‘The Crisis of 1297’: Royal Prerogative, the Commonality, and the Limitations of the Crown

An Examination of Royal Power in Late-Thirteenth-Century England

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6/16/2016

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Mississippi State University,
2016
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May 2016
Introduction

On August 22, 1297, Earls Bigod and Bohun led a force of English magnates to the doors of the exchequer to halt the collection of what they perceived as King Edward I's unlawful and unsanctioned scheme of taxation. For the three years leading up to 1297, the king engaged in an expensive and unpopular war with the French, which was militarily and financially supported through acts of royal power and intimidation. Consequently, the barons who banded together at the exchequer forcefully expressed their grievances and peacefully sought to put an end to Edward's abuse of royal power; this near rebellious milestone in Edward's reign came to be known as 'The Crisis of 1297'.

Much of the groundwork and foundational understanding of the 'Crisis' derives from a period of predominately institutional scholarship, which did not reflect the full scope of the conflict in question because, at the time, historical importance focused nearly exclusively on institutional entities, such as the crown, the church, or the economy. Thus, while the march on the exchequer occurred in 1297, the true beginning of the 'Crisis' arose in 1294 with the start of another Anglo-French War, followed by an economic recession that trailed into the first decade of the fourteenth century.

These economic factors were certainly a topic of nineteenth- and twentieth-century scholarship, yet scholars tended to discuss the rampant taxation of the 1290s solely as it related to an economic decline affecting royal and baronial power, rather than in analyzing how the same taxation affected the peasant and merchant classes at the local level. Conversely, most modern historians view the economy as a critical element in assessing regional or national development as opposed to institutional power; as a result, economic scholars tend to sidestep both the king's political maneuverings and justifications that allowed him to affect the economy
and the means by which the barons and burgheers sought to obstruct the king’s power. In other words, modern economic scholarship does not take into consideration institutional examinations of legal power, which affected the three estates: nobility, clergy, and the commons. Additionally, scholars have not studied a correlation between the concessionary charters the king signed after 1297 and the power the commons held at the conclusion of the ‘Crisis.’ Therefore, this paper’s intervention combines both the modern economic and traditional institutional approaches to historical scholarship in an attempt to showcase the means by which Edward I exercised royal power during the 1290s and the consequential effect of this power on the English economy. The purpose of this cross-examination is to determine the extent of the legal authority the commonality possessed, the use and scope of royal prerogative, and the power wielded by the ‘community of the realm’; the concessionary charters of De tallagio non concedendo and Confirmatio cartarum illustrate the results of this examination.¹

¹ This term is used to represent the entire baronage alongside the commonality.
Legal Documentation & Historical Precedent

By the late thirteenth century, charters and other legally binding documents were already a longstanding fixture in the establishment of ‘legal precedence,’ which provided an effective means to outline specific rights and liberties held by the lay barons, clergy, and commons, respectively. The 1215 Magna Carta and its subsequent re-issues represented the foundational basis for such legal precedence. However, unlike modern contracts or the entitlements of personal liberties that are now represented by layers upon layers of legal precedent, the varying medieval English social classes could only justify their claim to liberties and privileges by way of ‘historical precedent’; this meant that a legal claim could only be validated if the rights in question had been firmly and unquestionably held for a period of time stretching beyond living memory. As expected, this type of legal system presented numerous problems. The ambiguous language of the charters often posed such an issue in the process of establishing legal precedence through historical justification.

Documents such as Magna Carta and the Charter of the Forest were instrumental in ushering in this newly formed legal tradition and are, therefore, significant primary sources that this paper relies upon for legal reference. The original intention of these and other such charters was to mark and preserve the historical liberties of the baronage and the commonality, not those of the king, because it was commonly reasoned that the king assumed power over everything not legally held by another party. Moreover, nearly all thirteenth-century charters arose in response to the king’s threat to or violation of another’s historical rights. The 1290s clearly exposed this type of infringement as Edward repeatedly instituted excessive programs of taxation, which he justified through what is now known as ‘royal prerogative’, which is an anachronistic term that

