. Fine R.*, iii. 185.

² *Ann. Paulini*, p. 337, "ut vulgariter dicebatur".

worth, and it soon spread its ramifications far and wide. Mediæval society was always excessively disorderly, but a special epidemic of violent crime ushered in the spring of 1327, and was doubtless the result of the recent revolution and the weak and partisan spirit of the administration which the revolution had established in power. To remedy this the chancery issued an enormous number of special commissions to hear and determine various deeds of violence, and strengthened the law for the purpose. Among the riotous acts thus dealt with was a violent assault on a country parson near Cirencester, to punish which a special commission was appointed. Among the suspected persons Stephen Dunhead is the first to be mentioned.¹ But he certainly was not caught then, for in May we find another order for his arrest and imprisonment in Wallingford Castle.² This also miscarried, for early in June he and his brother were in Cheshire, where they were at the head of a gang of "malefactors" who had "assembled within the city of Chester and parts adjacent" and were perpetrating "homicides and other crimes".³ But though the justice of Chester was besought to lay hands upon these criminals, they managed to escape his grip. A little later they were hiding again on Dunsmore, but they were certainly not captured there, as a chronicler thought. By this time they turned their operations southward, for they must have known that Edward had been transferred from Kenilworth to Berkeley, and their chief objective was ever his release from his captivity. But they were shrewd enough to make their own any grievance that appealed to the local rioter, and a fresh cause of complaint now arose in an unpopular expedition against the Scots and the compulsory levying of soldiers for the Scots' war, even in those midland and southern counties whose levies were seldom called upon to serve so far away from their homes.

Under such circumstances there is small blame to the government for having taken measures to put the captive king under custodians in whom the ministers could rely, and who would under no circumstances be exposed to the temptation of taking up his cause as a good weapon for breaking down the power of Mortimer and the queen. For such a purpose Mortimer's son-in-law and that son-in-law's brother were safer gaolers than Henry of Lancaster, with his scruples, his pretensions,

¹ *C.P.R.*, 1327-30, p. 80.

² *Ibid.*, p. 99.

³ *Ibid.*, p. 153. Mandate to justice of Chester of 8 June.

and his growing discontent against a government that had used him as a catspaw. It was equally natural that, as soon as the keepership of the late king was transferred from Lancaster to Berkeley and Maltravers, he should be put in some place better under government control than the Lancastrian castle of Kenilworth. That Lancaster himself did not want the worry and expense of his cousin's keeping made his transference all the easier. Accordingly, as soon as the new custody began, Edward was privately removed from Kenilworth and surrounded by a strong escort, covered a journey of over fifty miles in two days, quite good travelling for the fourteenth century. On the night of 5 April, which was also Palm Sunday, the ex-king reached Gloucester. He spent the night at Llanton Abbey, hard by the town, as the guest of the Austin canons of that house.¹ Next day he completed the easy journey to Berkeley. It is probable that efforts were made to keep his destination secret; it is most unlikely that this hasty flight of an armed force could have escaped the notice of a country-side, swarming with Edwardian partisans and sympathisers. Anyhow the plots redoubled in violence, and within two months of the transfer, the conspirators devoted their main energies to Berkeley and its neighbourhood. Let us see the sequel.

In the mass of seething discontent, no district was more disturbed than the lower valley of the Severn. The proximity of the March of Wales, always in extreme disorder; the local revolution worked by the fall of Despenser, in fact if not in name earl of Gloucester, and the further changes consequential on the restoration of the Berkeleys to their old position, were all potent factors of confusion. It was natural under such circumstances that the government should look to the lord of Berkeley and Redcliffe for help. Accordingly even before his formal pardon, still more before his appointment as the deposed king's keeper, Thomas of Berkeley had already been called upon to give his powerful aid in maintaining order in Gloucestershire and the adjacent districts. Thus on 8 March he was one of the two commissioners of the peace for Gloucestershire appointed in accordance with the recent Act for the greater preservation of the peace.² Other and greater responsibilities followed, and the presence of the king at Berkeley did not prevent its lord's full employment as the local agent of

¹ *Ann. Paulini*, p. 333.

² *C.P.R.*, 1327-30, p. 89: The Act was 1 Edward III, sec. 2, cap. 16.

the authorities. The Scottish expedition and the local resistance to it gave a good excuse for heaping new powers on Berkeley, with whom Maltravers is now almost always associated. Thus the local magistrates were called on 30 April to aid the brothers-in-law "whom the king is sending to his castle of Bristol for arms and armour to be used in the northern parts".¹ On 3 July Berkeley was remitted his service against the Scots because he was "charged with special business of the king".² Finally, the two were on 11 July put on a commission of the peace pursuant to the Statute of Winchester, in the seven neighbouring counties of Dorset, Somerset, Hereford, Wilts, Hants, Oxon, and Berks.³ Thus they received executive authority all over the middle south-west. Moreover, as this work, and their own affairs,⁴ kept them, we imagine, away from Berkeley, an experienced king's clerk, John Walwayn, doctor of law, himself a West Country man, who had held the great post of treasurer and the important office of escheator, but who apparently was thought inadequate for the highest positions, was sent down to Berkeley to look after things there.

It was high time, for by July a curious conspiracy had been formed in which men of different regions and strangely varied professions and walks of life banded themselves together, ostensibly to resist service against the Scots, really, as we shall see, for a much more dangerous object. There were Gloucestershire men and Worcestershire men; there were men from Warwickshire and men from Staffordshire; there were high and low, laymen and clerks, and among the latter, parish priests, preaching friars, Benedictine monks and Austin canons. There was a canon of Llantony, who perhaps had been smitten with compassion for the deposed monarch who had passed Palm Sunday night within his house. There was a monk of the great foundation of Hales; above all there were the brothers Stephen and Thomas Dunhead, still free to conspire and lead rebellions, despite a whole row of orders for their arrest.⁵ It was a formidable crowd, and

¹ *C.P.R.*, 1327-30, p. 95.

² *Ibid.*, p. 130.

³ *Ibid.*, p. 154.

⁴ *Ibid.*, p. 130, shows Maltravers pardoned for acquiring an estate in Wiltshire without license and authorised to hold the same.

⁵ The presence of the Dunheads here shows the inaccuracy of *Ann. Paulini*, p. 337, which states that Thomas had been captured "about 11 June," "apud Bidebrok prope Dunmor" (that is, of course, in Warwickshire), imprisoned at Pontefract, and, failing to escape, thrown down a well and perished. But I think the *Annals* chief error is in dating this too early.

there was no strong force available in these days to deal with a sudden rebellion.

Chance has lately shown us that this conspiracy of the Dunheads attained, at least for a moment, the object of all its efforts. That an attempt was made has long been known by a mandate on the Patent Rolls ordering Berkeley, as a chief keeper of the peace in Gloucestershire, to arrest the Dunheads and their followers "indicted before him for coming with an armed force to Berkeley castle to plunder it and for refusing to join the king in his expedition against the Scots".¹ But a few years ago, a French scholar, Dr. Tanqueray of St. Andrews, unearthed in the Public Record Office and published in the *English Historical Review*² a letter of John Walwayn, written on 27 July from Berkeley Castle to the chancellor, which tells us much more than this. It tells thus that a long list of people, almost, but not quite, the same as those indicted before Berkeley, has been indicted before Walwayn; that Walwayn is doubtful whether he has authority under his commission, and prays the chancellor to ordain an immediate remedy. But it also lets the cat out of the bag. A confidential letter to the chancellor had no reason to deal so discreetly with the truth as the letter patent, open to all the world to read, which the chancery issued, as we have seen, soon after the receipt of this secret despatch. Accordingly Walwayn does not scruple to say plainly that "the culprits indicted before him were charged with having come violently to the castle of Berkeley, with having ravished the father of our lord the king out of our guard, and with having feloniously robbed the said castle against the king's peace." Here is a bit of new information of a startling kind. Within three months of his establishment in Berkeley, a conspiracy to release the old king attained at least a temporary success. The confederates seized the castle and plundered it; they rescued Edward of Carnarvon from his dungeon.

No wonder under these circumstances that the policy of silence and concealment, already adopted as regards the imprisoned king, should be carried out with tenfold rigour than before; that the public records should contain no reference to this tremendous fact; that the chroniclers should in very fear show a compulsory discretion, and that

¹ *C.P.R.*, 1327-30, pp. 156-7. This is dated 1 August, at Stanhope, Durham.

² *English Historical Review*, xxxi. 119-24 (1916).

the subsequent career of the unlucky captive should be severely cut short, but after so secret a fashion that a doubt should remain, strong at the time, weaker as years rolled on, as to what fate befell the hapless Edward. Some of these points I must recur to later on : but at present I may record as my conviction, though I do not claim it as more than a judgment based on probabilities, that Edward was very soon recaptured and restored to his prison, and that to save further risk he was quietly done to death some three months later.

