

**LIONEL GREEN looks at another episode in the history of Merton Priory:**

## **HENRY III AND MERTON PRIORY 1216-72**

Merton was a favourite abode for Henry III from an early age. When only ten, soon after he became king, he was involved in a peace conference in September 1217, settling his father's war with France. It was from Merton that the *dauphin* was despatched home on 22 September (see Bulletin No 127, September 1998 p.9).

Henry certainly had faults. He was self-indulgent and fickle, never firm or reliable, seemingly incapable of inspiring the respect of his friends or fear in his foes. He was fond of religion and art, and appreciated the handy location of Merton priory, and its ways. Wherever he was, Henry attended mass each day. It was his custom to spend Christmas at Westminster for the crown-wearing ceremony and sojourn at Merton for a week or two in January. His inclination was also to spend Easter at either Windsor or Merton.<sup>1</sup>

### **Trouble at the top 1227-32**

Until 1227 England was virtually governed by Stephen Langton the archbishop, and Hubert de Burgh the justiciar. The king declared himself of age to rule in that year, and on Langton's death in 1228 de Burgh was at the helm almost alone.

The pope demanded a tenth of all income from the whole realm of England. Objection was silenced by threats of excommunication, but such was everyone's annoyance that tithes gathered for the pope and foreign clergy were seized and given to the poor. The pope accused de Burgh of connivance in this. In 1231 the king also blamed de Burgh for failing to provide transport for his army to sail to Gascony, and also for misappropriation of funds. Hubert de Burgh came to Merton to prepare his defence in August 1232, but had to seek sanctuary when 20,000 armed Londoners marched on Merton to attack him (see Bulletin No 134 June 2000 pp.9/10).

### **Financial problems 1233-55**

An invasion of Poitou in 1233 bankrupted Henry and he demanded special grants and taxes. Monastic houses collected amercements (fines, manorial dues etc.) from tenants, and accounted for them at the exchequer without formality when they produced the relevant royal charter. In 1234 the right was made dependent upon 'express mention' of such a procedure in the charter. This meant that fresh charters had to be obtained from the king, at a cost, containing express words clarifying their rights. Merton priory was obliged to seek six new charters.<sup>2</sup> In 1242 the monasteries were asked to contribute aid to the king "for his passage abroad", and Merton paid £10.<sup>3</sup>

In happier times Henry spent a week at Merton priory following his marriage to Eleanor of Provence on 14 January 1236. He held a parliament, but did not entirely get his own way with the barons over the Statute of Merton (see Bulletin No 138 June 2001 pp.14-16).

Henry began promoting continental relations and friends, inviting them to occupy royal castles and fill administrative posts in England, so that the saintly Edmund Rich, now archbishop, realised that the country was in a sorry state and misgoverned (see Bulletin No 137 March 2001 p.13). In 1244 a new pope sent an envoy named Martin to England to extract further revenues from the English clergy. He suspended the rights of patrons to appoint priests to benefices and sought vacant churches to sell in the papal market.<sup>4</sup> He demanded gifts from prelates, especially the heads of rich monasteries, and made it clear that gifts of horses must be "fit for a special clerk of the pope to ride upon". Those who refused, and gave "even reasonable excuses such as the abbot of Malmesbury and the prior of Merton", were to be punished severely by suspension until they had made full satisfaction.<sup>5</sup> The suspensions were invalidated the following year at the council of Lyons. The prior of Merton was Robert de Hexham, and he did resign, but not until 12 October 1249.<sup>6</sup>

The king passed much of the year 1254 in France and Gascony. He was with the king of France for eight days negotiating a peace settlement and spending over £1000.<sup>7</sup> Gascony was the only land which England still held on the continent. On returning to spend Christmas at Westminster he was delayed at Boulogne waiting for a favourable wind. Peter Chacepore, keeper of the king's wardrobe, died there, and bequeathed 600 marks (£400) to buy land so that a chantry could be built at Merton priory church.<sup>8</sup>

The king called for a council meeting at Merton in January 1255 to discuss how to meet the king's expenses abroad, and it was agreed that the king should tallage his demesne land throughout England. Londoners protested that royal charters excluded them from paying tallage (a tax on towns and demesne lands of the Crown). The mayor and other Londoners were summoned to Merton, and the king demanded 3000 marks (£2000). They went away and returned saying that they were willing to grant 2000 marks (£1330) as an aid, but would not pay more.<sup>9</sup>