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2 Magna Carta, itself, borrowed its style and approach from Henry I’s Coronation Charter of 1100,
3 In this paper, the term baronage will encompass both lay and ecclesiastical barons (bishops).
encapsulates the extent of regal authority. This royal prerogative presented a controversy to the
realm. On the one hand, historical precedent heavily justified Edward’s utilization of his
prerogative; yet, on the other, the baronage and the commonality immediately perceived this
prerogative as an affront to their historically protected liberties. At this juncture, two questions
took hold of the kingdom: does the king’s royal prerogative supersede the powers of the
‘community of the realm’; are the combined powers of the ‘community’ able to place restrictions
upon royal authority? In short, the debate over whose legal power took precedence incited the
events leading up to the ‘Crisis.’

While the overarching issue in the ‘Crisis’ is certainly one of legality, this paper focuses
on the conflict that arose over the burden of taxation by analyzing several varying types of
financial records; the records reveal the taxation imposed by Edward in the 1290s on both
agrarian and mercantile economies, such as those relating to customs, lay subsidies, and prises.
This examination allows scholars to glimpse the extent to which royal taxation affected the lower
classes in particular. Likewise, contemporary chroniclers – Bartholomew Cotton, Henry
Knighton, and Walter of Guisborough – fully depict the effects of similar taxation on the lay
barons and the clergy.
Historiographical Interpretations: The Transition from Kingship to Culture

Traditional late-nineteenth-century scholars – such as Edward Jenks, T.F. Tout, and James Ramsey – rarely cast kingship in an unfavorable light, often hiding the malicious nature of monarchical power behind a façade of righteous and regal authority. Edward I was certainly no exception to this rule. Current scholars should assess with due consideration the work of such historians who elected to portray the king in this manner, yet should not dismiss this older form of scholarship because it affords modern readers an understanding of the crown’s far-reaching influences.

Additionally, most scholars of the period relied heavily on the legal and biographical groundwork Bishop Stubbs laid in his monumental work, *Select Charters and Other Illustrations of English Constitutional History*, 1914, which, through its organization of medieval records, has enabled innumerable scholars to better understand constitutional development in England. As a contemporary of Stubbs and fellow institutional historian, Professor Tout chose to depict Edward in a biographical style that mirrors that of Einhard’s portrayal of Charlemagne, which began by establishing that “The Emperor was strong, well built, and of lofty stature...his appearance was always stately and dignified.” In like fashion, Tout described Edward as “a man of unusual and commanding height...His frame was cast in a strong but elegant mold and was admirably proportioned.” By comparing Edward I to a king of legendary stature like Charlemagne, Tout elevated Edward to a point above reproach, which consequently became the trend for other historians.

Professor Jenks, who wrote extensively on English law and politics, held similar views as to how historians should approach depictions of the monarchy. Jenks elected to appeal to a sense

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of nationalistic pride and royal glorification, portraying Edward as the “English Justinian”; Jenks even claimed when reflecting on the ‘Crisis,’ “the firm trust of all Englishmen in the nobleness of their ruler remained unshaken during those sixteen years (1290-1307) of storm and stress, of taxation and war, of absence and seeming neglect.”\(^6\) So entrenched was Jenks in his position that he completely overlooked the mistakes and abuses of the king. Therefore, the historical accounts of Jenks and Tout, as well as others, reveal some of the bias of nineteenth-century scholarship.

However, by the mid-twentieth century, the writing of history took on a progressive methodology, which favored a more realistic approach to previous conceptions of kingship and began to remedy some of these discrepancies. F. M. Powicke, who wrote during this period of historical transition, remarked that the chroniclers’ inability to recount events truthfully often misled the readers’ understanding of the realities in medieval culture, especially in regard to the king\(^7\). To combat these exclusory narratives, Powicke began the process of humanizing kings such as Edward by searching for documentary evidence that played to the strengths of the barons and the ‘community of the realm’ rather than the edification of kingship. Moreover, in King Henry III & the Lord Edward, 1947, Powicke consistently depicted Edward as a controversial and, at times, morally reprehensible character, which stands in stark contrast to the lofty images given by his predecessors. Within this text, Powicke drew upon the Song of Lewes, which famously described Edward as both “lion and pard...the embodiment of treachery and self-will, a tyrant in the making who despised the law.”\(^8\) While Powicke’s critique certainly grants a new perspective on Edward’s character, scholars should weigh this criticism against the rise of anti-