Before we approach the final problem, it may be suggested that this proved escape of Edward from Berkeley gives us a clue towards interpreting the two chroniclers who profess to know most about the last adventures of the deposed king. The first of these, Adam Murimuth, a canon of St. Paul's, wrote his history in its final form soon after the time of the battle of Crecy, some eighteen years after these events. But we have internal evidence that he wrote the passages describing Edward II's fate before 1345, because he tells us that Maltravers was still abroad and we shall learn that he was allowed to return to England in that year.¹ After telling us that Edward had been taken to Berkeley in secret "about Palm Sunday" he goes on as follows :—

"And because they were afraid of certain persons coming to him to effect his release, Edward was secretly removed from Berkeley by night, and taken to Corfe and other secret places, but at last they took him back to Berkeley, but after such a fashion that it could hardly be ascertained where he was."²

Murimuth was an intelligent man, accustomed to affairs, associated with the great, and wise enough to be circumspect, though desirous of telling the truth. This passage, interpreted in the light of our knowledge of Edward's escape, suggests that his "secret removal" from Berkeley was the result of the conspirators' temporary success, and that his subsequent wanderings both preceded and succeeded his recapture, and resulted in his being in the end brought back to his ancient place of confinement. I do not for a moment suggest that Murimuth was aware of the carefully guarded secret of Edward's escape : but he did know what all men knew of the notorious attempts to effect his release, and he intelligently connected these with

¹ Murimuth, pp. 52-54, R.S.

² *Ibid.*, p. 52.

the removal of the old king to Corfe, and other hiding places, and with his subsequent return to Berkeley.

We are now in a position to appreciate the only detailed account of Edward's captivity, that written after 1356 by Geoffrey Baker. Much of it is mere rhetoric, word-painting, and abuse, for Baker was far from being above the crime of "making copy," so hated by the discreet editor and yet so universally practised. When Baker gets to facts, and we can compare him with our other sources of knowledge, we can prove him to be wrong. Thus, beginning with the events of April, he tells us that Edward was put under the custody of Thomas Gurney and John Maltravers, ignoring the fact that the chief keeper was so respectable a nobleman as Thomas Berkeley. He tells a long and demonstrably false story how the king when he was led from Kenilworth was taken first to Corfe, then to Bristol, whence when discovered by the burgesses he was taken by dead of night to Berkeley. He tells us the indignities suffered by him on the way; how his cruel tormentors crowned him with a crown of hay, clothed him with insufficient garments, forced him to ride through the night with uncovered head, fed him on food so nauseous that it made him sick; how they shaved his beard and hair that he might less readily be recognised, and how the suffering Edward warmed with his tears cold water that the barber was compelled to use, how, in short, he endured things that clearly proved that God had marked him out for the crown of martyrdom. These stories he relates as told him over twenty years later by one William Bishop, leader of the captive's guard, a personage whom authentic history certainly cannot distinguish from his various namesakes of this period.

I suggest that Murimuth's story gives the modest nucleus or truth that was elaborated with Baker's picturesque romance. What we now know of the temporary release of Edward further illuminates this point of view. We may feel sure that the crowd under the Dunheads did not keep together long after their opening success.¹ But the duty of its dispersion must have fallen upon Berkeley, as the head of the local administration established for the emergency in the Western shires. It was Berkeley who was to indict the offenders, to press the

¹ Stephen Dunhead was arrested in London before 1 July, 1327, but escaped, and was still wandering at large in 1329. *C.C.R.*, 1327-30, pp. 146 and 549.

hue and cry after them, and imprison their leaders. In this process he was careful to charge the plotters, not with their real offence of abducting the deposed king but with the more commonplace crimes of an attempt to plunder Berkeley and of refusing to undertake military service against the Scots. But the conspiracy of silence obscured the truth for contemporaries even more than for us. One result of Berkeley's activity was doubtless the recapture of Edward, and we may well believe that, as part of the stage management of the mystery, he was hurried to various hiding-places, including perhaps Corfe. But he was certainly brought back to Berkeley. And as one result of Berkeley's administrative duties he was compelled, we may guess, to delegate to others personal custody of Edward. One result of this process was that the sinister presence of Sir Thomas Gurney now comes upon the scene. This Somersetshire knight, becomes, as Berkeley's deputy, the colleague of Maltravers.

We now come to the final stage of Edward's troubles. Of this Baker and Baker only gives a circumstantial account. He tells us that the queen, not unreasonably, we may add, from the point of view of her own safety, thought that the time was now come when her husband must die, and that Adam Orleton, bishop of Hereford, her special confidant, who played the part of the chief villain of the piece, wrote a sealed letter to that effect to his keepers, couched in ambiguous terms that could be interpreted differently according to its punctuation. The hint of murder was conveyed if it read "It is a good thing not to be afraid to kill Edward," but the alternative meaning "It is a good thing to be afraid to kill Edward," might well be brought forward if the message fell into wrong hands.

This is clearly a bit of fiction. It is improbable on the face of it. Even wicked bishops hesitate to send written orders to kill deposed kings, and to plead the accident of a wrong interpretation if their note miscarries. Moreover, at this period Orleton was far from being, as Baker suggests, constantly at the side of the guilty queen. In fact, he had left England for the papal court at Avignon so early as March, when Edward was still at Kenilworth, and did not return from Avignon until after it had been given out at Berkeley that the late king was dead. Moreover, before news of that event could have reached the Pope, John XXII had appointed Orleton by papal provision bishop of Worcester, and this acceptance of promotion involved him

in a fierce conflict with the English crown which had approved of the election by the monastic chapter of Worcester of their prior, Wolfstan of Bransford. In the event the pope prevailed over king and chapter and Orleton became bishop of Worcester, and therefore the diocesan of both Berkeley and Gloucester. It is a fair illustration of the wildness of Baker's guesses that he should make Orleton responsible for an act, which he could not have inspired, at a moment when he was quarrelling with queen and council because they resisted an attempt to make him bishop of the diocese where the crime was perpetrated. No doubt Orleton was a self-seeking ruffian, and there is no reason to accept the suggestion of the recent editor of his Hereford register that because he kept his official records like a good man of business, he was probably a good man. But whatever crimes we may lay to his charge, he did not write a letter urging ambiguously the murder of his ancient monarch. In later years his fiercest enemies never brought that accusation against him. *Hi Alibi* was too clearly proved.

But if Orleton claims a right to be acquitted, circumstances have recently come to light which seem to throw the responsibility for ending Edward of Carnarvon's mortal career on Mortimer himself. The revolution of 1326 had established Mortimer in the position of justice of Wales, held so long by his uncle Roger Mortimer of Chirk. His preoccupations in England gave him little time for exercising in person his duties as justice of Wales, and he ruled North Wales through his lieutenant, William of Shalford. But the Welsh, who had loved Edward of Carnarvon, regretted his fate the more since his fall had restored the rule of a Mortimer over them, and to the Welsh the government of the greatest of the marcher lords was the worst form of tyranny. In 1321-2 a rising in North Wales had made it easier for Edward as king to overthrow the Mortimer power and re-establish his position. What had happened once might well occur again, and it looks as if some of the very Welsh magnates who had followed Sir Gruffydd Llwyd in his earlier attack on the Mortimers were now once more plotting a similar movement. By August, 1327, when the English conspiracies to release Edward had mainly died out, a Welsh conspiracy to effect the same end seems to have been organised. The leader of this movement was a South Welsh knight, Sir Rhys ap Gruffydd, who acted apparently at the instigation of certain English magnates, and with the active support of the leading men of

both North and South Wales.¹ We know nothing for certain of the success which attended his efforts. It was, however, enough to excite the alarm of William of Shalford, Mortimer's lieutenant. Accordingly on 7 September, 1327, Shalford wrote to his chief telling him that Sir Rhys and his comrades had formed their plot and that there was real danger, that Edward might be released from Berkeley, and that the only thing for Roger was to ordain a "suitable remedy" to prevent himself and his party from being utterly undone. Shalford's letter reached Mortimer at Abergavenny, and it was believed in North Wales that it induced him to make the fatal decision that the only way of saving his power and his life, was to put Edward forthwith to death. Consequently, Mortimer sent a dependent of his, William Ogle, or Ockley, from Abergavenny to Berkeley, taking with him Shalford's letter, and hinting not obscurely to Maltravers and Gurney what was the obvious remedy to ease the situation.

With the arrival of Ogle the last phase of Edward of Carnarvon's misfortunes began. He was now allowed but a short shrift, for within a fortnight of the date of the fatal letter, written by Shalford, it was officially announced that the "king's father" had died on 21 September. Gurney and Maltravers had doubtless already made up their mind how to act. The arrival of Ogle on the scene brought things to a crisis.

The judicial proceedings taken three years later, feeble and futile though they were, make it clear that these three men, Gurney, Maltravers, and Ogle were looked upon as the direct agents of Edward of Carnarvon's death. Let us put together what little we learn from other sources as to the facts of the case. Firstly, let us interrogate the chroniclers.

We find that most of the chroniclers, though often a day or so wrong, substantially confirm the official statement as to the fact that Edward died on or about 21 September. They are, however, cautious about expressing themselves about the manner of his death and very reticent about details. The most nearly contemporary, the *Annals of St. Paul's*, simply say that the king died at Berkeley.² The north-country Chronicle of Lanercost suggests without confirming a suspi-

¹ For the authorities on which this paragraph is based, see Appendix.