*Effigy of Henry III in Westminster Abbey*

### **The Sicilian adventure 1252-58**

By 1252 Henry had negotiated an arrangement with the pope (Innocent IV) whereby the king would receive an annual grant of a tenth of the property values of all religious premises in England for three years. This was in order to assist in a projected crusade. In March 1254 the pope converted Henry's crusading vow into an engagement to conquer the Kingdom of Naples and Sicily from Henry's nephew Conrad IV, promising that Henry's second son Edmund would rule there. By the end of 1254 the collection of the tenth began and the clergy of England were outraged, as there had been no consultation. The pope engaged mercenaries to fight Conrad (who died on 21 May 1254), but they were soundly beaten by Conrad's half-brother Manfred. Pope Innocent IV died from shock at the news, and his successor Alexander IV then asked Henry to pay for the costly failure, which amounted to 135,541 marks (£90,400). This was three times Henry's gross annual revenue as king of England.<sup>10</sup>

The pope sent his legate Rustand, a Gascon, to England to collect the tenth. He arrived on 29 September 1255 and immediately called a council of the clergy for 13 October. He demanded such exorbitant amounts that compliance would have meant ruination for the church and kingdom, but Rustand and the king were in formal alliance, being involved in the claim to the crown of Sicily. The clergy postponed their decision until a further council met after Easter 1256. Here the bishops, backed up by the barons present, refused to listen to Rustand's demands. They also appealed to the pope, complaining that the legate had misused his powers. To the joy of England, the pope recalled him to Rome in 1257, but in January 1258 despatched him once again, but with diminished powers, accompanied by an envoy, Herlotus. They arrived in England in Lent, and Herlotus was probably received at Merton priory, where Henry spent the whole of April.<sup>11</sup> Although Herlotus was only an envoy, Henry received him with all the pomp due to a pope's legate.<sup>12</sup>

The account for the Sicilian fiasco had still not been paid and Herlotus presented an ultimatum. All must be paid within the year, and Henry had to lead an army from England to conquer Sicily. The barons loudly complained, and the king summoned the magnates to Westminster, imploring them to help. All met at the great hall of Westminster on 30 April at 3pm. The barons were wearing armour to frighten the king, but left their swords and shields at the doorway. They accepted the situation, realising that excommunication of the king would mean ruin for the country. They were conscious of their duty to rescue him from his own folly, so Roger Bigod, earl of Norfolk, presented terms for assistance by the barons. Walter de Merton, a member of the royal household, was sent to negotiate with the pope to alleviate the threat.<sup>13</sup>

On 2 May 1258 the king and prince Edward agreed to a royal commission of 24, jointly chosen by the king and magnates, which was to determine what reforms were necessary to govern England. The commission was to report to parliament on 10 June.

### **Convocation at Merton 1258**

On 19 April 1258 archbishop Boniface, at Harlotus's pleading, summoned a convocation to meet at Merton on Tuesday 6 June. The envoy probably underestimated Boniface's concern for the church in England and felt confident he could influence the clergy to support the pope and the king. Clerical assemblies were not encouraged by Henry, as they usually only met when there were taxes to be resisted. He opposed this meeting on the grounds that he needed the bishops on his Welsh campaign scheduled to commence on 17 June.<sup>14</sup>

Summoned to the meeting were the heads of the great monasteries, and archdeacons were to represent their clergy as well as attend in their own right. All received letters of proxy.<sup>15</sup> The preamble stated that it was to consider papal demands, including the tallage of three marks levied on every monastery in England, but also to devise measures for opposing the claims and exactions of the pope and king and to provide for the restoration of ecclesiastical liberty.

To the horror of both Harlotus and Rustand who were present at Merton, Boniface made a vigorous denunciation of lay encroachments on clerical rights by both pope and king. The meeting resolved that the dire oppression of the church must be remedied.

At the conclusion of the convocation, the bishops made their way from Merton to Oxford for the next encounter, not with the bishop of Rome but incompetent secular leaders. (See Appendix for a list of articles of complaint and their remedy.)