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\(^8\) The Song of Lewes was a poem written during the Second Barons’ War to praise earl Simon de Montfort for his victory over King Henry at the Battle of Lewes, 1264; F.M. Powicke, King Henry III & the Lord Edward, 693; “The Song of Lewes,” In EHD III, ed. H. Rothwell (New York: Oxford University Press, 1975), 905.
monarchical sentiment that swept the kingdom during the 1260s. Secondly, the *Song of Lewes* was written in the period prior to Edward's ascension to the throne in 1272, which makes it somewhat difficult to accurately connect the malicious depiction of Edward to the events that took place twenty years into his reign. However, this information does lend itself toward establishing a pattern of Edward's intransigence in opposition to the rights and wills of his subjects.

Powicke's work, alongside other progressive historians, created new ways for scholars to interpret and explore ideas of kingship. Their effort allowed for another historical shift, this time to cultural examinations of history, which took hold during the final decades of the twentieth century; a cultural analysis focuses more fully on cultural phenomena and how a culture reacts to developments within its society. Quite often these analyses illustrate the relationship between a monarch and the effects of his or her reign on a cultural level. While this method does borrow from the traditionalist framework, it also frequently integrates the power of ordinary people and the impact they have on their society.

The work of historian Michael Prestwich is particularly noteworthy because he incorporates less bias and criticism than Powicke in his depiction of Edward's life, struggles, and flaws, as well as the good and ill consequences that royal power brought upon the kingdom. Since the majority of Prestwich's research focused on the reign of Edward I, I consistently consult the various areas of his scholarship, especially his works *Documents Illustrating the Crisis of 1297-8 in England*, 1980 and *War, Politics, and Finance Under Edward I*, 1972. These studies were paramount in constructing the foundational understanding of Edward's role in precipitating the 'Crisis' and in linking Prestwich's balanced portrayal of the aforementioned conflict to that of modern economic scholarship; Kathleen Biddick, Pamela Nightingale, and
James Masschaele are among many scholars whose works provide the depth of knowledge necessary to sufficiently grasp the impact of the ‘Crisis’ on the agrarian and mercantile economy. These studies dig deep to determine the effects of lay subsidies, peasant market involvement, and the overall state of medieval English communities. The work of these and many other scholars reveal a late-thirteenth-century English economy that already suffered from deflated currency, repeated years of poor harvests, and a growing population that, at times, struggled to provide its own subsistence. It is evident how even a slight financial alteration could drastically affect the lives of the whole ‘community of the realm.’ The kingdom certainly was in need of fiscal stability during this period of economic uncertainty, yet, instead, Edward elected to make war with the French. That being said, Edward needed an efficient means to replenish his war chest, which he accomplished by thorough and exacting taxation programs; the crown’s effort to fund another Anglo-French war was met with staunch resistance and bitter resentment by both the baronage and the commonality, who when united were able to confront monarchical authority and place restrictions on the power of the crown.

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The Anglo-French War

Without the Anglo-French War, Edward would not have levied the excessive taxation that led to the ‘Crisis’; understanding the war is, therefore, essential to this paper’s thesis and demonstrates how even the external pressures of legal precedent could affect the baronage and commonality within the kingdom. The war’s foundation drew from the 1259 Treaty of Paris, which, through historical precedence, legally granted England uncontended ownership of the choice territories of Bordeaux, Bayonne, and Gascony in exchange for French overlordship and English homage enacted toward Louis IX and his heirs.10

Three decades later in 1292, a confrontation rose amongst sailors from Normandy, Bayonne, and the Cinque Ports, eventually escalating to armed maritime conflict between the English and the French mercantile fleets.11 Edward, eager to avoid a costly war with France, sent emissaries to meet with King Philip IV in hope of resolving the conflict.12 The reached settlement allowed Philip to exercise his overlordship over the English Crown by forcing Edward to relinquish control over his continental possessions; after this publicly humiliating declaration, Philip assured Edward that these territories would be restored to him in good faith.13 Philip, however, elected not to honor the terms of their negotiations and claimed Gascony for himself.14 This act gave Edward justification to dissolve his feudal obligation to Philip and render the Treaty of Paris legally void, which, consequently, forced the kingdom to bear the full burden of war.