² *Ann. Paulini*, p. 337.

cion.¹ Another northern writer prudently remarks: "With regard to the king's decease various opinions were commonly expressed. I prefer for myself to say no more about the matter, for sometimes, as the poet says, lies are for the advantage of many and to tell the whole truth does harm."² Murimuth, writing a little later with the *Annals of St. Paul's* before him, carries us somewhat further. After mentioning that the king "died" he adds, "And though many persons, abbots, priors, knights, burgesses of Bristol and Gloucester, were summoned to view his body, and indeed superficially examined it, nevertheless it was commonly said that he was slain as a precaution by the orders of Sir John Maltravers and Sir Thomas Gurney".³ The exact manner of the king's death comes later. We find it in Higden's *Polychronicon*,⁴ where testimony is of some importance since it was done into English by John Trevisa, Vicar of Berkeley, at a time when Thomas of Berkeley was still alive, and the translator would not have lightly adopted such a suggestion against his patron's honour. Moreover, the Lancastrian Chronicle of Knighton repeats the charge,⁵ and a Westminster monk not only reiterates it, but says that it was known not only to rumour but by the confession of the guilty parties.⁶

The amplification of the horrid story, briefly suggested some twenty years or less after the event, is found in Baker, and in Baker only. He tells us how up to the time of the receipt of Orleton's ambiguous letter, Thomas of Berkeley had treated the fallen king with kindness. But Baker's suggestion that Berkeley was only "lord of the castle" and not also the gaoler responsible for the king's keeping indicates an economy in dealing with truth that might give offence to a powerful nobleman in the next county. This story of Edward's kind treatment by Berkeley is otherwise confirmed. But now, says Baker, Berkeley was denied all relations with his victim. Thereupon, irritated that he was no longer master in his own house, Berkeley bade a sorrowful farewell to Edward and betook himself elsewhere. Unfortunately the Berkeley household accounts show that Thomas went no farther than

¹ *Chron. de Lanercost*, p. 260.

² *Gesta Edwardi tertii auctore Bridlingtonensi*, pp. 97-98.

³ Murimuth, pp. 54-55.

⁴ *Polychronicon*, viii., 324: "Cum veru ignito inter celanda confossus. See also *Cont. Hemingburgh*, ii., 297-8.

⁵ Knighton, i. 446.

⁶ *Chron. J. de Reading*, ed. Tait, p. 78.

Bradley, his manor near Wotton-under-Edge, some six or seven miles away. I have already suggested that the local disturbances must have taken Thomas further afield ; but this particular absence at Bradley only took place on Michaelmas Eve, eight days after Edward's reputed death. No great confirmation of Baker's testimony can be extracted from this.

Let us return to Baker. No sooner was Thomas removed from his own castle than the slow murder of the helpless king began. He was confined in a room made pestilential by the stench of decaying bodies. But as his immense strength saved him from death, he was brutally murdered by night, as he lay in his bed, in a fashion that concealed exterior traces of wounds. Already his piteous complaints had informed carpenters, working outside the castle, of his tortures in the prison chamber ; now hideous shrieks told town and castle of his violent doom and drove many to their knees to pray for his soul.

Dismissing for the moment the crucial difficulty of the king's end, let us tell from authentic records the history of his remains. From 21 September to 21 October, the body of the king remained at Berkeley, under Berkeley and Maltravers' custody, for which service they continued in receipt of their £5 per diem, "for the custody of the body". During this time, if we may believe the historian of Gloucester Abbey, the royal corpse was offered to various local monasteries, but the Austin canons of St. Augustines at Bristol, the modern cathedral, the Cistercians of St. Mary's at Kingswood, and the Benedictines of St. Aldhelm's at Malmesbury refused this dangerous honour "through fear of Mortimer and Queen Isabella". It is suggested that it was something of an act of heroism that John Thoky, Abbot of Gloucester, consented to receive the body. Thoky, in his own chariot, "nobly adorned with the arms of Gloucester Abbey," conducted it to his convent, where it was "honourably received by the whole community and with all the city in procession". This history, generally attributed to Abbot Frocester,¹ was finally put together in the early fifteenth century, and contemporary records show that nearly every particular statement in it is inexact. There was certainly no "fear of the queen and Mortimer" to deter the neighbouring abbey from accepting the charge of the king's body, for the government took up responsibility from the

¹ It is printed in vol. i. of Hart's *Historia et Cartularium Monasterii Sancti Petri Gloucestriæ*, 3 vols., R.S. 1863-7.

first, and warned by Sir Thomas Gurney of Edward's death,¹ at once published the news to the parliament which was then assembled at Lincoln. Indeed, the whole administration was then in the North, intent on the parliament sitting at Lincoln at the moment of the king's death and afterwards on the campaign and the negotiations with the Scots. The delay in dealing with the king's body is satisfactorily explained by the remoteness of the court from the Severn valley. As soon as it was possible to act, special arrangements were made for the care of the remains of the king's father. From this point the royal ministers, not Berkeley or the Gloucester monks, assumed the chief responsibility. When the body was removed to Berkeley, it was placed in the hands of officers appointed for the purpose. It is clear from the accounts of these officers that Gloucester represents the government's deliberate choice, and that the expenses of the removal of the body thither were at the charge of the state and not of the abbot. If Thoky sent his "chariot" for the body, the odds are that he got paid for the service he rendered. Anyhow Berkeley charged the crown for many of the expenses of the removal. He put down to the crown account the cost of dyeing black the canvass that covered the hearse, of the cords and the traces of the horses, the expenses of taking the body to Gloucester, and those of his household which accompanied it, of the vase of silver in which Edward's heart was enclosed, and of the oblations in the masses in the castle chapel for the soul of the dead king.² Then Berkeley and Maltravers gave up their charge when the body had reached Gloucester. And of the money that was owed them for the 201 days of their custody the exchequer was still over £300 in arrears when the account was made up.³

The whole business was from this point regulated by ordinances of king and council, and a new set of accounts shows in detail the elaborate arrangements made for the custody of the body as long as it remained above ground. The see of Worcester being vacant or dis-

¹ He was sent to the king when Edward III was at Nottingham, and allowed 31s. 1d. expenses: Smith, *Lives of the Berkeleys*, i. 293. The king arrived at Nottingham on 30 September. Compare Jeayes' *Catalogue*, p. 274, " . . . de Gourne eunti apud Notyngham pro morte patris regi regi et regine notificanda cum litteris domini". The "dominus" was, of course, Thomas of Berkeley.

² Smith, i. 293.

³ *Archæologia*, i., 223.

puted, the neighbouring bishop of Llandaff was instructed to remain at Gloucester till the funeral, and received 13s. 4d. a day for his expenses for the fifty-nine days which he devoted to that object. This prelate, John Eaglescliff, was a Dominican friar, forced on Llandaff by the pope in 1323 in despite of king and chapter, and we may charitably assume that one element in his selection was that he belonged to an order which Edward II had always regarded with special favour and from which he had chosen his confessors. Besides the bishop, two knights, at 6s. 8d. a day, and 5s. respectively, were also ordered to be in attendance. To them two royal chaplains, two sergeants-at-arms, and the king's *candelarius* were added. A third sergeant-at-arms, already at Berkeley when the captive died, was also retained, while a royal clerk, Hugh of Glanville, was assigned to pay the expenses of the whole business. Put cynically, we may say that just as secrecy had been the game of the government up to St. Matthew's day, so now a public exhibition of almost excessive respect seems to have been thought the most desirable policy.

The funeral was delayed for two more months. The main reason was the impossibility of the king and court attending in person until the Scottish business was more or less settled. Another was the extreme dispersion of the directing and spending departments. The court and council were wandering over Yorkshire, Lincolnshire, and Nottinghamshire, and with them went the wardrobe, the source of household expenditure. But the exchequer, the chief source of national financial expenditure, was then stationed at York, and the great wardrobe, the department of stores, from which came most of the apparatus necessary for the funeral, was permanently established in London. It was no wonder then that there was so long a delay, and the detailed accounts of the keeper of the great wardrobe show how nobly the funeral was conducted. There was an immense display of goldleaf; there were leopards emblazoned on the harness of the horses; there was the hearse, with great golden lions, provided by the king's painter, and effigies of the evangelists standing upon it. There were angels censuring with gold censers; there were knights in attendance with new robes provided at the king's expense; there was a wooden image of the dead king, worth 40s. and a copper-gilt crown upon its head worth 7s. 3d. There were great beams of oak provided to keep back the crowd that thronged to have a glimpse of

the royal corpse.¹ There were heavy charges for the painful dispatch of all these paraphernalia by road from London to Gloucester. There was a full attendance of mourners, including the not very disconsolate widow and the son, the young king who had supplanted him. Everything was done in decency and order, so that we may take for what it is worth the rash statement of chroniclers that the funeral was but a hugger-mugger affair. There was even a pretence at inquiry, for it seems that the woman employed in embalming the body was sent to attend the court to Worcester immediately after the ceremony, that she might give Isabella what light she could as to the circumstances of her husband's end. Then the court went back to the North where the king married his bride, met his parliament, and concluded the "disgraceful peace" with the Scots. There was no more allowed to be said about his father until the question was reopened three years later when the *coup d'état* of the young Edward III at Nottingham drove Mortimer from power to the scaffold, and relegated Isabella not to a dungeon, as the old histories tell us, but to a dignified, free, and luxurious retirement in which she lived to sixty-six, a good old age for those times, and died at last in 1368 in something like the odour of sanctity.

