BISHOP STUBBS' preoccupation with the problem of Parliament in the thirteenth century led him to do less than justice to the problem of the council. This is especially true of the formative period at the end of the twelfth and the beginning of the thirteenth century. Very important steps were taken in the evolution of the council, during the reign of Richard I, which Stubbs, though a master of the period, largely ignored. They were also connected with, and complemented by, an evolution of the communitas regni, an important prelude both to Magna Carta and to the development of Parliament in the thirteenth century.

The occasion for the first important development was the absence of Richard on the third Crusade. The precedents for the government of England during the king's absence are not clearly known. They may have pointed, not to government by council, but to the establishment of a justiciar exercising some, though not all, of the king's power, the substitution, that is, of one (delegate) ruler for another, a simple and

3 Stubbs' account, in the Preface to Howden's Chronica, Vol. III, superseded that of Francis Palgrave, in the Introduction to Vol. I of the Rotuli Curiae Regis (1835), but, for once, Stubbs made no real advance on the work of his predecessor in certain very important respects. He was farther from realizing the true constitutional significance of the events he related than Palgrave himself had been. Perhaps even Professor Baldwin was precluded from appreciating their significance (in The King's Council in the Middle Ages), by too complete an identification of the council and the undifferentiated Curia Regis. A spirited though necessarily somewhat sketchy account has recently been given by Mr. J. E. A. Jolliffe in his Constitutional History of Medieval England, pp. 230-235. Mr. Jolliffe brings out clearly the importance of the two letters given by Richard at Messina to the Archbishop of Rouen, though he does not bring out equally clearly the significance of the changes which these letters were intended to make.
straightforward act. The obvious substitute for Richard in 1189 or 1190, however, was his brother John, whom he mistrusted. Perhaps this fact prevented the King from appointing any one individual to replace him in his absence. On the other hand, there were not enough precedents, and there was not enough theory regarding a conciliar body exercising a joint responsibility in government, for a council of regency to be appointed. Consequently, a group of administrators were given a divided power, and the result was, inevitably, confusion and mistrust.

In examining these arrangements, the very first of them, in August 1189, made on the death of Henry II, when Richard was away from England, may perhaps be set aside. In it, the new King gave to his mother, Queen Eleanor, an exceptional power, "statuendi quae vellet in regno"; but this was probably intended to last only until Richard himself arrived in England; and it was not repeated, though Eleanor continued to represent the King in a very special, if indefinite manner, during his later absences abroad. The second arrangement, on the resignation of Ranulph Glanville in the following September, consisted of the appointment of William de Mandeville, Earl of Essex, and Hugh Puiset, Bishop of Durham, to be justiciars in his place, possibly in anticipation of the King's absence on the Crusade. Roger of Howden says that the King associated William Marshall and others with the two justiciars in regimine regni. What Roger means by this, it is difficult to say. This is not quite borne out, however, by the arrangement made in the Peace of Ivry (1177) between Henry II and Louis VII, in which the two Kings agreed to go on a crusade. They were to leave their kingdoms in charge of custodes et gubernatores, though whether these are to act collectively or not, does not appear. The phrase does not suggest collective action. The treaty is given in Benedict of Peterborough, I, 191-194.

1 Ralph Diceto (Radulfi de Diceto Decani Lundoniensis Opera Historica, ed. W. Stubbs (R.S.), 1876), II, 67: "datum siquidem est in mandatis regui principibus, et quasi sub edicto generali statutum, ut ad reginæ nutum omnia disponerentur." An example of Eleanor's enactments is given in Benedict of Peterborough (Gesta Regis Henrici Secundi Benedicti Abbatis, ed. W. Stubbs (R.S.), 1867), II, 74-75.

2 Op. cit., III, 16. The names, in addition to William, were Geoffrey Fitz Peter, William Brewer, Robert Whitefield and Roger Fitz Rainfrai. I have accepted the evidence of Roger on this point, but it is not borne out by Benedict of Peterborough, and is obviously open to doubt. Roger may have been arguing back from a later period.
to say. Stubbs thought that there was a "commission of the justiceship," though he doubted whether it was formally constituted. This is all the information we have about the second arrangement. All that Richard did, apparently, was to divide the old justiciarship between two ministers, loosely associating with them a number of other officials. It is remarkable that no magnates were included in this arrangement. One explanation of this fact is suggested below.

In what manner the King modified the arrangement on the death of the Earl of Essex, or on his actual crossing to France in the following December, it is equally difficult to decide. William Longchamp was substituted for the Earl: he and Hugh Puisset were now the *summi justitiarii.* Benedict of Peterborough, however, thought that Hugh was *sumnum justitiarium* alone. William of Newburgh, on the contrary, thought that Richard had left the administration of the kingdom to Longchamp. There was disagreement, amongst the chroniclers at least, as to who were the "colleagues" of Hugh and William, and (possibly) as to what were their functions. These facts suggest

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1 Howden (Chronica Magistri Rogeri de Houedene, ed. W. Stubbs (R.S.), 1870), III, 16, n. 5. Palgrave, op. cit., XLII, says that the duties of these colleagues "more fully stated" was to "dispense justice to every claimant observing therein the laws and lawful customs of England," but I have not found the evidence for this. Stubbs believes (Howden, 16, n. 5) that the colleagues were the principal judges of the curia and barons of the exchequer, and therefore naturally the counsellors of the Great Justiciar. This is probably true. But it had never been clearly stated before, so far as I am aware.

2 Howden, III, 28.  
4 Historia, I, 306.  
5 Benedict of Peterborough said that Longchamp, Hugh Bardolf and William Brewer were Hugh Puisset's 'colleagues in doing justice' (Gesta, II, 101). This perhaps points to a collaboration in administrative and judicial matters; business of a more general kind would be settled in conjunction with the magnates. In point of fact, as observed elsewhere, there is a good deal to connect Hugh Bardolf and William Brewer, along with Hugh Puisset, with the exchequer. Richard of Devizes thought that they were transferred to the exchequer (Ricardus Divisiensis De Rebus Gestis Ricardi Primi, in The Chronicles of the Reigns of Stephen, Henry II, Richard I, ed. R. Howlett (R.S.), 1886, III, 386). Again, also, there is some doubt as to who were 'justiciars'. Roger of Howden (Chronica, III, 16) thought, as noted above, that a number of others, including William Marshall, were associated with William Brewer. Stubbs (Preface, p. xxx) was not inclined to accept this. But there is ample evidence that William Marshall later had an exceptional position in the eyes of the King, even though he did not stay in
that there was still no clearly defined government by council when Richard actually left England. The title of justiciar did not give Longchamp or Hugh Puiset the precedence and power associated with the earlier justiciarship of Henry II; on the other hand, the association of others with them did not create a definite group of councillors with collective responsibilities and powers.