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14 Ibid., 233.
**Purveyance**

Edward’s initial moves in combating Philip set in motion the events that resulted in the ‘Crisis’ and strongly illustrate the economic strain placed on the kingdom. The king’s strategy in dealing with the French was two-fold. First, Edward set about organizing his financial and military resources on the home front. England, being Edward’s principal realm, bore the brunt of this fiscal demand, while the other regions of the Plantagenet domains contributed knights, soldiers, and cavalrymen for enlistment into the English army. Once assembled, the army was to sail for Gascony, form a defensive barrier, and prevent French seizure of the duchy. The second part of Edward’s plan involved constructing a continental coalition with which to offensively engage Philip’s forces; this coalition comprised “The Emperor, Adolf of Nassau; the King of Castile, Sancho IV; the Princes of Savoy and Burgundy; the Count of Bar; and the Count of Foix.”\(^{15}\) Edward built this powerful coalition by promising quite sizable subsidies in exchange for allegiance and participation in the war against France, placing an even greater financial burden upon the whole of the ‘community of the realm.’\(^{16}\)

Edward chose to extract aid in three ways – purveyance, tolls, and grants – which fully appropriated aid from both the baronage and the commonality. Purveyance, or “prise taking,” constituted an appropriation of goods from the commonality for royal use.\(^{17}\) W.R. Jones argues that purveyance did, in fact, fall within the justifiable bounds of historical precedent when executed using the power of royal prerogative; however, in its original form, the system only allowed the king to provision the royal household through the acquisition of reasonable quantities of “foodstuffs, horses, and carriages.” Edward’s use of purveyance became a method

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\(^{16}\) Ibid.

by which he could cheaply provision an entire army for the purpose of reclaiming Gascony. In other words, the king believed that prise taking afforded him the ability to seize resources at a whim due to the legal nature of the prise; prises did not require the approval of Parliament, emanating, instead, from the king’s will. Edward quickly realized his legal advantage and capitalized on the potential of the prise system. Purveyance was soon employed to justify the full exploitation of the commonality through the use of lay subsidies, which targeted the surplus that a lay person produced after removing what was required for subsistence. Nightingale describes this surplus as “an individual’s ability to engage in commerce.” Thus, these subsidies hampered the commoners’ ability to engage in profitable trade and severely affected the economic well-being of the entire kingdom throughout the remainder of Edward’s reign.

By examining medieval tax records, such as “A wartime prise: Lincolnshire, 1296-7,” scholars can determine the manner and extent to which the king utilized the purveyance system; this particular document, illustrated by Table 1, provides a full account of the cereals raised in Lincolnshire from 1296-7. The record began with a quantified list of cereals – wheat, barley, oats, and legumes – that the sheriffs collected from individuals and families throughout the county, totaling approximately 2,740 quarters. Table 2, which details a similar tax record for the county of Bedfordshire, provides both the percentage of taxable cereals (as outlined by the parameters of a lay subsidy) and the monetary amounts collected by the crown. While a comparative analysis of both tables will not fill in the missing gaps, it can illuminate the economic impact of royal policies, such as purveyance, upon the commonality. Additionally, the Lincolnshire prise record exposed how the king tasked the sheriff of each county not only with

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18 W.R. Jones, “Purveyance for War and the Community of the Realm in Late Medieval England,” 300.
the laborious physical requisition of the cereals but also with the costs associated with milling said cereals into flour, sifting the flour once produced, purchasing canvas to store the flour, and transporting the cereals from each stage of production. Once concluded, this process personally cost the sheriff of Lincolnshire £90; this records also makes no mention of any subsequent repayment to the sheriff by the exchequer. Thus, Edward’s appropriation of cereals in support of the war represented tangible financial hardship for the people of Lincolnshire, Bedfordshire, and many other English counties.\footnote{A wartime prise: Lincolnshire, 1296-7,” In EHD III, ed. H. Rothwell (New York: Oxford University Press, 1975), 592-97.}

Table 1. Prise Assessment for the Vills and Boroughs in Lincolnshire, 1298 (to nearest qr.)