One other observation only need be made as to the period of the regency and that is that the men whom common report associated with the crime, Berkeley, Maltravers and Sir Thomas Gurney remained trusted agents of Mortimer and Isabella. Maltravers in particular was raised to a great position, for between 1328 and 1330 he acted as steward of the king's household, the lay head of the royal establishment, and therefore—we may guess—in a position to prevent any compromising documents appearing in the wardrobe accounts in which his clerical colleague, the treasurer of the wardrobe, recorded the expenses of the court. He had, however, vacated that office before the Nottingham catastrophe, though he still, I imagine, was in the confidence of the Queen Isabella.

Under these circumstances we may well believe that Edward was murdered at Berkeley. It is unlikely that this vigorous and healthy man of forty-three died a natural death. There is every probability that his unscrupulous enemies killed him "as a precaution". It was

¹ Pro claustrum circum corpus regis ad resistendum oppressionem populi irruentis.

always so with dangerous captives from the dawn of history. It was pre-eminently so in the middle ages. Our own history is full of such examples, Arthur of Brittany, Edward II, Thomas and Humphrey of Gloucester, Richard II, Henry VI, the princes in the Tower—leaving out the more respectable cases of pretenders slain in hot blood after a fight. Their ends were always mysterious; the official version generally savoured of the incredible; the probabilities pointed to violence; and there was always the chance to accuse either the supplanter, who had most to gain, or his inferior agents who generally did his dirty work for him. But in no case is there certain evidence of how the deed was done or as to the person doing it. The inevitable result of such an end is the suspicion of murder, and there is little reason for us departing from the commonplace attribution of the crime to those who profited most by it. From this point of view we may agree with the chroniclers that Isabella and Mortimer had the primary responsibility for this deed. But they were shrewd enough to obscure the evidence of their complicity, and there is little evidence even against the underlings who perpetrated the actual crime.

Under such circumstances there arose an impression that, after all, the victim might have escaped. All through history there are men, generally denounced as impostors, who claimed that they had marvelously evaded the doom allotted to them and demanded restitution to their ancient dignities. Instance of this range from the false Smerdis whom we read about in Herodotus to the false Demetrius, whose challenge to the throne of the Tsars is familiar to all students of the modern Russian opera. In English history the familiar instances are the "mammet of Scotland," whose claim to be Richard II was officially recognised by our Scottish enemies, and Perkin Warbeck, whose representation of himself as Richard, Duke of York, was widely accepted both in his own day and since. Now there was exceptional reason, far more than in most of the analogous cases I have mentioned, for believing that Edward II escaped the doom allotted to him at Berkeley, and, though no notorious claimant to his name ever presented himself, we can trace for the best part of a generation how the uncertainty of his fate moved men's minds and, as long as his enemies still ruled the land, how deliberate action based on the belief in his survival, stirred up men to deeds of daring and violence.

At first there was general scepticism as to Edward's fate, and we

can understand this better, now we know that he actually did for a time escape from his dungeon. But it is a remarkable thing that a large number of wise and influential people, and also some neither wise nor influential, profoundly believed that Edward was still alive. Among the latter we may safely class Edward's stupid and unpopular half-brother Edmund, Earl of Kent, whose disgust of Mortimer and Isabella led him into several half-hearted attempts against their administration. But the important thing is that so many of the better sort were impressed by the same rumour. Among these were the excellent Archbishop Melton of York, who had served him from youth up to the end; Bishop Gravesend of London, quite a respectable prelate; many Dominican friars on whom the mantle of Thomas Dunhead had fallen; some representatives of the official class, past and future; magnates who belonged to the court following, including Isabella's kinsman, Henry Beaumont; Scottish enemies of the realm; new and uncertain friends in France, and, strangest of all, the strong and masterful pope, John XXII, one of the greatest lawyers who ever sat on the papal throne. The Dunhead tradition still lingered. Thomas may have been dead, but one chronicler, Lanercost, believed that he was alive and was the preaching friar who convinced Kent of his brother's existence by conjuring up the devil to give testimony to that effect.¹ Even his brother Stephen escaped from gaol and was hard at work up to 1329. Unluckily we still have to move warily, for our chief information as to the development of this new phase of the sentiment of belief in Edward's remaining alive comes from a confession of Edmund of Kent, himself, whose stupidity and credulity make him a poor witness, even though he tried to tell the truth. Besides this Mortimer got wind of Kent's suspicions, and used some of his followers as *agents provocateurs* to lure the silly earl to his ruin. It is hard to know from Kent's story which of the officials were *bona fide* believers in Edward's existence and which were suborned to give false testimony. But we may readily assume that Maltravers, then steward of the household, was of the latter class. Anyhow Kent was involved in a net of treason from which abject confession afforded him no escape. With his execution in March,

¹ Lanercost (p. 265), who summarises Kent's confession from Murimuth (p. 253), identifies Thomas Dunhead with Kent's anonymous devil-invoking friar.

1330, the chief attempt to translate into action the belief that Edward still lived came to an end.

Another reason that suggests scepticism as to Edward of Carnarvon's murder is the extreme tenderness with which the suspected murderers were treated when in the Westminster Parliament of November, 1330, Mortimer and his chief abettors were tried and condemned. It is remarkable how small a place the death of Edward of Carnarvon took in the charges brought against them. It is true that Mortimer was declared guilty, among other counts, of having caused "the father of the lord king" to be murdered, but there were many other hanging matters brought up against him. Of those against whom common fame, then or later, brought direct charges of actually slaying Edward, two only, Sir Thomas Gurney and William Ogle, were convicted of "falsely and traitorously murdering the king's father," but both of these escaped their doom by flight. Ogle's share in the crime has up to lately been obscure, but recently a bright ray of new light has been flashed upon it. To this we shall soon recur. A third culprit, Simon Barford, was executed, but on other counts than the Berkeley murder. A fourth, Maltravers, was also condemned to death, but he, too, was arraigned on the very different charge of compassing the death of Edmund of Kent by persuading him that the old king was alive when he knew very well that he was dead. He, like Gurney and Ogle, escaped his fate by a speedy flight beyond seas. Thomas of Berkeley was dealt with most tenderly of all. Brought before parliament to explain how it happened that the lord Edward should have been suffered to be murdered in his castle and in his custody, he denied all responsibility. He had appointed Gurney and Ogle as his agents, having complete confidence in them. At the time of the murder he was lying sick at Bradley, miles away, and was too ill to have any memory of what had happened. Moreover, he only learnt in the present parliament that the late king had been murdered. Later a jury of knights appeared with Thomas in open parliament, and acquitted him of the chief charges brought against him.

Some of Berkeley's statements are plainly untrue. It looks as if his own household accounts disprove his absence from Berkeley; they certainly show he only got to Bradley more than a week later than Edward's reputed death. It is most improbable that he was so simple as never to have heard that his captive was supposed to have been

murdered, until nearly three years after the event. But parliament accepted him at his word, and ordered him to appear in the next parliament to answer the sole charge which it regarded as still requiring to be met, namely, his responsibility for the appointment of Gurney and Ogle by whom the king had been murdered. He was committed to the custody of the steward of the household. In the next parliament the case was still postponed, but, on the petition of the magnates, Berkeley was released from his bail. The business dragged on for nearly seven years. Even when parliament pronounced him guiltless of the murder, it still referred to the king's judgment whether any culpability was attached to him for so horrible a deed happening in his castle and involving a victim entrusted to his charge. At last, on 16 March, 1337, Edward III declared his complete acquittal. Berkeley played his part in the Scotch and French Wars, sat in parliament, and handed on his estates and dignities to a long line of successors.

An attempt to fasten the guilt of Edward's murder on William Ogle was made somewhat later than the proceedings of the parliament which had already condemned Ogle. Through Ogle it was hoped to attack the memory of Roger Mortimer himself and his still active lieutenant and agent, William Shalford, who, in 1327, had been acting on his behalf as justice of North Wales. This remarkable effort has only recently become known and deserves, therefore, careful consideration from us. It was due to the energy of the numerous Welsh enemies of Mortimer and his agents. These partisans took advantage of the establishment, after the fall of Mortimer and his henchman, of a fresh administration in Wales under the new justice, Sir John Wysham. They took to this officer a remarkable complaint against Shalford's action in September, 1327. Howel ap Gruffydd, a Welsh gentleman of some position, who apparently held a quasi-official position as the king's prosecutor,¹ appeared before justice Wysham, and formally "appealed," that is accused, William Shalford of feloniously encompassing the death of Edward of Carnarvon, and challenged him to trial by battle to prove the accusation. His story was that Shalford procured Edward's death by warning Mortimer, who at once took the hint, that it was only by slaying the ex-king

¹ "Qi suyt pur nostre seigneur le roi." See later in appendix.

that the danger of a successful plot to release and restore him could be obviated.