### **The Provisions of Oxford 1258**

The Barons availed themselves of the summons to the Welsh war as a pretext to appear at Oxford fully armed and with each noble accompanied by a large body of retainers. Not only did they distrust the king, but they wished to show the alien followers their intentions. Parliament met at St Frideswide (Augustinian) monastery at Oxford<sup>16</sup> on 11 June 1258, and the occasion led to a new constitution for England.

A committee of 24, jointly selected by the king and barons, nominated a permanent council of 15 to advise the king. The magnates were to share the responsibility of framing policy and reform, and of governing “through native-born men, and that aliens depart and not return save those whose presence the faithful men of the kingdom shall jointly accept”.<sup>17</sup>

Ultimate responsibility for ruling remained with the king, but the barons had the power to act if the king could not discharge his duty.

Parliament was to meet three times a year “whether summoned by the king or not” and the “commonalty” was to elect 12 honest men to attend. Sheriffs were to be appointed from the chief tenants of the county.

Strict oaths were required from the justiciar, chancellor and treasurer to act only under the joint Council of king and barons. The Great Seal which authenticated public documents was included in the supervision, and the chancellor was sworn to seal nothing contrary to the provisions of the council. A royal proclamation, published in English,<sup>18</sup> ordered the observance of the provisions.

### Royal gifts

Henry was munificent to his relations and friends, and Merton priory received many gifts. He confirmed all previous royal charters granted to the priory. This included the *ville* of Merton given by Henry I, five gifts of Henry II and those of Richard I. This important charter of April 1252 was confirmed in turn by later kings, including Henry VI and Henry VIII.<sup>19</sup>

The king was at the priory on 22 May 1252 and granted free warren throughout all the priory’s possessions except in the royal forests.<sup>20</sup> Further gifts for use in the priory itself were bestowed by Henry in 1253 and 1255.<sup>21</sup> Gifts for use in the priory itself were bestowed on Merton. These included cloths of gold in 1245, 1246 (two gifts) and 1253; copes of red samite (the silk was interwoven with gold thread) in 1245, 1246, 1253 (two gifts) and 1255; a gold cup in 1247; silver statues in 1253 and 1257. The king gave wine “for the prior’s use” in 1253, 1255 and 1257, a tun each time (which held 250 gallons), but in 1259 four tuns were provided.<sup>22</sup>

### APPENDIX – Convocation at Merton

Article of complaint	Remedy
1. Prelates summoned before secular tribunals regarding purely ecclesiastical affairs	Excommunication of sheriffs and bailiffs
2. Patrons appointing clergy into their benefices without ecclesiastical authority	Clerks to be anathematised and if they persist, excommunicated
3. Release of imprisoned excommunicated clergy by secular authorities	Clergy to be excommunicated afresh, with any who were party to the release. King to be warned to cease issuing such mandates.
4. Clergy unjustly imprisoned by secular authorities	Authority to be publicly denounced and excommunicated
5. Lay persons procuring royal prohibition to escape ecclesiastical judgement involving contract with clergy	Excommunication of lay person
6. Magnates forbid lay persons to obey summons of prelate in matters of morals, sins and excesses	Excommunication of secular magnates
7. Violation of the privilege of sanctuary	Excommunication of offenders
8. Wasting of church property in vacant benefices	Excommunication “even if it be the king himself that does it”
9. Royal officials enforcing litigants to use royal court	Excommunication
10. Writs of prohibition used outside proper sphere	To be refuted by bishop
11. Archbishops and bishops summoned by justices to appear in person	King to be requested to order that they may be represented by deputies

The meeting put on record the grievances expressed by Grosseteste, bishop of Lincoln (d.1253), who had been so firm against the encroachments of the pope and the abuse of issuing writs of prohibition in order to evade obligations to be dealt with in church courts.

Subsequently Henry III asked the pope to abrogate the resolutions, which he did.

1 J E A Jolliffe ‘Some factors in the beginnings of Parliament’ Transactions of the Royal Historical Society 4th series Vol.XXII(1940) p.134

2 C Ch.R.1226-57 pp.381-2,431; Close R 1254/6 p.83; C/60/51 m9; E/368/29 m3; E/368/26 m9d

3 A Heales *The Records of Merton Priory* London 1898 p.110

4 In 1246 Nicolaus Lupacii, canon of St Peter’s Rome, became the absent rector of Morden church

5 Matthew Paris *Chron. Majori* Vol.IV p.284

6 Pat. Roll 33 Hen III m3

7 Matt. of Westminster *Flores Historiarum* 1853 ii 203

8 Matt. Paris *op. cit.* Vol.III p.343; The office of the king’s wardrobe operated from Merton priory, and Peter signed the foundation charter of Bilsington priory, a daughter house of Merton, in 1253.