Finally, at a council in Normandy during the following March, the King made William Longchamp 'chief justiciar of England', with Hugh Puiset justiciar north of the Humber. This suggests that Richard had recognized the impracticability of his previous arrangement, and the dominant position which Longchamp would, under any title, derive from the custody of the royal seal. It suggests also, however, that Richard was still attempting to solve the problem of the government of England by dividing the responsibilities of his ministers rather than by bringing them together into a closely united group.

Longchamp had charge of the seal of absence. Professor Tout thought that this was the exchequer seal, though he left the question very open. The greatest objection to his conjecture is that Gervase of Canterbury called the seal a small seal, whilst the exchequer seal was, on the contrary, a duplicate of the great seal. Another objection is the assertion of Hugh England. All this points to a real indefiniteness in the situation, to a lack of anything more than an informal grouping of ministers in the Government. The formal precedence of Hugh Puiset, if it existed, was very unreal. As pointed out below, the fact that he had not got the care of the seal of absence robbed him of the reality of power. William of Newburgh, a shrewd observer, said that Richard left the administration of the kingdom to Longchamp (Chronicles of Stephen, I, 306). Richard of Devizes said that the King left the care of all his kingdom to his chancellor (Chronicles of Stephen, III, 388). This was a natural consequence of Longchamp's care of the great seal. Even before the council of Normandy, Hugh Puiset suspected that he had been made justiciar, not as one zealous for justice, but for the sake of his money (Benedict of Peterborough, II, 101). It seems likely that Hugh had been given a formal position, without any clearly defined functions and powers. Richard probably simply relied on the traditions of the justiciarship of Henry II. But these were not adequate against the reality of power that the chancellor possessed through the care of the great seal. This is what was recognized in the new relationships established at the council of Normandy.

1 Opera Historica, I, 509. See below, p. 490, n.
of Nonant, who said that Longchamp “regis sigillum super omnem terram gestabat”. This does not sound like the seal of the exchequer, which had come into being because the exchequer needed a seal apart from that which itinerated with the King. It seems safer to regard the small seal which Richard gave to Longchamp as being distinct from the exchequer seal.

How these seals were to be used is a matter of considerable importance. The small seal, according to Gervase in the passage quoted below, ought to have been used for the negotia regni. The exchequer seal would naturally be used, as in the past, for the business of the exchequer. We might have thought this covered the matters for which seals were required in the King’s absence, were it not for the existence at this period of another type of business, for which there is a good deal of evidence, some of which is discussed below. This was the negotia regis, the usual complement of the business of the realm in the thirteenth century, apparently distinguished from the negotia regni as early as 1191. It might also be thought that there would be no place for negotia regis in the King’s absence; but a passage in Gerald of Wales suggests that this was not the case. According to Gerald, Walter of Coutances, Longchamp’s successor as ‘chief justiciar’, was so modest that he would not use his own seal in regiis negotiiis, but used the seal of the exchequer. The phrase here used is not identical with the phrase in negotiiis regis; but it is so close that it is reasonable to take it to mean the same thing. If so, Gerald seems fairly conclusive on two important points. Firstly, there was business ‘of the king’ in England, even in the King’s absence, distinguished from the business ‘of the realm’; secondly, this royal business was partly performed by

1 In Benedict of Peterborough, II, 215.

2 If this is true, however, there must have been still another small royal seal in existence—the small seal which was overseas with Richard. Gerald of Wales said of Longchamp that “adeo una cum regio mandato utroque sigillo, tam majore scilicet quam minore, munito contempsit” (Opera, ed. J. S. Brewer (R.S.), IV, 426). All this strongly reinforces Delisle’s view that the small seal was established in England on Richard’s accession, otherwise it could hardly have played such an important part in the events of 1190 and 1191.

Walter's predecessor, that is, by Longchamp, under his own seal, and not under the King's seal at all. It looks as if Longchamp's colleagues were, or easily could be, excluded from this business 'of the king'; and that the Government in Richard's absence was based on a rough division of functions, not on the collective action of a council of which the Chancellor was only the head. In any case the evidence available seems to point to the existence, not of two, but of three, seals of government, during the King's absence in 1191.

Even more important is the suggestion of a distinction between the different types of governmental business, the importance of which, even as late as the reign of Edward I, has hardly yet been generally accepted. If the distinction is no more than suggested by the evidence so far discussed, more evidence will be brought forward below. Meanwhile, it is worth pointing out that the distinction seems to provide the key to a full understanding of two important passages, well known to historians, but perhaps of greater significance and importance than has hitherto been thought. The first is the passage in Gervase of Canterbury, already referred to more than once, to the effect that Richard left a small seal with Longchamp, by which the negotia regni ought to be sealed, but that the Chancellor, taking everything to himself, did everything under his own seal. Wherefore, having removed him from his office, the justiciars resumed the care of the seal. The full significance of this is apparent only if we remember that the negotia regni were, by the meaning of the terms themselves and by virtue of evidence set forth below, as well as by the tradition of the thirteenth century, matters of national concern in which others besides the Chancellor were involved. By dealing with them, as well as the negotia regis, under his own seal and not under the small seal, Longchamp was excluding his colleagues and the magnates from any share in the government.

The second passage is the letter from Prince John and from Walter of Coutances to the prior and convent of Christchurch,

1 See my Studies, pp. 24-54.
2 It is in the Opera Historica, I, 509, and is given by Tout in Chapters, I, 148.
Canterbury, to which Professor Tout made reference when he said, "the first result of Longchamp's fall in 1191 was an order from the regents that letters should be authenticated by the royal seal only". John and Walter actually stated that it had been decreed by common deliberation of the loyal subjects of the King that the negotia regni should be disposed of communiter and by mandates under the King's seal. The real significance of this lies in the reference to the business of the realm. It strongly confirms the interpretation offered above of Gervase of Canterbury's reference to the small seal left by Richard in the hands of Longchamp. This seal was to have been used for the negotia regni. Longchamp had not used it for such matters. Accordingly, it was taken from him. It is clear, taking these two passages together, that the regents in 1191 were not concerned with all the King's letters, but only with those directing the business of the realm. It is probable that they made a real distinction between this and other kinds of governmental business. And it is clear that they did not think such business affecting the realm should be done by the Chancellor, or his successor, alone.