Wysham, an old partisan of Mortimer and Isabella,¹ seems to have been embarrassed by Howel's appeal and referred it to the king's chancery. Thence the case was sent by writ before the justices of what was later called the court of King's Bench, and 18 April, 1331, was appointed for its hearing. The appellant and the defender each found sureties for his appearance, and the fact that many of the leading magnates of Gwynedd, at their head the famous Sir Gruffydd Llwyd, acted as sureties, or "manucaptors," of Howel, shewed how strong was the local backing of the attack on Mortimer's agent. But nothing decisive came of the "appeal". An illness, contracted on his journey to the court, prevented Howel putting in his appearance on the appointed day, or during the short period of grace following. Though he duly presented himself at subsequent hearings some time later, it was finally decided that his claim had been lost through his defeasance.²

The motive for this judgment was not unlikely to have been that same policy of 'hushing up scandals that had already so strongly influenced the action of the young king in this matter. But it led to no concrete results. Ogle had already escaped, and as he seems soon after to have died abroad, nothing was to be gained by pressing the suit. After all, it was not only an attempt to bring a murderer to justice and to exact reparation from an oppressive governor. It was emphatically a quarrel between the Welsh of Gwynedd and the English dwellers in the garrison towns of North Wales, whom Shalford represented.³ Shalford himself seems soon to have been restored to favour, for we find him acting as keeper of Mortimer's forfeited lands.⁴ Thus once more the welfare of the young king on the throne was preferred to meticulous inquiry as to the circumstances of his father's death.

Of the three reputed murderers of Edward III, we now know how it fared with Ogle. Gurney and Maltravers, alike in their exile,

¹ He had been steward of the household in 1328 and 1329.

² *C.P.R.*, 1330-4, p. 208.

³ The two lists of "manucaptors," for Howel and Shalford respectively, see later in appendix, show this clearly. See also *C.P.R.*, 1330-4, pp. 61, 143.

⁴ *Ibid.*, pp. 143, 323. See also *C.C.R.*, 1330-3, pp. 345, 350, 460, 461.

had in the end curiously different fates. Gurney was the only one of the three upon whom Edward III took any trouble to lay hands. In 1331 he was arrested by the king of Castile at the instance of the English king, who sent a member of his household to receive the prisoner. However, long delays ensued and Gurney took advantage of them to effect his escape. Next year the vengeance of the English king ran him to earth at Naples, and this time he was safely delivered to a Yorkshire knight, sent by Edward to bring him home. The route taken was by way of Gascony, and Gurney reached Bayonne in safety. There he broke down in health and died. His keeper meticulously carried out his commission, for he embalmed the body and brought it by sea to England. There, perhaps, the punishment allotted to the living man may have been gratuitously inflicted on his corpse. This is a possible explanation of the story told by Murimuth and copied by Baker, that he was beheaded at sea.

Maltravers lived many years in Flanders, and soon proved himself so useful to Edward III that it was thought injudicious to make any serious attempt to run him to earth. His wife, who lived comfortably on her dower lands in England, was apparently allowed to visit him from time to time, at first under the pretext of a pilgrimage and later without any pretence in the matter.¹ Meanwhile Maltravers seems to have established himself in an influential position in Flanders, and finally did good work for England in cementing the Anglo-Flemish alliance of 1340. Accordingly in 1342 Agnes his wife was allowed to stay with him in Flanders for such time as she pleased, notwithstanding his sentence of banishment from England.² But the crumbling of the Anglo-Flemish alliance in 1345 made Maltravers' position in Flanders precarious, and when in that year Edward III appeared in the port of Sluys to hold his last interview with Artevelde, who went straight from it to his death, Maltravers of his own will submitted to the king and prayed that, as he had been condemned unheard, he might be allowed to stand his trial in parliament. The king declared that, being anxious for justice, and recognising that by Maltravers' loyal service to England in Flanders he had lost all his goods there, and could not abide there longer without great peril, he should receive a safe conduct to

¹ *C.C.R.*, 1330-3, p. 584 (24 July, 1332), license to Agnes Maltravers to cross from Dover going on pilgrimage by the king's license.

² *C.P.R.*, 1340-3, p. 378 (15 February, 1342).

stand his trial. In 1345, as a step towards the restitution of his estates, the king took them out of the jurisdiction of the exchequer and reserved them for the king's chamber.¹ In 1348 he sent Maltravers along with a leading merchant, as his envoy to the "three towns" of Ghent, Bruges, and Ypres.² At last in 1351 Maltravers' restitution was completed. The king annulled his outlawry and restored him to the estate he possessed before the judgment passed against him, and paid a handsome acknowledgment to his great services to the crown and to his resistance of the large offers made to him by the king's adversaries to draw him from his allegiance. Thus the humbler brother-in-law of Berkeley obtained, after over twenty years, the pardon Thomas obtained after seven. He once more sat in parliament, though he was now too old for fighting, so that who would have him a combatant at Crecy and Poitiers confuse him with his son. He died at a good old age in 1364.

The tendency in 1330 and 1331 had been to make the humbler instruments the scapegoat of the real criminals; but though a policy of forget and forgive is doubtless a noble one, we cannot help feeling that the honour of Edward III does not shine the brighter by reason of his easy-going complaisance to his father's murderers. It was, I suspect, but another exemplification of the comfortable system of hushing up scandals, and it was reasonable enough that, so long as the old Queen Isabella was allowed to go free, it was unjust to inflict condign vengeance upon her agents. Like his grandfather Edward I, Edward III probably thought that the wisest course was to wash his dirty linen in all privacy. It was, in fact, another aspect of the policy of silence that had so long enveloped Edward II's fate in mystery. So late as in 1366, when John Froissart paid a visit to Berkeley, that restless seeker after news inquired about Edward of Carnarvon's fate as if it were still a moot question. "I asked," wrote he, "what had happened to that king. An ancient esquire told me that he died within a year of coming to Berkeley, for some one cut his life short. Thus died that king of England. Let us not speak longer of him but turn to the queen and her son." With this outpouring of worldly wisdom, we may leave the matter at rest.

Despite all contrary evidence, the tradition that Edward escaped

¹ *C.C.R.*, 1346-9, p. 89 (10 July, 1346).

² *Fœdera*, iii. 162.

from Berkeley took a long time to vanish, and a discovery of some forty years ago, confirming as it does that letter of John Walwayn, must not be passed over in silence. There is preserved at Montpellier, among the records of the ancient bishopric of Maguelonne,¹ a most remarkable letter written to Edward III by a Genoese priest, beneficed in England. In this the writer informs the king that he had heard in confession that Edward II was still alive and, with absolute contempt of the canon imposing secrecy on confessors, he felt it right to acquaint the king with the circumstances. He goes on to give an entirely accurate and circumstantial account of the misfortunes of the fallen monarch up to his imprisonment at Berkeley. Whether the rest of the story is equally precise is another matter. At Berkeley, the tale proceeds, a servant told Edward of Carnarvon that Thomas Gurney and Simon Barford had come to the castle to slay him, and offered to lend him his clothes that he might effect his escape, disguised as the servant. Edward accepted the proposal, slew the sleeping porter, stole his keys, and obtained his freedom. Gurney and his associate, fearful of the queen's indignation at the escape of her enemy, pretended that the body of the porter was that of her husband, and it was the porter's body which was buried at Gloucester and the porter's heart that was sent in a casket to the queen. The fugitive then found a refuge at Corfe until, after the failure of the earl of Kent, he found it prudent to leave the country. He first fled to Ireland, but afterwards made his way through England and traversed all France from Flanders to Languedoc. At Avignon he had an interview with John XXII who received him kindly. Then followed more wanderings and an ultimate settlement in various hermit cells in Italy, where, apparently, he was still residing at the time of the writing of the letter.

It is a remarkable document, so specious and detailed, and bearing none of those marks by which the gross mediæval forgery can generally be detected. Yet who can believe it true? Who shall decide how it arose? Was it simply a fairy tale? Was it the real confession of a madman? Was it a cunning effort of some French enemies to discredit the conqueror of Crecy? Or was it an intelligent attempt to exact hush money from a famous king whose beginnings

¹ It is printed, with comments, in Stubbs' *Chronicles of Edward I and Edward II*, Introduction to vol. ii., pp. ciii-cviii.

had been based upon his father's murder and his mother's adultery ? One thing only is clear and that is that the political suppression of the truth never pays in the long run and invariably piles up difficulties in the path of those who would evade their troubles by such easy means. Luckily, both for Edward III, and for those who did Edward II to death, the age was not over squeamish, and there is no reason for believing that they were ever a penny the worse from all the attempts to prove that the dead were alive.