- 9 F M Powicke *King Henry III and Lord Edward* 1947 Vol.I p.308
- 10 R F Treharne *The Battle of Lewes 1264* 1964 p.26; *Annals of Burton* p.390
- 11 *Liberate Rolls 1251-60* Vol.IV pp.431-2; *Close Rolls 1256-9* Vol.X pp.287,470
- 12 *Matt. Paris op. cit.* Vol.V p.673
- 13 *Dictionary of National Biography* Vol.XIII p.298
- 14 *Matt. Paris op. cit.* Vol.V p.677. The king termed the gathering an illegitimate *convocatio* (calling), and subsequent church councils were known as convocations. The term did not become official usage until the 15th century.
- 15 F M Powicke *The Thirteenth Century* 2nd edition 1961 p.457
- 16 Which became Christ Church College, Oxford
- 17 *Liber de Antiquis Legibus* Camden Soc. 1846 p.59
- 18 The first state paper in the English language. The Provisions were also proclaimed in Norman French and Latin for all to understand.
- 19 Heales pp.123-4
- 20 Heales p.124
- 21 Heales pp.125,130
- 22 *Liberate* and *Close Rolls* (writs *delivered up* and writs folded or *closed up*)

**(to be continued)**

*Lionel Green's contribution to the Christmas holiday spirit is a vintage Punch cartoon.*



Jan. 24, 1931

Acetab

“Would you kindly settle an argument – is this, or is it not, the longest nave in Britain?”



LIONEL GREEN concludes

## HENRY III AND MERTON PRIORY 1216-72

[In Bulletin No.144 we learned that England was to be governed by a council of 15 advising the king. Oaths were obtained from the justiciar, chancellor and treasurer to act only under the joint council. In particular, the chancellor was sworn not to use the Great Seal (which authenticated public documents) contrary to the provisions of the council.]

### The King's Lodgings

At Merton priory both Henry III and his chancellor were accommodated in buildings of stone, which required renovations in December 1258. These involved the garderobes of both chambers and repairs to the chimney including hearth, mantel and flue, suggesting a cosy fireplace.<sup>1</sup> This might have been decorated as at Westminster in 1239. "Command is given to Edward son of Odo, keeper of our works, that he shall cause the fireplace in the queen's chamber there to be made higher, and ... he shall cause to be painted and portrayed on the said fireplace a figure of Winter, made more like Winter by its sad countenance and other miserable attitudes of the body".<sup>2</sup>

### The Great Seal 1259-61

On 6 July 1259 the chancellor Henry de Wingham withdrew from court on being made bishop of London. The Great Seal was left with Walter de Merton, a clerk in chancery.<sup>3</sup> Three weeks later, the king instructed him to prepare and seal letters of admission for the papal nuncio, Velascus, to enter England.<sup>4</sup> The letter was written on 28 July at Westminster and sealed with the Great Seal. Unlike the chancellor, Walter was not under oath to act only under the council's direction. When Velascus arrived, the council expelled him and demanded to know on whose authority he had been admitted. The blame was settled on the constable of Dover for allowing the nuncio to proceed.

Henry refused to co-operate with the council and went to Paris on 24 November 1259 so that no parliament could be called. On 31 March 1260 the chancellor was with the king in France and the justiciar was at Windsor. The great seal was with Walter de Merton, now effectively head of the chancery and residing at his manor house at Malden.<sup>5</sup> An order was received from the king on Maundy Thursday, 1 April, to issue writs. Chancery clerks worked all that day, perhaps some at the *scriptorium* of Merton priory. The following day was Good Friday and no work was performed, but on the Saturday, immediately after mass and breakfast, the royal messengers were dispatched to the sheriffs in their shires.<sup>6</sup>