<table>
<thead>
<tr>
<th>Grain</th>
<th>Lincoln</th>
<th>Boston</th>
<th>Wainfleet</th>
<th>Grimsby</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat</td>
<td>314 ½ qrs.</td>
<td>493 ½ qrs.</td>
<td>131 qrs.</td>
<td>292 qrs.</td>
</tr>
<tr>
<td>Barley</td>
<td>133 ½ qrs.</td>
<td>43 qrs.</td>
<td>---</td>
<td>24 ½ qrs.</td>
</tr>
<tr>
<td>Oats</td>
<td>267 qrs.</td>
<td>505 ½ qrs.</td>
<td>111 ½ qrs.</td>
<td>66 qrs.</td>
</tr>
<tr>
<td>Legumes</td>
<td>65 qrs.</td>
<td>232 qrs.</td>
<td>5 ½ qrs.</td>
<td>53 qrs.</td>
</tr>
<tr>
<td>Total</td>
<td>780 ½ qrs.</td>
<td>1,275 ½ qrs.</td>
<td>248 qrs.</td>
<td>436 qrs.</td>
</tr>
<tr>
<td>Sum Total</td>
<td>2,740 qrs.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Table 2. Taxation Assessment in Bedfordshire (in Shillings) and Total Percent of Taxable Goods

<table>
<thead>
<tr>
<th>Grain</th>
<th>Collectable Value in Vills</th>
<th>% of Taxable Goods</th>
<th>Collectable Value in Boroughs</th>
<th>% of Taxable Goods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat</td>
<td>6,345.0</td>
<td>35.6</td>
<td>5,641.0</td>
<td>41.1</td>
</tr>
<tr>
<td>Barley</td>
<td>2,587.0</td>
<td>14.5</td>
<td>1,811.8</td>
<td>13.2</td>
</tr>
<tr>
<td>Oats</td>
<td>559.8</td>
<td>3.1</td>
<td>428.5</td>
<td>3.5</td>
</tr>
<tr>
<td>Legumes</td>
<td>674.0</td>
<td>3.8</td>
<td>225.0</td>
<td>1.6</td>
</tr>
<tr>
<td>Sum Total</td>
<td>10,165.8</td>
<td></td>
<td>8,160</td>
<td></td>
</tr>
</tbody>
</table>

Edward, not limiting himself to foodstuffs, also sought to utilize the purveyance system to exploit England’s most lucrative mercantile resource: wool. Edward chose wool for the simple fact that the material was highly profitable, and the exorbitant amount of financial aid needed to secure his continental alliance could not be gained by grants of taxation alone. The grant of “The Eighth and Fifth and Prise of Wool” clearly revealed Edward’s intention to obtain the estimated £50,333 owed as subsidies to his continental allies by purveying “an equivalent amount of the wool [from] clerks and laymen.”22 To achieve this end, Edward intended to raise the standard price of exported wool, thereby inflating its value and crediting his own purse, ensuring the continuance of the continental coalition he worked so tirelessly to assemble. This process involved the appointment of a highly selective group of merchants who were tasked with purchasing 8,000 sacks of wool at the standard market price. The merchants, in turn, provided a king’s purchase receipt to the wool owners.23 However, in the event that an owner was unwilling to sell his wool to the king’s agents, his wool was to be seized and compensated accordingly, regardless of the owner’s wishes.24 Such instances drew the commonality’s attention to the abuse of royal authority at the hands of prerogative and the infringement of historical liberties by the crown. The examination of Edward’s purveyance clearly demonstrated how the king shifted a once simple royal tool – traditionally used to feed his household when travelling – into a mechanism of bureaucratic administration on a kingdom-wide scale. It is much easier to understand the growing resentment and grievances expressed by the commonality after analyzing the extent of Edward’s use of prerogative.