It is clear that to the plain man the tomb at Gloucester was believed to contain all that was mortal of the unhappy Edward of Carnarvon. Feasting with Abbot Thoky in the *aula abbatis* on one of his visits to Gloucester, Edward II had noticed the row of royal effigies adorning the walls of the abbot's noble hall. He smilingly asked his host whether his portrait would not in due course be added to them. Thoky answered that he hoped the king would be ultimately placed in a more distinguished place than that which his predecessors occupied. Herein the Gloucester chronicler, who tells the story, claimed Thoky as a true prophet, for the burial place of the victim of Berkeley, on the north side of the high altar of the abbey choir, was soon distinguished by one of the rarest triumphs of fourteenth century craftsmanship, and was resorted to as to a place of pilgrimage by such a crowd of devotees that the church of St. Peter attained a higher state of prosperity and distinction than ever it had had before. No great church could feel content unless it had a saint of its own, sufficiently popular to attract the concourse of the faithful. If not a formally canonised saint, then a reputed saint or martyr would serve at a pinch. The English had acquired the habit of idealising any public character who died of violence as the personification of some principle which it revered. Thus St. Thomas of Canterbury, who really laid down his life to vindicate the supremacy of Canterbury over York, was, all over Europe, worshipped as a martyr for the liberties of holy church. The age of the Edwards preferred a saint who had some touch of politics in him, and the generation which wished to canonise the quarrelsome Archbishop Winchelsea and the disreputable Thomas of Lancaster, gave the informal honours of sanctity to the king who had atoned for the weakness of his life by the tragedy of his end.

It was for a time a matter of dispute, as in the case of Thomas of Lancaster, whether Edward was a saint or not. Many people said that

he died a martyr and did many miracles. But, a cautious chronicler warns us that imprisonment and an opprobrious death make no man a martyr if his holiness of life correspond not to his fame. But the crowd had it over the sceptics, who saw in the visits to the shrine the love of women to go gadding about rather than the impulse of holy zeal. But the doubters were soon silenced. Almost at once king Edward's tomb became a place of pious pilgrimage. Before 1337 the swarm of pilgrims was such that the town of Gloucester could hardly lodge the multitude that thronged to the martyr's shrine from all parts of England.

The material results of this flow of pilgrims was soon seen in the changes wrought in the fabric of the house of St. Peter's at Gloucester. At first their offerings enabled Abbot Wigmore (1329-37) to completely rebuild, from foundations to roof, the "aisle of St. Andrew," that is, the south transept of his church. This was but the first step in a long process. Before his death in 1337 Abbot Wigmore had made substantial progress towards the reconstruction of the eastern half of the abbey church which resulted in the transepts and choir, though retaining their ancient romanesque core, being faced with a casing of masonry erected in the fashion of building called "perpendicular". The mediæval architect was no archæologist, but the Gloucester work solved cheaply and effectively the problem how a Norman structure might, without the expense of rebuilding, be converted into the semblance of an up-to-date modern church. The problem was a general one, and there is no wonder that the solution begun in the south transept of Gloucester Abbey was imitated far and wide. Thus the "perpendicular" style of building was taken from its first home of Gloucester and was adapted and popularised by Edington and Wykeham in their grandiose operations at Winchester and elsewhere. It should, however, be clearly remembered that the needs resulting from the cult of Edward of Carnarvon, and the affluence which flowed from this, first started the new style. This fact alone would give Gloucester a place of its own in architectural history.¹

Among the pilgrims to Gloucester came Edward III, his son the Black Prince, his wife Philippa of Hainault, and his sister Queen Joan of Scotland. Their lavish offerings increased the luxury of the

¹ See for this R. Willis in *Archæological Journal*, xvii. 335-42 (1860).

equipment of the minster and found its finest expression in the famous tomb¹ with its delicate tabernacle work and its striking effigy of the beautiful but weak face of the murdered king. The "right goodly and sumptuous" cloisters, the "exceedingly fair" central tower,² the beginnings of the rebuilding of the western part of the nave, all testified that the succeeding generations of Gloucester monks still had the means and the taste to carry further the reconstruction of their church and cloister after the best fashions of the "perpendicular" period. But the cult of Edward of Carnarvon was too artificial to endure for long, and there is little evidence that it survived the fifteenth century. That this and so many other popular canonisations failed to establish themselves is one of the minor obligations we owe to the papacy, whose rigid method of inquiry into the claims of candidates for saintship did so much to uphold the gravity of mediæval worship amidst the flood of superstition and credulity that threatened to overwhelm it.

¹ For the tomb, see *Archæological Journal*, xvii. 297-319 (1860).

² I quote the words of Leland, *Itinerary*, ii. 61.

APPENDIX I

A WELSH CONSPIRACY TO RELEASE EDWARD II.

I AM indebted to Mr. Edward Owen, whose *flair* for finding out new points of mediæval Welsh history is well known, for the opportunity of studying the record of the appeal of Howel ap Gruffydd against William of Shalford¹ for compassing the death of Edward II. This is not quite a new discovery, for the late Mr. T. G. Williams has already published a short paper on the matter in the Cardiff *Nationalist*, Vol. III., No. 28, pp. 26-30 (July, 1909). Mr. Williams, however, only knew the story from the Floyd transcripts, now in the National Library of Wales, and his interesting comments are partially vitiated by his not being quite in a position to put the incident in its historical setting. Mr. Edward Owen, to whom I also owe my knowledge of Mr. Williams' article, found the record referred to in the *Coram Rege Rolls*, and made a transcript of it, which he has most kindly allowed me to use for my paper, and print here. I have "extended" to the best of my ability Mr. Owen's transcript, and have compared it with the original manuscript roll. There must, however, always have been some doubt as to the extension of proper names. In particular Welsh personal and place-names open up an abundant source of error, because they were often written out by scribes ignorant and incurious of Welsh. If this be the case sometimes with documents emanating from the chanceries at Carnarvon and Carmarthen, it must be still more the case with a record of the justices *coram re, e*, whose clerks are not likely to have had either knowledge or interest in the matter. How much truth there was in Howel's story must remain an open question.

¹ William of Shalford, king's clerk, was a minor member of the bureaucracy, who devoted a long career to the royal service in Wales. His activity extended from before 1301 to at least 1337, when he received a grant of lands because he had been employed under Edward I and Edward II in repressing sedition and putting down rebels in North Wales (*C.P.R.*, 1334-8, p. 399). He was constable of the castles, and therefore mayor of the towns, of Carnarvon and Criccieth, and lieutenant of Mortimer as justice of North Wales. Changing his allegiance with each change of government, he was royalist up to 1326, a partisan of Mortimer from 1326-30 and finally became in May, 1331, keeper of Mortimer's forfeited lands in Wales, and in high favour with such personal adherents of Edward III as William Montagu, Earl of Salisbury. In 1339 he, or a namesake of another generation but the same clan, was appointed baron and remembrancer of the exchequer of North Wales at Carnarvon (*ib.*, 1338-40, p. 322). Our text shows that he was a burghess of Carnarvon, in which town he naturally mainly resided.

But that there was some conspiracy in Gwyndod is proved by the wholesale arrests made about October, 1327, at Carnarvon of men like Gruffydd Llwyd and Howel himself, who were prominent in the proceedings of 1331.¹

Apart from the new side light thrown by the record on the circumstances preceding Edward of Carnarvon's death, the document suggests some important subjects of discussion in relation to general Welsh history. I cannot deal with these on this occasion, but I hope some one will be found who is willing to work them up. The most striking is the interesting problem of the jurisdiction of the English court in what was substantially a Welsh cause.² This point was apparently raised at some of the hearings, but the decision carefully evaded an opinion as to the main issue. Jurisdiction was claimed because what had happened in Berkeley happened in England, but no opinion was expressed either for or against the doctrine that suits from Carnarvon ought not to be brought *coram rege* by way of appeal. As "the Principality" was at the moment in the king's hands, and the justices *coram rege* were supposed to be the mere mouthpieces of the king's personal judgments, it is difficult to see how a decision adverse to their jurisdiction could be compatible with feudal or monarchical tradition. But the strongly expressed claim of Howel that, as a foreigner, he was not amenable to English courts, is worth noting, if only as an assertion of the nationalist point of view. This is the more remarkable because of Howel's connections with Gruffydd Llwyd and the Welsh official class, whose whole-hearted adherence to their English princes is one of the most remarkable features of early fourteenth century Welsh history. Moreover, as Mr. J. G. Edwards has pointed out to me, Howel is probably the same person as the Howel ap Gruffydd who represented Anglesea in the parliament of 1327 on one of the two occasions before Henry VIII when Welsh members were summoned.

RECORD OF THE APPEAL OF HOWEL AP GRUFFYDD AGAINST
WILLIAM OF SHALFORD.

[From *Coram Rege Rolls*, 5 Edw. III, Trinity Term, No. 285, *Placita corone*, M. 9 (towards the end).]³

ADHUC DE TERMINO SANCTE TRINITATIS.