In spite of this additional knowledge about the principles of government in 1190, the position of Longchamp's "socii et coadjutores", immediately after Richard's departure, remains obscure. Richard of Devizes thought that they had been put in the exchequer. Hugh of Nonant said that the Ing had added comites to him, so that at least the greater matters of the realm (majora regni) should be ordered by common counsel. According to the evidence noticed above, the majora regni would be the business disposed of under the small seal; and this again suggests that the socii had been associated with Longchamp particularly in the use of this instrument; for, it will be remembered, Gervase of Canterbury records how they resumed the seal when it was taken from the Chancellor. However, there can be no doubt that Richard had intended Longchamp and the other justicarii to work together. They were, Benedict

1 Quoted, p. 499, n. 2, below. 2 Chapters, I, 148. 3 Gerald of Wales, IV, 400. 4 Chronicles of Stephen, III, 386. 5 Howden, III, 143; communi consilio.
of Peterborough says, his socii, whom the King had associated with him in the rule of the kingdom. It is almost word for word how Roger of Howden described the earlier association of the justiciars with Hugh Puiset and the Earl of Essex. There can be little doubt that this was intended to be a full participation in the negotia regni, though not in the negotia regis. But Richard failed to make the terms of this association sufficiently clear and imperative, and there were probably no clear precedents to act as a guide. In spite of associating them in the Government, he had divided their functions too much for them to work together effectively as a group.

The situation was further clarified by a letter which Richard wrote from Bayonne on June 6, 1191, telling his subjects to obey Longchamp without question, "super omnibus quae ad nos spectant". The subjects were further enjoined "pro ipso faciatis sicut pro nobismet ipsis faceretis, de omnibus hiis quae vobis ex parte nostra dixerit". This letter was noted by Stubbs who thought that it conferred on the chancellor 'full powers'. But perhaps in this he went too far, in spite of the comprehensive language of the letter. It seems probable that Richard's orders are only to be properly understood in the light of the distinction already discussed between business of the realm and of the King. There seems to be a good case for equating omnia quae ad nos spectant with the latter. There are two reasons for this, besides the similarity of the terms. In the first place, we have already seen reason to believe that Longchamp was dealing with this business under his own seal; all that Richard did in his letter from Bayonne therefore, was to give a final authorization for an intelligible administrative arrangement; he did not hand over the whole kingdom to the unlimited power of one man. The power he did confer on Longchamp was imposing enough as it was, but it was not completely at variance with the traditions of the State. In the second place, Richard made it clear, in the letter which he subsequently sent to the Archbishop of York, quoted below, that he had not handed the majora negotia regni

1 Benedict of Peterborough, II, 213.
2 Howden, III, 161; Benedict of Peterborough, II, 213.
3 Ralph Diceto, II, 83.
4 C.H., I, 536, n. 5.
to the chancellor alone. It is quite evident that the letter of June 6 made Longchamp the mouthpiece of the King to the nation at large. When he spoke in the King’s name he was to be obeyed. He was to use his own seal to dispose, if he wished, of matters which did not demand discussion with his colleagues or with the barons. But all this did not give him ‘full’ powers in the State. Longchamp exaggerated the powers he had, in fact, received; but this does not mean that Richard had not left certain fairly well-defined checks upon them, based on the deepest traditions of monarchical rule.

The contribution of the magnates, in particular, far from being excluded by the powers conferred upon Longchamp, was probably an essential and unquestioned factor in the scheme Richard devised. There is clear evidence of this in the letter to the Archbishop of York ¹ mentioned above. The Archbishop was to be present “in majoribus regni negotiis cum justiciariis suis et his quibus rerum gerendarum cura principaliter commissa fuerat”. Who these people were, to whom had been entrusted, along with the justiciars, the care of the greater matters of the realm, we do not know; but since the Archbishop was to be one of them, they probably included magnates. The magnates had already a very strong claim, even when the King was not absent, to be consulted about the most important matters of State. It is hard to believe that Richard deliberately broke with this tradition in arranging for his projected absence overseas. It is true that William of Newburgh complained that the settlement was made minus solemniter, with an obscure man at the helm, administering the kingdom absque consilio et voluntate optimatum; ² but this strengthens rather than weakens the deductions made above from the letter to the Archbishop. William complained at even the administration—administratio—of the kingdom being given to the Chancellor. What he would have said if the whole government—gubernatio—of the realm had been handed over, to the exclusion of all others, it

¹ Giraldes Cambrensis, IV, 382.
is not easy to conceive. The final situation, after Richard’s letter of June 6, seems to have been that Longchamp could dispose of all the negotia regis under his own seal, but that the negotia regni had to be dealt with under the small seal, in consultation and co-operation with his colleagues and with the magnates of the realm.

Richard had made ample provision for consultation and co-operation. Unfortunately his whole scheme was lacking in balance and in definition. Longchamp, acting alone, had far too little power to control the dangerous situation at home, even though Richard gave him nearly as much as, under the circumstances, he could; on the other hand, the chancellor had far too much power for him to co-operate easily, either with his colleagues on the one hand, or with the universitas on the other. In the crisis which followed (whoever was to blame for this) Richard had to define his system of government in England afresh. He had to move an important step towards the idea of a clearly defined conciliar body, with collective responsibility and power, such as emerged during and after the minority of Henry III. He had also to make use of the universitas regni in a way in which this body had never, so far as we know at present, been used before, paving the way for the self-conscious, articulate and politically active universitas regni of the thirteenth century.

II.

The evidence for this reorganization of government lies in a series of letters given by Richard at Messina to the Archbishop of Rouen. These did not, as Stubbs thought, ‘discard’ the

1 These were printed by Ralph Diceto (II, 90, 91) and Giraldus Cambrensis (IV, 400-401). Stubbs’ comments appear in Howden, III, lx, 96; Benedict of Peterborough, II, 157-158. Richard of Devizes mentions other letters (The Chronicle of Stephen, III, 405), all stressing the fact that “cancellario pendunt ab omnibus”. Perhaps these were intended to make it clear that the King had no intention whatever of simply ‘superseding’ the Chancellor by his new arrangement. The significance of the letters, some of which he quotes, is given with absolute clarity by Roger of Howden, III, 140. It is almost identical with what is suggested above, from a consideration of the letters themselves.
Chancellor in England. One of them, dated February 23, associated the Archbishop with Longchamp in the ‘council’; the other dated February 9, to be discussed at length below, directed William Marshall and other barons to look to the Archbishop for directions as one who knew the secrets of the King’s heart. It is necessary to distinguish clearly between

The first of these (Feb. 9) is printed below. The second is also worth reproducing at length:


1 Howden, III, lx.

2 Both Stubbs and Powicke (C.H., VI, 210) gave Walter only a waiting brief, “to watch affairs and, if necessary, to act”.