Mercantile Tolls

Tolls arose as another method of Edwardian taxation, often occurring in conjunction with the prises, especially that of wool. From 1294-1297, Edward’s administration placed an unpopular toll, or customs tax, on wool, woolfells, and hides exported from English ports.\textsuperscript{25} The merchants dubbed this toll the \textit{maltote}, or evil custom, owing to what they construed as the unjust nature of the tax because it represented a direct violation of their historical liberties. According to the \textit{Chronicle of Walter of Guisborough}, “all sacks of wool over the number of five were taken for the king and all that numbered under five were extorted for forty shillings [£2].”\textsuperscript{26} This toll required that all merchants, even those who had been fortunate enough to avoid earlier purveyance, sell their stock of wool to the crown, thereby surrendering the entirety of their profits. The traditional custom for such exports had been set at six shillings and seven pence per sack of wool/woolfells and thirteen shillings per last of hides.\textsuperscript{27} The \textit{maltote} called for five-to-six times the prior customs rate, causing an increase to forty shillings per sack of wool/woolfell and eighty-five shilling [£4, 5s] per last of hides.\textsuperscript{28} This dramatic rise in customs tax was perceived as a violation to the merchants’ historical liberties and grossly affected the financial stability of many wool merchants, compounding the burden with which they were forced to conduct business.

\textsuperscript{25} Woolfells: Hide with the fleece still attached
A glimpse into the specifics of this burden lies in a record from the port of Newcastle-upon-Tyne, which concerns the proceeds taken from this tax. Over 551 sacks of wool, 53 lasts of hides, and 2,000 woollfells were traded at Newcastle-upon-Tyne in 1297, which should have guaranteed the owners nearly £1,300 in sales revenue; yet, due to the customs tax, the merchants profited only £683, leaving the crown the remaining £615. This instance clearly illustrates the merchants' displeasure regarding these new practices. Taken from that vantage point, it is easy to see how severe grievances could emerge against the crown. Eventually, on November 23, 1297, Edward abolished the maltote due to the growing resentment brought about by the oppressive and perceived illegal nature of these tolls. The specific language used to abolish the tax proved particularly forceful: “As we at the insistence of the community of our realm...have granted that we will not take that custom or any other at all without the will and common assent of that community.” This excerpt indicates the mounting prominence and influence of the commonality and its sustained ability to check royal authority. The community was fully able to cease the enforcement of the maltote and establish legal power strong enough to subvert the king’s will. This assertion of power by the community suggests two conclusions. First, in order for this event to occur, a perceived abuse of royal authority had to be present within the kingdom. Second, the fact that the community could rein in and define the boundaries to which the king’s prerogative was allowed to operate suggests that a portion of Edward’s authority was subject to the will of the kingdom.

Lay and Ecclesiastical Baronial Grants

In financial support of the war with France, the magnates, gathered at the Bury St. Edmund’s Parliament during November of 1296, granted the king a new customs tax on movable goods.\textsuperscript{31} Unlike prises, which the king requisitioned by means of royal authority, a tax required the assent of Parliament, owing to the fact that Edward needed the lords’ and burghers’ assistance in collecting the desired revenue; in fact, the Parliamentary taxation system can trace its origins to the Anglo-Saxon witan, in which the king would summon nobles who, among other duties, were asked to support and enforce new taxation.\textsuperscript{32} However, the clergy abstained from contributing additional grants in support of the war. The bishops, led by Archbishop Winchelsey, justified this action by citing their legal obligations to the papacy brought about by King John’s yielding of his kingdoms to Pope Innocent III in May of 1213. This change did not adversely affect the functionality of England’s administrative bureaucracy because John’s submission transferred only spiritual, rather than secular, sovereignty to the pope. Therefore, in Edward’s mind, typical undertakings, such as taxation, remained unaltered since taxation was a secular function established through historical precedent established. However, Pope Boniface VIII’s issue of the 1296 papal bull Clericis laicos strictly prohibited grants of clerical taxation to a secular power without the pope’s sanction, which rendered Edward’s position null and perhaps even illegal.\textsuperscript{33}