WALLIA. Dominus rex mandauit justiciario suo Northwallie breue suum in hec verba—Edwardus Dei gratia rex Anglie, dominus Hibernie et dominus

¹ *C.C.R.*, 1327-30, p. 182. They were released on bail on 26 October.

² A similar claim to exemption from the jurisdiction of the ordinary English courts was raised in 1310 on behalf of the "palatinate" of Chester. See Miss M. Tout's note on "Comitatus Palacii" in *English Hist. Rev.*, XXXV, 418-19 (1920). Both in Cheshire and in the Principality these claims were made at a time when the two great franchises in question were in the king's hands.

³ In *Chancery Miscellanea*, Bundle 87, File 1, No. 21, is a fragment of the writ in this case. It has supplied some useful corrections of proper names. It should be noted that the proceedings *coram rege* were at Lincoln.

Aquitanie, justiciario suo Northwallie vel eius locum tenenti salutem. Cum Howelus ap Griffidd appellet coram vobis Willelmum de Shaldeford de quibusdam sedicionibus, confederacionibus et excessibus, tam contra dominum Edwardum quondam regem Anglie, patrem nostrum, quam contra nos factis, ac appellum illud alibi quam coram nobis terminari non possit, vobis mandamus firmiter iniungentes quod appellum predictum cum attachiamentis et omnibus adminiculis appellum illud tangentibus nobis sub sigillo vestro distincte et aperte sine dilacione mittatis, et hoc breue, ut ulterius in hac parte quod iustum fuerit fieri faciamus. Teste me ipso, apud Eltham, xxviii^o die Marcii, anno regni nostri quinto.¹

Pretextu cuius breuis predictus justiciarius misit coram domino rege in cancellaria sua appellum predictum in hec verba.

Howel ap Griffud, qe cy est, qe suyt pur nostre seignur le roi qore est, appele Willame de Shaldeforde, qe illeoqes est, du consail et de compassement de la mort sire Edward, pierre nostre seignur le roi qore est, qe Dieu garde, felonousement et traierousement occis et murdretz. Et pur ceo du consail et cumpassement qe le lundy procheyn apres la feste de la Natiuite nostre Dame, lan du regne nostre seignur le roi Edward qore est, qe Dieu gard, premer,² a Rosfeyre en Anglesea,³ mesme celuy Willame ordeina et fist une lettre, et la maunda a sire Rogier de Mortymer a Bergeueny, en la quele lettre fust contenuz qe sire Rees ap Griffud⁴ et autres de sa coueigne assemblarent poer en Southgales et en Northgales, par assent dascuns des grantz de la terre Dengleterre, pur forciblement deliuerer le dit sire Edward, pierre nostre dit seignur le roi, qe adunqes fust detenuz en le chastiel de Berceleye; et luy fist entendre par sa dite lettre qe si le dit sire Edward fust deliures en ascune manere, qe le dit sire Rogier et touz les seons morreient de male mort, ou serroient destrutz a remenaunt. Sur quoi le dit Willame, trayterousement come traytour, par la dite lettre conseilla le dit sire Rogier qil ordinast tiel remede endroit des choses susdites qe le dit sire Rees ne nul autre Dengleterre ne de Gales aueroient matere de penser de sa deliuerance. Sur quey le dit sire Rogier monstra la dite

¹ 28 March, 1331.

² Monday, 14 September, 1327.

³ Rhosfair, Mr. J. G. Edwards tells me, was the chief vill in the Anglesea cwmwd of Menai, a residence of Llewelyn the Great, and the site of the later "English" borough of Newborough.

⁴ Rhys ap Gruffydd was a magnate of West Wales, king's yeoman under Edward II and often employed as arrayer of troops from South Wales, lieutenant of the justice of South Wales and keeper of Dynevor and other castles and lands in that district. He was faithful to Edward II to the end (*Fæderia*, II, 647). Subsequently pardoned and knighted, he led the revolt of 1327 in South Wales. In February, 1328, he was again pardoned (*C.P.R.*, 1327-30, pp. 238, 242, 256). His offences included disobedience to royal orders, adhering to the Scots and departure from the realm. *C.P.R.*, 1321-24, p. 398, throws light upon his family connections. He stood to West Wales almost in the relation in which Gruffydd Llwyd stood to North Wales.

lettre a Willame Docleye,¹ et lui comaunda de porter la dite lettre a Bercleye a ceux qauoient le dit sire Edward en garde; et lui chargea qe les chargeast de part lui qils soient consaillaunt sur les pointz contenuz deinz la dite lettre et qils feisseit hastiue remedie pur greindre peril eschuer. Le quel Willame Docleye enprist la charge, et fist le comandement le dit sire Rogier. Sur quoi le dit Willame Docleye et les autres qauoient le dit sire Edward en gard trayterousement oscirent et murdrirent le dite sire Edward, pier nostre seigneur le roi, en destruction du saunc real. Cel conseil et compassement fist le dit Willame de Shaldeforde, trayterousement come traitour, encountre sa ligeaunce, en destruction de real sanc nostre dit seignour le roi, par le quel consaill et compassement le dit sire Edward, pierre nostre dit seigneur le roi, fu trayterousement oscis et muredretz. Et si le dit Willame de Shaldeford le veot dedire, le dit Howel, come liges homme nostre dit seigneur le roi, est prest a prouer le, sur lui par son corps, come sur le traitour nostre dit seigneur le roi. Et a ceo faire le dit Howel ad done son gage en la mayn monsire Johan de Wysham, justice nostre seigneur le roi en Northgales, a Beaumaroyes, le viij^e jour de mars, et ad troue xij plegges de suyr cest appel, cest asauoir sire Griffud Th[oyd],² Gronou ap Tudur, et autres.

Misit eciam predictus iusticiarius cancellarie regis predicti manucap- tionem predicti Howelli in hec verba—Pateat uniuersis per presentes quod nos, Griffinus ap Rees, Gronou ap Tudur, loreward ap Griffid, Willyam ap Griffid, Daud ap Gwyn, Griffid ap Edeneued, Tudur ap David, leuan ap Edeneued, Lewelin ap Adam, Cadugan ap Rees, Adam Gough ap Adam, loreward ap Eignoun ap loreward, Tegwered ap leuan, loreward Gough ap Howel, Eignon ap Adam ap Mereduk, loreward ap Daud, leuan ap Keneuth,³ loreward ap Maddok Thloit, accepimus in ballium die confec- tionis presentium de domino Johanne de Wysham, iusticiario Northwallie, corpus Howelli ap Griffud ap loreward in castro de Kaernaruan incarcerati, videlicet unusquisque nostrum, corpus pro corpore, sub omni eo quod erga dominum regem forisfacere poterimus, ad habendum corpus suum coram domino rege apud Westmonasterium, xviii^o die Aprilis proxime futuro, ad prosequendum appellum suum versus Willelmum de Shaldeford de morte domini Edwardi regis Anglie, patris domini regis nunc, unde cum appellauit, et ad faciendum super premissis id quod dominus rex et consilium eius ordinauerint. In cuius rei testimonium presentibus sigilla nostra apposui- mus.

¹ This person is generally called Ogle in modern books and sometimes in the sources. But I suspect that William of Ockley was his real name. This text explains for the first time why he was charged with Edward's murder.

² Gruffydd ap Rhys and Gruffydd Llwyd are, as Mr. J. G. Edwards has conclusively shown, one and the same person. Mr. Edwards points out to me that the fact that Gruffydd Llwyd was at large in 1331 tends towards confirming his conjecture as to the date of Gruffydd's second imprisonment. For this see *English Hist. Rev.*, XXX, 596-98 (1915).

³ "Keneuth" is the clear reading. "Cynfrig" is probably the name meant by the clerk.

Datum apud Kaernaruan, die Jovis proximo post diem dominicam in Ramis Palmarum, anno regni regis Edwardi tercii post conquestum quinto.¹

Insuper misit idem justiciarius quendam aliam manucaptionem predicti Willelmi de Shaldeford in cancellaria predicta in hec verba Pateat uniuersis par presentes quod nos, Hugo de Hampton, senior, Rogerus de Acton, Johannes de Hamton, Ricardus de Monte Gomeri, Philippus de Neuton, Robertus de Helpeston, Johannes de Baddesleie, Henricus le Tailleur, Johannes de Harleye, Radulphus de Neuport, Henricus de Euerdon, et Willelmus Lagheles, burgenses ville de Kaernaruan, Henricus Somer, Willelmus Adynet, Nicholaus de Saredon, Robertus le Porter, Willelmus Sturmy, Petrus de Ouerton, Johannes de Morton, Johannes del Wode et Rogerus de Wolashale, burgenses ville de Conewey, Thomas de Peulesdon, burgensis ville de Bala, Johannes le Colier et Walterus filius Dauid, burgenses ville de Hardelagh, accepimus in ballium die confeccionis presencium, de domino Johanni de Wysham, justiciario North Wallie, corpus Willelmi de Shaldeford, burgensis ville de Kaernaruan, in castro de Kaernaruan, eodem die incarcerati, ad prosecutionem cuiusdam appelli per Howelum ap Griffith ap loreward versus ipsum Willelmum facti, videlicet unusquisque no trum, corpus pro corpore, et sub omni eo quod erga dominum regem forisfacere poterimus, ad habendum corpus, eius coram domino rege apud Westminsterium, xvij^o die Aprilis proxime futuro, ad faciendum super premissis quod idem dominus rex et eius consilium ordinauerint. In cuius rei testimonium presentibus sigilla nostra opposuimus. Datum apud Caernaruan die Veneris, xxij^o die Martii, anno regni regis Edwardi tercii post conquestum quinto.