3 Palgrave (op. cit., p. li) discussed these letters rather briefly, considering their importance, largely because he was not interested, at that point, in the problem of the council, great or small. He simply notes that the first, in order of time, empowered William Marshall and the other colleagues to administer the affairs of the kingdom if Longchamp shall not act faithfully according to their advice and the advice of others of the council. The second, he notes, adds Walter of Coutances to the board of Justiciars. He did not realize that the two letters were concerned with different councils and different business; that William Marshall was being directed how to act in the negotia regni together with the barons; whilst the letter to Longchamp and his colleagues was only concerned with the ‘ privy’ council. The two letters were not dependent on each other; they dealt with different aspects of the same problem. That to Longchamp was intended to see that Walter of Coutances became part of a new and more definite council; that to William Marshall was intended to see that the barons treated with this reformed council about the negotia regni. It is true that, as Palgrave pointed out (p. lixii), we shall never be entirely certain that the letters “really expressed King Richard’s intentions and pleasures”. But there can be no doubt whatever of the existence of, at least, one of them. It was recorded both by Gerald of Wales and by Ralph Diceto. Even if it was a forgery, much of its significance remains.
these two letters. They served different purposes and were addressed to different people. That of February 23 was perhaps the first in logic though not in time. It was addressed, not, like the order of February 9, to the magnates, but to the justitiarii. It was concerned, not with the negotia regni, but with negotia nostra. It was almost certainly intended to modify the instructions Richard had sent from Bayonne on June 6, giving Longchamp power to order all things quae ad nos spectant. Now, the justiciars and the Archbishop are firmly associated with the Chancellor in procurandis negotiis nostris. They are to do all things relating to the King’s business ipse pariter in omnibus cum consilio vestrō, et vos cum suo. This is not yet, perhaps, government by council; possibly the concept was still beyond the reach of that generation. But it is a clear approximation towards this, and probably a clear advance beyond the loose association of ministers, with Longchamp as the sole vehicle of the King’s wishes, which Richard had set up on his first departure overseas. Even this ‘council’, it should be noticed, however, was not entrusted with the complete government of England; it was not given charge of the negotia regni, which involved also the magnates, and which was dealt with in the complementary letter of February 9. It is clear that the same deep distinction is evident here, between the two aspects of government, as that which has been noticed above; it seems to provide the key to these new arrangements, as it did to those when Richard first left England.

Perhaps a further word should be said on this distinction. What exactly it amounted to, in 1190 and 1191, is not apparent. If we have been correct in equating negotia regis with omnia quae ad nos spectant, and in believing that Longchamp could deal with them under his own seal, they would seem to have been those matters which related to the King’s person rather than to his office. On the one hand it must be remembered, however, that this latter distinction itself was wholly foreign to the age of Richard I; on the other, there is ample evidence, at least from the thirteenth century, that the negotia regis included many important aspects of government, such as, for instance, foreign affairs. Possibly, at this early period, they meant simply the personal views and wishes of the King.
The negotia regni can be more easily defined as those acts of government which clearly and directly affected the community; they were the business of the respublica, of the state. How far these distinctions were clearly appreciated at this period it is not easy to say. On the one hand they may go back at least as far as the Treaty of Westminster in 1153; on the other, the first clear indication of their nature may not occur until the minority of Henry III. It looks as if, in 1190 and 1191, there was not yet a universally accepted phraseology with which to describe them. All that we can say is that the beginnings of the distinctions, at least, are apparent, and that these are of very great importance in the history of the period as well as in that of the later constitution.

Despite this lack of clear definition, the main lines of the reorganization carried out by Richard from Messina were adequately grasped by contemporary writers, even if they did not, and perhaps could not, express themselves in consistent terms. William of Newburgh, for example, stressed the indissoluble partnership proposed between Walter and William Longchamp. The King, he said, added the former to William as his ‘consort and colleague’, in all the highest matters of administration, saying that nothing should be done in this without the equal participation of Walter.¹ Roger of Howden described how Richard commanded Longchamp to have the justiciars as socii et testes in all acts of government—in omnibus agendis regni.

The chroniclers tended to lump the letters of February 9 and February 23 together, and obscure the distinctions which

¹ Historia, in Chronicles of Stephen, etc., I, 336: “eum regii auctoritate rescripti cancellario per omnia in administranda rerum summa consortem et collegam adjungens: ac ne quid in eadem administratione eo non pariter disponente fieret, districte praecipiens”. Roger of Howden described all the ‘colleagues’, along with the Archbishop of Rouen and William Marshall, as the socios et testes of Longchamp; Chronica, III, 96. Richard of Devizes said that the King ordered the Chancellor to use the counsels of the Archbishop in the actions of the Government—in agendis regni; Chronicles of Stephen, etc., III, 404. Benedict of Peterborough said that Walter of Coutances, William Marshall and Geoffrey Fitz Peter were to be ‘associated with’ the Chancellor in regimine regni; Gesta, II, 158.
lay behind the reorganization; but they all agree that the King now insisted on united action by the justiciars at home.