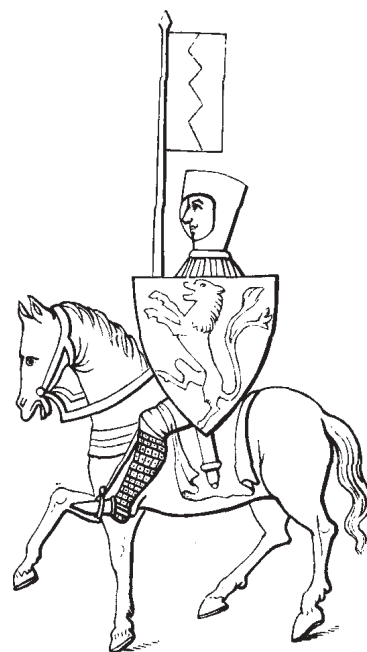
The king finally returned to Dover on 23 April with 300 mercenary knights and resumed full control of government until September, when the council dismissed Walter as chancellor. They appointed their own man, Nicholas of Ely, but on 12 July 1261 he surrendered the Great Seal to the king. Henry at once handed it to Walter, who exercised his office immediately by sealing some letters.<sup>7</sup>

### Simon de Montfort

On 30 October 1261, some of the barons under Richard de Clare negotiated the Treaty of Kingston, whereby most of the barons agreed to support the king. Henry left for France in July 1262 and returned on 22 December to find that the prince of Gwynedd, Llewelyn, had over-run north and mid-Wales. The English barons found it easier to fight each other than the common enemy. When Simon de Montfort learned of the problems he returned from self-imposed exile. He met a large number of barons at Oxford in April 1263, including the young Gilbert de Clare.<sup>8</sup> All were of one mind to restore the Provisions of Oxford (see Bulletin No.144 December 2002 pp.12-13) and plan further reforms. Earl Simon asked the king to support them once more, but he refused.

The barons fought the Welsh, to secure towns in the Severn valley for the realm, without approval of Henry. They then marched down the Thames valley to south-east England. Supporters of de Montfort broke into open revolt, storming the manors of many royalists. On 13 June, men of Ashted occupied Walter de Merton's manor of Malden for three days. From Malden, Chessington and Cuddington, goods and farm animals were taken. Farleigh was despoiled from 15 July to 15 August.

Without shedding blood, the barons took Dover castle and the Cinque Ports.



Simon de Montfort, Earl of Leicester.  
From a window in Chartres Cathedral

## The Provisions restored

By 24 June the king accepted the triumph of the barons and agreed to restore the Provisions, but at his suggestion it was decided to submit them to arbitrators who should correct, explain or expunge whatever was prejudicial to royal power and the welfare of the realm. The barons insisted that England was not to be governed by aliens. On 19 July Simon de Montfort dismissed Walter as chancellor, and the council tried to govern the country. This proved impossible while the king's sheriffs were in the shires, and de Montfort appointed Keepers of the Peace in each county to supervise the sheriffs.<sup>9</sup> In November the king agreed to a truce and arbitration by Louis of France on amendments to the Provisions.

Henry then sallied forth to the channel ports, but Dover rejected him. When Earl Simon heard the news he left Kenilworth castle, intending to support the constable of Dover. He reached London whilst the king returned through the Weald and stayed at Croydon to seek assurance of the loyalty of Londoners. Earl Simon crossed the Thames into Southwark and royalists in London closed the gate on the bridge and fixed it with chains. Prince Edward moved to Merton with his mercenary troops,<sup>10</sup> so that the king's forces outnumbered those of the earl. These advanced on Southwark on 11 December, but the citizens of London broke open the bridge-gate to allow Simon to return into the city.

## The *Mise* of Amiens 1264

On 23 January Louis IX of France went to Amiens and pronounced his award, which accepted Henry's case and annulled the Provisions. Walter de Merton had put the king's case to the arbitrator and, in anticipation of a favourable decision, on 18 January Henry had granted him a warrant of chase in any royal forest.

Louis further rejected the statute that England be governed by native-born men. This was in contradiction to the agreements made by Henry in June and July 1263.

The king returned from France in February to find the whole country vexed. London rejected the *Mise* (settlement by agreement) and blamed Walter de Merton, whose Finsbury property was taken over and his Surrey properties plundered once more. On 12 March Gilbert de Clare seized the manors of Malden and Farleigh. Goods worth £42 were taken from Malden and Cuddington and £9 from Farleigh. From March to August 1264 Malden was occupied by a mob.

All this led to civil war in April. Simon made London his headquarters and the king kept his forces at Oxford where Walter de Merton was present.