\textsuperscript{32}While the Anglo Saxon witan was instrumental in collecting taxes, it served primarily as an advisory committee for king and did not meet with the frequency of the later Plantagenet Parliaments instituted by Simon de Montfort. "The Birth of the English Parliament," \textit{Living Heritage}, n.d., accessed 25 May 2016, <http://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birthofparliament/overview/edward/>
When parliament reconvened for the Feast of St. Hilary the following January, Archbishop Winchelsey firmly chose to uphold the terms of *Clericus laicos* and the primacy of the pope, denying the king aid. Edward knew that he could not legally overturn the pope’s decree, but he could take action against the clergy as their secular sovereign by targeting their lands held in fief to the crown. The king publically justified this action in his assertion, “As [the clergy] do not hold to the homage and oaths that [they] made to me for [their] baronies, neither am I bound to [them] in any way,” which subsequently disenfranchised them of their right to property and personal protection under the law. The king hoped to end this strife by threatening land seizure, warning the bishops that if they “did not buy back his protection before the following Easter, all holdings of the church...would be forfeited with all the goods found in them, forever.” With this threat, Edward quickly reversed the major ecclesiastical stance on *Clericus laicos* and eventually obtained his grant, this time in the form of a fifth.

The king encountered similar difficulties with the barons in 1296, except the aid in dispute came in the form of military service rather than grants of taxation. Edward’s military strategy centered on waging a war on two fronts by sending a large baronial led defensive element to Gascony while he and his continental coalition fought the French in Flanders, thereby weakening French resources, both in terms of men and supply. However, to Edward’s chagrin, many barons refused to honor this request, claiming they “were not bound to do any service [without the king] because neither they nor their predecessors or ancestors ever did service in

36 Ibid., 212-14.
Again, the issue concerning historical precedent was at the forefront of baronial discontent, yet by the same token, the king felt his barons' should honor their oaths of fealty and homage regardless of his presence in battle.

Therefore, in Edward's mind, all of the barons should have been bound to comply with his call to arms, especially Earls Marshal and Constable, who held tighter bonds of loyalty than did holders of regular oaths. Owing to their right as great officers of state, Roger Bigod, Earl of Norfolk and Marshal of England, along with Humphrey de Bohun, Earl of Hereford and Constable of England, respectfully declined Edward's request to sail and do service in Gascony, instead made offers to fight alongside the king in Flanders. Naturally, the king found issue with their disobedience because it negated his will and prerogative. Despite threat of death, Bigod and Bohun both openly refused to obey the king's order to led troops in Gascony. Their proclamation led Edward to once more invoke his authority and dismiss the Earls Marshal and Constable from their hereditary offices, granting their titles to others who offered him unquestioned loyalty and support. The chronicler Walter of Guisborough marks this dispute as the event that drove Bigod and Bohun, along with their supporters, to the exchequer in protest of the king's actions. There, the earls presented Edward with their official Articles of Grievances, while simultaneously promising their future obedience, provided that the king re-confirmed the Charters.

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40 Ibid., 226-7.
Consequences of 1297 – The Confirmation of the Charters

By the end of 1297, the ‘community of the realm’ retaliated against Edward’s continuous misuse of royal power by presenting him with a document known as the Articles of Grievances or the ‘Remonstrances,’ which reproached the king for his many injustices perpetrated from 1294 to 1297; the details of which have been categorized and summarized below:

These are the representations that archbishops, bishops, abbots, priors, earls and barons and all the community of the realm make to our lord the king, and they humbly pray him as their lord that he be willing to redress and amend these things for his own honor and for the preservation of the people.

(1) The barons are not bound to do any service [in Gascony] because neither they nor their predecessors or ancestors ever did service in that land.

(a) The barons would not have the power to do service because they have been so reduced by the various tallages and prises, that is of corn, oats, malt, woolls, hides, etc.

(b) The barons cannot pay an aid on account of the poverty they are in due to the aforesaid tallages and prises.