It seems likely that such 'conciliar' government is exactly what the Archbishop of Rouen proposed to William of Longchamp on his first return to England, and what William refused. In the assembly at the Bridge of Lodden, described by Gerald of Wales, Walter read out transcripts of the King's letters to him, "varia literarum transcripta, quas a rege reportavit, et quarum testimonio ad regni regimen remissus est . . . in publica audientia legi fecit". It is very hard not to conclude that one of the letters was that of February 23 from Messina. This did not quite promote Walter ad regni regimen; but it went some way towards so doing; and Longchamp's disregard of its injunction gave an important justification for the organization of opposition to him at the Lodden. It is quite clear from Gerald's description of the proceedings after the letters had been produced, that the question of effective government by council was the most urgent one which confronted the gathering. Walter told how, after his arrival, the Chancellor had never utilized his council. The justiciars added their testimony to the same effect. They had, indeed, been entitled to consultation from the time of Richard's departure: they had been given as "socios et coadjutores a principio"; but it seems clear that the offence of not consulting them had been aggravated by the King's letters given to Walter of Coutances. The sole offence charged against William at this assembly, and for which the assembly determined that he should be deposed from his justiciarship, was that he had refused the counsel of Walter and the other justiciars, especially

1 On this point see p. 504, below.  
2 Giraldus Cambrensis, IV, 399.  
3 Ibid., 400: "postquam in regnum adventit, nunquam cancellarius ejus consilium in aliquo vel expetit vel expectavit." Walter does not say that William had seen the King's orders and rejected them; but this seems to be implied by his statements.  
4 Ibid.  
5 This explains the conduct of the justiciars, which Stubbs clearly found very puzzling (Preface to Howden, III, lxxii). Their relationship to Longchamp had been put in a new light by Richard's letters. William's refusal to accept the proposal of the letters left the justiciars no alternative but support of Walter of Coutances unless, like William, they chose to defy the clear directions of the King.
in the matter of the election to the Archbishop of Canterbury.\(^1\)

This reference to the Canterbury election links the discussion at the Lodden very directly with the letter of February 23, for Richard had, in this letter, specially directed the justiciars to carry out the instructions which Walter of Coutances had received from the King regarding the election.

A more clearly formulated government by council seems also to have been what was ‘decreed’, *communi deliberatione fidelium domini regis*, after Longchamp’s dismissal. This was stated in a letter quoted by Gervase of Canterbury, which seems to have been largely overlooked.\(^2\) Acts under the King’s seal, were, it was said in this letter, in future to be authorized *communiter*. Unfortunately, John and Walter do not say to which royal seal they refer; but it seems probable that it was the small seal already discussed. As Gervase himself says, quoted above, the King had left a small seal for the *regni negotia*, but the Chancellor had done all things with his seal. Now the *justitiarii* resumed the seal of the King.\(^3\) We have to guess also what was the exact meaning of *communiter*. Some indication of this is given by the fact that both John and the

\(^1\) Stubbs (Pref., p. lxiv) adds “complaints of a less general character”, and this was very likely the case. But it is not clear that the tale of wrongs of Hugh of Durham and his son Henry (Benedict of Peterborough, II, 212) was put forward at this assembly as a reason for the deposition of William; still less is it clear that Henry de Vere made any actual charges against him (Ralph Diceto, II, 98). The reference to the refusal of Longchamp to take counsel in the matter of the election to Canterbury is, as pointed out above, particularly important. By this, his offence in refusing the advice of the *justitiarii* was related directly to the period after the new council had been ordered.

\(^2\) *Opera Historica*, I, 509. This, too, is worth giving in full. “Johannes Comes Moretonii, et Walterus Dei Gratia Rothomagensis archiepiscopus, delectis in Christo amicis priori et conventui ecclesiae Christi Cantuane salutem. Propter praeteritas quas audistis contentiones communi deliberatione fidelium domini regis statutum est, ut sub sigillo domini regis de negotiis regni mandata regia fiant communiter et discurrant: unde vobis mandamus quatinus litteris ad vos sub eodem sigillo directis fidem indubitatem habeatis, et quod in eis continebitur dilatatione recisa efficaciter impleatis.”

\(^3\) Ibid. “Demiserat enim rex in Anglia sigillum parvum regia tamen majestate signatum, quo regni negotia debuerant insigniri. Sed cancellarius omnia sibi ascribens suo sigillo fecit universa. Quo sicut supra dictum est a praefectura amoto, sigillum regium justitiarii resumpserunt.” This is discussed above, p. 490.
Archbishop wrote the letter; the business to be settled communiter was negotia regni; and the agreement so to dispose of it was made communi deliberatione fidelium. All this makes us associate the letter with the King’s order of February 9, regulating the negotia regni, rather than with that of February 23. Thus communiter implies probably the agreement of the communitas regni. But it is almost certain that this agreement was intended to be between the communitas on the one hand and the whole group of justitiarii on the other. This is made quite clear by the resumption of the small seal by the latter, and by the terms of the letter of February 9. Thus the brief missive of John and Walter may fairly be taken as declaring the principle of common action which was to govern all the actions of the new government set up by Richard I. In this sense, it applies equally to the letter of February 9 and that of February 23.¹

This type of government was, finally, that which was in fact constituted when the movement against Longchamp had succeeded. It was a conjoint government by Walter of Coutances and the other ‘justiciars’, the type of government which Longchamp had refused to accept. This, combined with the new activity of the communitas, is what made it possible for John to be recognized as “summus rector regni”,² without fulfilling Longchamp’s foreboding that, as he told his enemies, “quantum in vobis est, comiti jam dedistis quicquid regis erat in regno”.³ It is true that the Archbishop was made “justiciarius regni et supremus super negotia”,⁴ and that to him, as William of Newburgh said, “rerum erat principaliter summa commissa”;⁵

¹ Perhaps a serious defect in Richard’s settlement was that he failed to command Longchamp in set terms to share the negotia regni with the justiciars, though he said, in his letter of February 9, that the latter had been associated with the Chancellor in treating about the negotia regni. This would help to explain why Longchamp could refuse to give up the small seal, and to account for the extraordinary language of the Pope, addressed to the representatives of Walter and the justiciars, and recorded by Benedict of Peterborough, Gesta, II, 242. It must be remembered, however, that a number of important letters have quite certainly not been preserved.

² Richard of Devizes, III, 415.

³ Ibid.

⁴ Ibid., p. 421. According to William of Newburgh he was given the “regni administrationem” (Chronicles of Stephen, I, 344). This was done, William says, “decreto communi”.

⁵ Ibid.
but his position was described explicitly by Roger Howden in the most significant terms: it was to the effect that the Archbishop “nihil operari voluit in regimine regni, nisi per voluntatem et consensum sociorum suorum assignatorum, et per consilium baronum scaccarii”. Gerald of Wales says exactly the same thing. And it is very significant in this connection that, as described above, he refused to use his own seal for the business of the King, and that the small seal for negotia regni was held by Benedict of Sansetun.