Quod quidem appellum vna cum manucapcionibus predictis dominus rex misit a cancellaria sua justiciariis suis hic in hec verba Edwardus, Dei gracia rex Anglie, dominus Hibernie et dux Aquitanie, dilectis et fidelibus suis, Galfrido le Scrope et sociis suis justiciariis ad placita coram nobis tenenda assignatis, salutem. Mittimus vobis sub pede sigilli nostri appellum quod Howelus ap Griffith fecit coram justiciario nostro Northwallie versus Willelmum de Shaldeford de quibusdam sedicionibus, confederacionibus et excessibus tam contra dominum Edwardum, quondam regem Anglie patrem nostrum, quam contra nos factis. Quod quidem appellum coram nobis in cancellaria nostra certis de causis venire fecimus, ut ulterius in hac parte fieri faciatis quod secundum legem et consuetudinem regni nostri fuerit facienda. Teste Johanne de Eltham, comite Cornubie, fratre nostro, custode regni nostri, apud Eltham, xvij^o die Aprilis anno regni nostri tri quinto.

Ad quem xvij^m diem Aprilis, scilicet anno regni domini regis nunc quinto, venit predictus Willelmus de Shaldeford per manucapcionem supradictam, et optulit se versus predictum Howel ap Griffith de appello suo. Et predictus Howell, eodem die et in crastino solempniter vocatus, non venit; set tercio die sequenti post predictum xvij^m diem venit. Et allocutus de eo quod non venit ad predictum xvij^m diem coram rege, sicut mandatum fuit, prosequendus appellum suum predictum, dicit quod ipse in veniendo per viam apud Wigorniam versus curiam, hic infirmabatur per duos dies quod nullo modo

¹ 28 March, 1331.

potuit equitare, nec ad diem predictum hic interesse. Et hoc verificare prout curia, etc. Et super hoc certis de causis datus est dies tam predicto Howello quam predicto Willelmo coram rege a die sancti Trinitatis in xv dies,¹ ubicumque, etc. Et predictus Howelus interim dimittitur per manucapcionem Griffith Ffloyt militis, David ap Howel, Grone ap Yerwath, Lewelyn ap Griffuth, Griffyn ap David, et Yerwarth ap Adam, omnes de Wallia, qui eum manuceperunt habendum coram domino rege ad prefatum terminum, videlicet corpus pro corpore, etc. Quod Willelmus de Shaldeford similiter dimittitur per manucapcionem Nicholai de Acton clerici, Johannis de Ouer-ton, Johannis Stutmere de comitatu Salopie, . . . Benet de comitatu Somersete, Dionisii de Wathe de comitatu Lincolnie et Johannis de Housom de comitatu Eboraci, qui eum manuceperunt coram domino rege ad prefatum terminum ubicumque, etc., videlicet corpora pro corpore, etc.

Ad quam quindenam sancte Trinitatis,¹ scilicet anno regni domini regis nunc quinto, venerunt tam predictus Howelus ap Griffith quam predictus Willelmus de Shaldeford [in] personis suis. Et predictus Willelmus de Shaldeford dicit quod predictus Howelus ap Griffith alias habuit diem, scilicet xvij^o die Aprilis proximo preterrito, ad prosequendum appellum suum predictum coram domino rege hic, etc. Ad quem diem idem Howel licet [et primo] et secundo die solempniter vocatus fuerit, non venit, appellum suum predictum prosecuturus, etc. Et ex quo appellatores quilibet parati esse debeant, etc., petit iudicium de non secta sua, etc. Et predictus Howel dicit quod ipse est alienigena natus in principatu Wallie extra regnum Anglie, et licet ipse paratus sit appellum suum prosequi ubi et quando, etc., de appellis tamen seu de aliis placitis emergentibus infra principatum predictum, habet deduci per legem et consuetudinem eiusdem principatus, non per legem Anglicanam, etc. Et super hoc veniunt Griffyn ap Rees, Rees ap Griffyn, David ap Howel, Seroun ap Yerewarth, Yereward Tue, Griffyn ap Kegnhy,² et alii pro se et comunitate totius principatus predicti; et petunt quod de appello predicto quod infra principatum predictum emersit, cuius cognito infra eundem principatum habet deduci et non alibi, quod ipsi non ponantur in placitum in curia hic contra legem et consuetudinem principatus predicti, etc. Et super hoc quibusdam certis de causis datus est eis dies coram domino rege a die sancti Michaelis in tres septimanas,³ ubicumque, etc., eodem statu quo nunc, etc. Et predictus Howelus interim dimittitur per manucapcionem Griffini ap Rees, Rees ap Griffyn, David ap Howel, Seroun ap Herewarth, Yarward Tue, Griffyn ap Tudor, David ap Rees, Griffyn ap Deuoueyt, Euwan ap Griffith, David ap Kethin, Maddok ap David, et Tudor ap David, qui eum manuceperunt habendum coram domino rege ad prefatum diem, videlicet corpora pro corpore, etc. Et similiter predictus Willelmus de Shaldeford interim dimittitur per manucapcionem Howeli ap Maddok de Nanconewey, Johannis de Hamtone de comitatu de Caernaruan, Johannis de Housom de comitatu Eboraci, Johannis de Erewell⁴ de comitatu Angleseia, Johannis de Eccleshale de comitatu Staffordie,

¹ 10 June, 1331.

² or Kegnuy.

³ 20 (or 21) October, 1331.

⁴ The reading in *Chanc. Misc.* is "Eriswell".

Ricardi Bagh de Cruk,¹ Ricardi de Wymesbury de comitatu Salopie, et Johannis de Ouerton de eodem comitatu, qui eum manuceperunt habendum² coram domino rege ad prefatum terminum ubicumque, etc., videlicet corpora pro corpore, etc.

Ad quem diem veniunt tam predictus Howelus ap Griffith quam predictus Willelmus de Shaldeford per manucaptos predictos. Et inspecto recordo predicto, compertum est in eodem quod alias in curia hic, scilicet ad predictum decimum octauum diem Aprilis, predictus Howelus, primo et secundo die exactus, non venit appellum predictum prosecuturus ubi secundum legem et consuetudinem regni Anglie considerari deberet, quod idem Howelus esset non prosecutus, si appellum illud esset acceptabile secundum legem et consuetudinem regni predicti. Et similiter compertum est in eodem, quod predictus Howelus, appellatus predictum Willelmum de quibusdam contentis in appello, que fieri deberent infra principatum Wallie et de quibusdam que fieri deberent apud Berkele infra regnum Anglie, quod quidem appellum in curia regis hic secundum legem et consuetudinem regni Anglie ad finalem exitum deducendum sine die non potest in forma predicta, per quod dictum est eis quod eant inde sine die, etc.

¹ Probably, but not certainly, Criccieth.

² The MS. reading is "habendi".

APPENDIX II.

A POEM ATTRIBUTED TO EDWARD II.

THERE has long lurked at Longleat a manuscript, the property of the Marquis of Bath, which includes a French poem described as "De le roi Edward le fiz roi Edward le chanson qe il fist mesmes". It has been known to some extent by reason of a misleading Latin version in Fabyan's *Chronicle* (p. 185), and has been shortly described in *Hist. MSS. Commission*, Third Report, Ap., p. 180. It purports to be written by the king in his captivity, and describes his emotions and sufferings with some sincerity and feeling. Prof. Studer of Oxford tells me that he had transcribed this poem from the Longleat manuscript and proposes shortly to publish it. The manuscript is, Prof. Studer thinks, not later than 1350, so that its definite ascription of its authorship to the king has some measure of authority. The question whether Edward wrote the poem can only be settled, if ever, when we have the text before us. Certainly, if Edward II ever took to literature, he would have written in French, and his love of minstrels, play-actors, and music may conceivably have driven him in the leisure of his imprisonment into verse. On the other hand he seems to me to have been unlikely to write anything. It is, therefore, tempting to suggest that the poem is another part of the case for exciting sympathy with the dethroned king in his misfortunes and is likely, therefore, to be a conscious effort of his numerous and eager partisans to effect his release, reinstatement or canonisation, rather than an original outpouring of an illiterate sovereign. Meanwhile I should add that Prof. Studer, who, unlike myself, knows the poem at first hand, is impressed with the possibility of its having been composed by Edward of Carnarvon. In any case he will be doing a real service to scholarship by printing so interesting a document. I must express my obligation to him for having discussed the matter with me and for affording me the material on which this note is based.