(2) The community of the realm feel themselves greatly aggrieved that they are not treated according to the laws and customs of the land by which their ancestors used to be treated.

(a) The ‘community’ is not being treated according to the clauses of the great charter, whose clauses are all neglected to the great loss of the people.

(b) The ‘community’ is aggrieved about the assize of the forest, which is not kept as it used to be in the past, nor the charter of the forest.

(c) The ‘community’ is aggrieved by the maltote on woolls, because the custom on wool amounts to a fifth of what the whole land of England is worth in a year.

(3) The community of the realm desires the king’s safety and, therefore, do not think it safe for him to crossing over into Flanders while the Scots are beginning to rise against him.41

The presentation of the ‘Remonstrances’ to the king constituted the community’s desire to assert its stake in the kingdom’s administration and to check the use of royal prerogative, which was viewed by the three estates as both abusive and oppressive. The baronage and the commonality also insisted that Edward re-confirm the traditional charters of Magna Carta and the Charter of the Forest, which acknowledged the legal and historical rights of the ‘community

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of the realm.’ In addition to the Confirmatio cartarum, as the re-confirmation was later dubbed, the community thought it necessary to tack on another appendage to the charters called De tallagio non concedendo, the tenets of which are surmised through the first of its articles: “No tallage or aid shall be imposed or levied by [the king] or his heirs in the future without the will and common assent of the realm.”42 The Earl Constable, acting as a mouthpiece for the barons, provided support for De tallagio in his remark, “nothing sooner puts men in bondage than...to be tallaged at will, and that if [the barons were] levied it would lead to the disinheritance of [the barons] and of their heirs.”43 From this point, the baronage outlined the injunctions against future burdens of royal aid and taxation, especially that of the maltote on the export of wool, which gave representation to the burgheers alongside the barons.44 De tallagio should, therefore, be counted alongside Magna Carta as a foundational legal document, because it established the ‘community of the realm’ as a powerful political force capable of instituting royal reform, and it explicitly denoted the significance of historical precedence and how legal power, especially that of the commonality, gained representation in relation to the king’s use of royal prerogative.

Conclusion

43 Ibid.
The Crisis of 1297 is unique in that it is neither a specific nor solitary incident but is instead a culmination of events brought about by Edward I’s use of royal prerogative in his attempt to expedite the war against Philip IV of France. The king’s calls for purveyance, taxation, and military service all emanated from this conflict and placed a tremendous strain on Edward’s subjects. Yet, the kingdom’s grievances were not solely underwritten by the war, itself, but rather the relationship that emerged between Edward and the ‘community of the realm’ in response to the king’s exploitation of royal power.

Edward’s actions concerning Clericos laicos and the collection of ecclesiastical grants illustrate the king’s sordid disregard for the clergy and the church. Earls Bigod and Bohun, along with their supporters, felt similarly affronted by the king’s misuse of feudal authority, epitomized by his determination to send his barons to fight without their liege in Gascony, a land that held no historical precedence or semblance of prior feudal obligation. The examination of Edward’s relationship with both the clergy and the baronage employs traditional institutional methodology. However, I also utilize modern economic approaches by engaging with period evidence, such as that found within the Lincolnshire and Bedfordshire prises and the maltote placed on ports like Newcastle-upon-Tyne. These accounts reveal the hardships forced upon the commons by the king’s continuous demand for aid and show how the king severely stretched the bonds of loyalty between himself and his subjects.

The baronial stand at the exchequer and the concessionary charters that followed represented distinct opposition to Edward’s particular brand of power. By 1297, the combined efforts of the ‘community of the realm’ were able to place restrictions on the use and scope of royal prerogative as outlined in De tallagio non concedendo. The effects of De tallagio were two-fold. Firstly, they protected historical liberties held by the three estates against the
encroachment and abuse of royal power; secondly, the inclusion of the *maltote's* abolition within *De tallagio* unequivocally established the existence of the commonality's legal authority, which would continue throughout the remainder of Edward's tenure and further expand in the reigns of his successors with the growth of Parliament.
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