The “alii justiciarii” did indeed constantly figure with the Archbishop, in the conduct of the King’s government in ensuing months. If there was not formally and explicitly a government by council, there was the nearest approach to this

1 Chronica, III, 141.
2 One reason why the Archbishop did not dominate the kingdom in the same way as Longchamp had done, was the fact that he did not keep the small seal of absence. It was in the hands of Benedict of Sansetun; Howden, III, 154, and ibid., n. 1.
4 Howden, III, 141 (granting the commune of London); Benedict of Peterborough, II, 237 (forbidding John to go to France); Ralph Diceto, II, 100 (election of the abbot of Westminster). Walter and the justiciars seized Longchamp’s property in 1191 (Howden, III, 155). When Longchamp returned to England in 1192, he appealed to the Queen-mother, to John, to Walter of Coutances and to the other justiciars (Benedict, op. cit., p. 239). The justiciars, along with Walter, bribed John in 1192 (ibid.). The justiciars wrote, along with Walter and bishops, against Longchamp, to the Pope (ibid., p. 242). They sent the Bishop of Durham to Normandy in the same year, acting as they frequently did at this time, with Eleanor, John and Walter (ibid., p. 247), and they ordered, along with Walter, and by letter under the King’s seal, that the Archbishop of York should restore the revenues of the Bishop of Durham’s clerks (ibid., p. 248). The justiciarii were active in the election of Hubert Walter to Canterbury (Ralph Diceto, II, 108). Walter and the other justiciars sent two abbots to seek out their captive King (Howden, III, 198). Whilst Richard was in captivity, John demanded the kingdom from Walter et caeteris justiciariis (ibid., III, 204); the justiciarii organized the subsequent opposition to him (ibid., p. 205); and Walter and the justiciars made a truce with John until November (ibid., pp. 207-208). Richard in captivity wrote to Eleanor and to the justiciars and all his subjects (ibid., p. 208). Eleanor and the justiciars received the Bishop of Ely (Longchamp) whom he sent (ibid., III, 212), and they were regarded as levying the sums for the King’s ransom (ibid., III, 225). When Richard sent for Walter of Coutances to be a hostage, he made Hubert Walter summus justiciarius, i.e., head of the council (ibid., p. 226).
that England had ever known. There is no doubt whatever that the justiciars formed a collective unity, though not called a council. Richard suggested their collective responsibility in his letter of April 19, 1193, directing the collection of his ransom—"et vos justitiarii nostri, qui aliis in regno nostro præestis".¹ If a council of regency definitely operated shortly after this, in the period of Henry III’s minority, much credit for this must be given not only to the astonishing evolution of the idea of councils at this period, in national and municipal affairs, but also to the concrete and important experiences of the Government during Richard’s crusade, when it is likely that the decisive steps from the idea of a rector regni or justiciar replacing the monarch, or a number of justiciars sharing the royal power, to the idea of a group with collective responsibility, really acting in common, were made. It should be noted that the council is not the ordinary King’s council; it is a council of regency whose functions were necessarily very different from those of the group of advisers in attendance on the King. But it is surely not without significance that the councillors were a body of ministers, not of magnates, similar to the domestici whom Henry III, according to Roger of Wendover, was going to have as his advisers in 1223.

Closely connected with the idea of government by a council of regency was that of government with the co-operation of the magnum concilium. The actions of this body, or at least of the assembled communitas regni, during this crisis, were probably not as Stubbs thought, unconstitutional and of little significance for the future.² On the contrary, it seems likely, they had the support of Richard; they were, like the idea of conciliar rule, a reply to the needs of the time; and they contributed to the articulate and politically active communitas of the reign of John.

¹ Roger of Howden, III, 209.
² Preface to Howden, III, lxxiii; C.H., I, 539. Professor Powicke did not entirely agree with this. In the C.M.H. (VI, 211) he regarded the events which followed the Chancellor’s flight as revealing the Great Council acting alone for the first time in English political history. He had not space, however, to elaborate this most important and suggestive statement.
The *communitas* was brought into the centre of the complicated events of this period, in a manner never yet brought out, by the communication from Richard at Messina, referred to above, dated February 9 and addressed to William Marshall and the barons.\(^1\) This letter was apparently associated with, though dated earlier than, the letter directed to William Longchamp and his colleagues (February 23), already discussed. It was addressed, not to Longchamp or his colleagues, but to the barons of England\(^2\)—to William Marshall et alii baronibus.

\(^1\) Ralph Diceto, II, 91, n. 1; Giraldus Cambrensis, IV, 400. The differences between these two copies of this important letter are worth putting on record. Below is set forth the copy given in MSS. B and D of the *Ymagines* of Ralph, with variations in Giraldus: “Ricardus rex Anglorum\(^a\) Willelmo Marescallo caro et fidi suo\(^b\) et alii baronibus in eadem forma\(^c\) salutem. Mittimus ad te venerabilem patrem nostrum Walterum Rothomagensem archiepiscopum, virum prudentem et descretum, de cujus fidelitate et prudentia firmiter\(^d\) confidimus,\(^*\) ut ipsius consilio adquiescas et cancellarii nostri, et Hugo Barduli et Galfridus filius Petri et Willelmus Briwerre, quibus negotia regni nostri commisimus tractanda, et non absque praecepto archiepiscopi consilio\(^g\) nihil facere praeumas. Et si forte cancellarius noster negotia regni\(^h\) juxta consilium praecepti archiepiscopi et tuum et aliorum praedictorum quibus curam regni nostri commisimus\(^i\) non tractaverit, praecipimus ut, secundum praedicti archiepiscopi dispositionem, tu et praenominati socii tui de omnibus agendis regni nostri tam de castellis quam de eschaetis absque omni occasione faciatis. Nos enim ei cor nostrum aperuimus et secreta nostra ei commisimus. Teste me ipso apud Messanam, IX\(^k\) die Februarii.\(^*\) The variations are:

\(^a\) Dei Gratia rex Angliae, dux Normanniae et Aquitaniae, et comes Andegaviae.
\(^b\) caro et fidi suo Willelmo Marescallo.
\(^c\) Omits, et alii baronibus in eadem forma.
\(^d\) plene.
\(^e\) Adds, sicut et ad cancellarium nostrum et Willemmum Briware et Hugonom Bardulf, et Galfridum filium Petri, quibus negotia regni nostri commisimus tractanda: instead of, ut ipsius consilio adquiescas et cancellarii nostri et Hugo Barduli et Galfridus Filius Petri et Willelmus Briwerre quibus, etc.
\(^f\) praecipientes ut.
\(^g\) assensu et consilio.
\(^h\) Adds, nostri.
\(^i\) Adds, fideliter.
\(^j\) XX.