## Defeat at Lewes 1264

On 14 May the king was defeated in battle at Lewes. Walter secured protection as an ecclesiastic<sup>11</sup> for travelling the country on 26 July, and Farleigh was restored to him on 15 August, with Malden on 8 September.

De Montfort summoned his second 'parliament' in December 1264, which met in Westminster Hall on 20 January. The prior of Merton had been summoned. The earl also called to it "two of the discreet, loyal and honest citizens and burgesses" of every borough. They were not invited to take part in the discussions but to observe, and to express widely plaudits about the new regime. To the disappointment of Simon de Montfort only 23 barons attended, compared with 120 ecclesiastics. Nevertheless the meeting was memorable and significant – inching towards a parliamentary democracy.

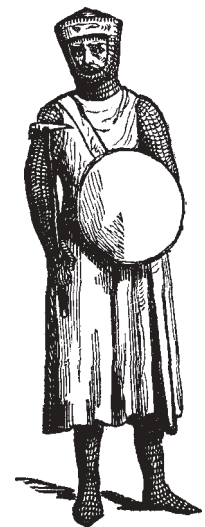
## Triumph at Evesham 1265

Simon de Montfort was killed at Evesham on 3 August, and there was much resentment that his cause had been lost. This was the signal for renewed attacks on Walter de Merton, a royalist. On 28 April 1267 the men of Ashted went once more to Malden and drove oxen and horses back to Ashted.

A special eyre (circuit court) was arranged at Bermondsey on 20 January 1268, to deal with trespass committed during the troubles. Walter's case was heard from 3 February and he was awarded 20 marks (£13.34). He was a skilled negotiator and bought land from the defeated rebel barons whose possessions had been mostly confiscated.

## Tumult in London 1272

The people of London wished to elect Walter Hervey as mayor, against the wishes of the aldermen of the city. One of the aldermen was the soke-reeve<sup>12</sup> of the prior of Merton [see Bulletin No.144 December 2002 p.9]. The dispute resulted in great commotion in the city, "so that the noise reached the lord king when he lay in bed grievously sick".<sup>13</sup>



*From an effigy of a soldier of the time. He wears chain mail, an innovation from Asia, beneath a surcoat.*

The king died on 16 November, and magnates of the realm journeyed to London and met in the Guildhall. The earl of Gloucester observed how strong was the feeling of the people and feared for the peace of the city. He ignored the entreaty of the aldermen and ordered a folk-moot on the following day to elect a mayor.

The folk-moot was an ancient assembly of all citizens of London which normally met three times a year. Following the folk-moot, the magnates, including Walter de Merton, entered old St Paul's chapter house with the aldermen. They counselled them to elect Walter Hervey, but for one year only, and this was agreed. Walter de Merton then went out to meet the people at St Paul's Cross, the site of the folk-moot, and announced the decision.

The king was dead and Walter de Merton, once more chancellor, was virtually regent in England for two years, until Edward I returned from a crusade in August 1274.

- 1 Close Roll, 41 Hen.III m12 p.168; A Heales *The Records of Merton Priory* Henry Frowde, London 1898 p.136
- 2 Liberate Roll, 23 Hen.III 14 m20; M Hennings *England under Henry III* 1924 p.262
- 3 Close Rolls, 74,43 Hen.III m8
- 4 R F Treharne 'An unauthorized use of the great seal 1259' *English Historical Review* 40 (1925)
- 5 F M Powicke *The Thirteenth Century 1216-1307* 1962 p.157
- 6 Close Rolls 1259-61 pp.157-9
- 7 Cal. Pat. Rolls 1258-66 p.165
- 8 Richard de Clare had died in July 1262, but the king did not allow the 19-year-old son to take up his inheritance.
- 9 W Stubbs *Select Charters* 9th ed. 1913 p.399
- 10 G A Williams *Medieval London from Commune to Capital* 1963 p.223. The king's son had broken open the treasure chests of New Temple, London, in June, in order to pay his mercenary army, then based at Windsor. (Annals of Dunstable p.222)
- 11 Cal. Pat. Rolls 1258-66 p.328. He also availed himself of a ruling that ecclesiastical persons might reside safely at their benefices. This order encouraged royal clerks to leave their positions in government.
- 12 The London wards were sometimes also the soke, which was a private jurisdiction exempted from customary obligations.
- 13 *Lib. De Antique. Legis* p.153