\(^k\) On the whole we seem to have here the same letter under different dates. It was easy to mistake XX for IX. The differences, in any case, do not make any significant change in the letter.

\(^2\) In stating this, I am following the complete letter, given as above, rather than what may be an abridgement given by Ralph de Diceto; op. cit., p. 91. This abridgement was addressed to William Marshall and the ‘colleagues’ of the Chancellor, and said simply that if the Chancellor did not ‘treat’ faithfully concerning the affairs of the kingdom, with their advice, they were to act in these matters *secundum dispositionem vestram*. Stubbs (in Howden, III, 96, and Ralph de Diceto, p. 91) believed that this was an abridged version of the
It told the magnates that Richard was sending the Archbishop to England to 'treat' along with other members of the council concerning the affairs of state, and that therefore the magnates were not to act (presumably in these affairs) without the Archbishop. If Longchamp refused to 'treat' concerning these matters, with the Archbishop, the magnates and others, then the barons were to act according to the 'disposition' of the Archbishop.

The letter was very clear on one point. It was concerned with the negotia regni. The phrase was twice repeated. The Archbishop and other justiciars were not to dispose of this business; they were only to treat (tractare) about it. That is exactly what we should expect, for the business concerned, or might concern, the magnates as well as the King. That is one reason why the letter was addressed to the barons. Its purpose seems to be reasonably clear. It was to tell the magnates that the Archbishop of Rouen had been made the key man in the new and effective 'king's council'. The magnates were, in future, to discuss the problems of the realm with this council, including the Archbishop. If Longchamp refused, then the magnates were to act on the advice of the Archbishop. The Archbishop replaced Longchamp as the centre and focus of the new government, though not as the sole controller of all the administration of the land. All things were now to be done communiter, as in the announcement of John and Walter to the prior and convent of Christchurch, discussed above.

The relationship between the letter and the attack on Longchamp becomes evident. Longchamp's assumption of supreme power in Richard's absence had not been without a certain justification. His case was good enough to convince the Pope entirely, and to enable him to retain the trust of the full letter, offered by Ralph. This may well have been the case, though if it was Ralph (whether intentionally or not: Stubbs wavered on this point) certainly took great liberties with the original.

Richard especially mentions actions in regard to castles and escheats, which suggests that he was thinking of the actions of the baronage. Giraldus Cambrensis even said that the King wrote in the same form "singulis justiciariis et quibusdam aliis comitibus, baronibus et fidelibus suis", but this seems doubtful (op. cit., IV, 401). Perhaps the Archbishop wrote, in the King's name.
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King. But it was based on an ignoring of the current distinctions between the various aspects of government, and on an evasion of the limitations and conditions which had been expressed or implied regarding his position. The method of his assumption of power was the use of his own seal for all purposes, thus virtually destroying the whole settlement Richard had originally made. The King's letters rectifying this were complementary to each other. That of February 23, as we have seen, dealt with those actions of the Chancellor which affected the 'privy council' and the *negotia regis*. In the order of February 9, Richard dealt with the problem as it affected the *magnum concilium* and the *negotia regni*. The focus of the changes in both letters was the person of Walter of Coutances; but the changes involved far more than the promotion of the Archbishop to be the King's most trusted representative in England. They involved a re-statement of the principles and distinctions which lay behind the procedure of government in the King's absence; and, in the case of the letter of February 9, by implication at least, the assertion of an additional principle of 'universal' collective responsibility for acts affecting the commonalty, the importance of which, at that time and in the years to come, it would be very hard to over-stress.

It seems likely that Walter tried to put into operation both sets of instruction which he had received; which meant, in effect, that he tried to get Longchamp to co-operate with himself, with the justiciars, and with the magnates, on the basis of the letters he brought; and that only when this attempt failed did he proceed to organize an active opposition. It is clear that Richard, in his letter to William Marshall, besides dealing with the general problem of consultation between Longchamp and the magnates, called in the *universitas regni* to solve an urgent crisis which had, in his absence, got largely out of control. When the magnates later supported the Archbishop of Rouen against Longchamp, there was nothing whatever unconstitutional in their action. Circumstances and Richard had combined to give them an unprecedented and decisive role. That is what Stubbs overlooked.

This letter of 9th (or 20th) February from Richard was, in
fact, the basis of the whole conference at which opposition to Longchamp was organized, on October 5, at the bridge over the Lodden. John, not the Archbishop, was the moving figure, and the conference apparently arose out of the attack by Richenda, Longchamp's sister, on John's half brother, the Archbishop of York. John summoned a conference against Longchamp, at Marlborough; and he was joined by all the members of the council of regency except the Chancellor. It was John who summoned the community of England to the Lodden on October 5. Yet behind John we can, with almost absolute certainty, see the Archbishop of Rouen and the mandate of Richard dated February 9. Whether the Archbishop did not, as Stubbs believed, find it opportune to present this letter when he arrived in England; or whether, as Benedict of Peterborough and Roger of Howden say, he did not dare; or whether, as suggested above, he presented it in vain; the fact remains that Longchamp clung to his position, though he certainly knew Richard's motives in sending the Archbishop home. It may well be that, in this case, Walter of Coutances waited his time before he publicly disclosed the contents and used the authorization of the letter of February 9.

1 Giraldus Cambrensis, IV, 396. At the head of the 'councillors' was William Marshall; also named were the Bishops of Winchester and Bath. Whether or not William really was a member of the council, it is impossible to say. Probably not. In any case, Longchamp had refused to accept Richard's new arrangement for the council, already discussed above, so William could not have acted.

2 Ralph Diceto, II, 98.  
3 Preface to Howden, p. lix.

6 William of Newburgh says that Longchamp refused outright to accept Richard's command, saying that he knew the King's mind better; Chronicles of Stephen, I, 337. Roger of Howden believed that 'the Chancellor scorned all the mandates of the king'. Gerald of Wales was quite certain that Longchamp rejected the King's orders: "ideo una cum regio mandato utroque sigillo, tam majore scilicet quam minore munito comtempsit" (op. cit., IV, 426). On the whole it seems likely that Longchamp did formally receive one of the King's letters, but would not accept the Archbishop's terms.

6 See note above, p. 503.

7 Richard of Devizes (III, 406) and Gerald of Wales (IV, 401) both imply that Walter, probably in co-operation with John, deliberately organized the opposition of the magnates. This is, perhaps, not unlikely, and would be another explanation of Walter's delay in bringing matters to a head. John certainly got his reward: he was made rector totius regni (Richard of Devizes, III, 415).
The time came with Richenda’s attack on the Archbishop of York. Fortified by the support of the councillors on the one hand, and William Marshall, representing the barons on the other, John was able to summon all the communitas Angliae to Lodden in the terms of a royal assembly, “tractaturi de quibusdam magnis et arduis negotiis domini regis et regni”—almost word for word the formula for summoning a parliament in the later age of Edward I. Not only that, but in spite of Stubbs’ uncertainty on the point, the Archbishop of Rouen gave a final validity to the assembly and provided the constitutional justification for the form of John’s summons, by reading publicly the mandate, empowering such a procedure, from the king. The Archbishop called on the communitas Angliae at the Lodden to act against Longchamp, exactly as he had been authorized to do in his letter; and it is probable that he again used the letter at the still more general assembly at St. Paul’s, including the commune of London, newly sworn.

The communitas which Richard had thus called into activity not only solved for him the problem of Longchamp, but also, as he probably had anticipated, solved the problem of John. It dominated the public life of England in the next few years, in a way which has never been fully worked out. It probably

1 Ralph Diceto, II, 98.
2 This fact was also noted by Palgrave, op. cit., p. lvii.
3 Stubbs’ doubts are given in Howden, III, lxxv, lxxix. He bases his conclusion on the version of Benedict of Peterborough (II, 213) who says that at St. Paul’s: “tunc primum ostenderunt coram populo litteras regis”, etc. But Benedict has barely mentioned the events at the Bridge of Lodden. Giraldus Cambrensis (IV, 399, 400) on the other hand, describes them in detail. He tells how the Archbishop urged the assembly at Lodden to depose Longchamp from his position, and he clearly narrates how the Archbishop read out the letter authorizing this, given him by Richard, which letter Giraldus gives at length—“Literas quoque domini regis, quorum autoritate hoc praecepit, coram cunctis ostendit et legi fecit, in haec verba”. There seems to be no good reason why Giraldus, so well informed about all these events, should be disbelieved. Perhaps when Benedict said “tunc primum ostendit coram populo”, he was thinking of the citizens of London, gathered at St. Paul’s. Stubbs was here following Palgrave, op. cit., p. lviii.
4 Giraldus Cambrensis, IV, 405. It is well worth placing on record again that he was condemned at this meeting by both magnates and citizens—ab urbis civibus regni que proceribus. Also in Benedict of Peterborough, II, 213.
5 Stubbs, in C.H., I, 538, talked as if the Queen-mother maintained the peace of the kingdom between Longchamp’s deposition from office and the
elected the Archbishop to take Longchamp’s place, in accordance with the King’s instructions. It (minus the citizens) recognized the commune of London. It swore fealty to Richard, but accepted John as his heir if Richard died without son. It wrote to the King, “in communi scripto”, telling of the steps which had been taken against Longchamp. From this time on, until Richard’s return, the important decisions were taken by the Archbishop in conjunction with the communitas regni. When Longchamp tried to return, Walter summoned a magnum concilium of all the leading men. When the Queen-mother tried to make peace between Longchamp and Walter in 1292, the magnates were again on the side of Walter. John was dissuaded from going to France to join Philip Augustus in 1292, in assemblies of all the great men of the realm; at Windsor, Oxford, London and Winchester. The Queen, Walter and the lay magnates played a part in the election of a new Archbishop of Canterbury in May, 1293. The first thing which Walter did, when he heard definitely of the captivity of Richard I, in 1193, was to summon a council, probably a magnum concilium at Oxford. The council of justiciarii and the magnates refused John’s request for the kingdom. When John supported Philip Augustus in his attack, the optimates regni collected a great army and captured Windsor from him. The decision to attack him was made in a great council of prelates, earls and barons, where, per commune consilium regni, it was decreed (definitum) that he should be disseised of all his lands. Few were at hand to

news of Richard’s captivity in 1193. F. M. Powicke again indicates the true situation in C.M.H., VI, 212.

1 He was appointed “communi omnium assensu et electione”; Gerald of Wales, p. 408. Benedict makes the same body elect Walter which had deposed William (Gesta, II, 213).
2 Ibid.
3 Ibid.
4 Howden, III, 155. Longchamp, they said, had been exiled “per commune concilium”.
5 Gerald of Wales, IV, 414; William of Newburgh, II, 111, 345. For a different account, see Richard of Devizes, III, 433.
6 Benedict of Peterborough, II, 239.
7 Richard of Devizes, III, 432.
8 Ralph Diceto, II, 108.
9 Roger of Howden, III, 197.
10 Ibid., III, 204.
11 William of Newburgh, III, 391; “omnes principes regni”, in Howden, III, 206.
12 Roger of Howden, III, 236.
greet Richard on his return from captivity because most of them were away besieging John's castles; they had already captured Marlborough and were besieging Nottingham and Tickhill. Richard, in captivity, had to appeal to all the universitas regni, the bishops, barons, clergy and free tenants to raise his ransom. There can be little doubt that the details of the excessive taxation necessary for raising the ransom were settled in a general assembly. Ralph Diceto gives the details, which he says were agreed by common consent.

It would be difficult to exaggerate the importance of these momentous decisions, taken by a communitas regni which was forced to assume the responsibility for the government of England in the absence of the King. It is true that Walter of Coutances was formally responsible. In a remarkable letter written from captivity, Richard told him that he must even use his discretion as to which of the royal commands he obeyed. But there cannot be the slightest doubt that, both from set policy and from the nature of the situation, Walter depended directly on the universitas assembled in magna concilia. The magnates of England were receiving, in these exceptional times, a final training in their own collective action and in the acceptance, and the assertion, of a clear and collective responsibility for a share in the government of the land. They were preparing to play their part in the magna concilia and parliamenta of Henry III, just at the time when the disintegration of the Angevin Curia Regis was causing these assemblies (or their prototypes) to stand out, marked by their essential and peculiar characteristics, as the vehicle and expression of the universal medieval political principle of government by counsel and consent; government in England, more specifically, through tractatus between the King and the universitas regni concerning the negotia regis et regni; the matters of interest and importance, that is, common to both.

1 William of Newburgh, III, 406. For the details see Howden, III, 237.
2 Roger of Howden, III, 208. A letter which Roger of Howden quotes is addressed to Eleanor, to the justiciars, and to all his faithful of England. The inclusion of free tenants in this appeal is a minor landmark.
4 Ibid., p. 111.