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The Archaeological Journal.

JUNE, 1853.

QUEEN ELEANOR OF CASTILE.

SOME NEW FACTS, ILLUSTRATIVE OF HER LIFE AND TIMES.¹

I HAVE to submit to the notice of the Institute some particulars relating to Queen Eleanor of Castile, taken from original documents of which no public account has yet been given. The circumstances of King Edward I.'s sincere and well-deserved attachment to his first wife,—of his intense grief at her decease,—of the manner in which he publicly manifested those feelings at her funeral,—how profusely he arranged for the performance of services for the soul of her "whom living he had dearly loved, and being dead would not cease to love," and how he engaged all the artistic talent he could obtain in showing his determination to do honour to her memory,—are well known to all. Those who wish to read what modern antiquaries have written upon the subject will find all the incidents fully stated and the arguments arising out of them discussed, in a paper written by the Rev. Joseph Hunter, and printed in the *Archæologia*, vol. xxix.; and in the introduction to one of the publications of the Roxburghe Club, supplied by a gentleman whose name and talents are as well known as his loss is now deplored—the late Mr. Hudson Turner.² The documents which form the groundwork of the two memoirs I have referred to, are the accounts of the executors of the Queen Eleanor, and in them numerous references are made to certain "Auditores querelarum."

The chief auditor and his associates are mentioned in the Rolls, payments being made to them for performing the

¹ Read at the Monthly meeting of the Archaeological Institute, January 7, 1853.

² Illustrations of Domestic Expenses in England. Presented to the Roxburghe Club by Beriah Botfield, Esq., M.P.

duties of their office, to the Queen's bailiff who appeared before them on her behalf, and to certain friars preachers and minors, for assisting them in it. What their duties were, however, can only be partially gathered from those accounts; they were the only documents relating to the subject which had then been brought to light, and great obscurity still prevailed respecting those officers. The discovery of a large portion of the proceedings of the auditors themselves has lately been made among the miscellaneous stores of one of the public record repositories. They were found in the very building, whose walls for upwards of 250 years, had heard, on each returning eve of St. Andrew (the day of the Queen's decease), the solemn reading of the magnificent grant made by the sorrowing King to the monks of Westminster, on behalf of the soul of his loved consort.

The memoir by Mr. Hunter, to which I have referred, was the first which showed that the King was with his Queen during her last illness, and at the time of her decease. The arrangements of the funeral, and the erection of those beautiful works of art where her mortal remains last rested on earth, were doubtless devised by the King himself.

Throughout those accounts of the executors, to which I have alluded, it is evident that the King's wishes were largely acted upon. I must not, however, omit to refer to the doubt that prevails in the minds of some as to the circumstances of the erection of those crosses. The fact of the payments for them having been made by the executors of the deceased Queen, has been considered to overturn the argument which would ascribe them to conjugal affection. But such an ascription could surely be well maintained by the consideration of other circumstances as quite consistent with those payments being so made. The sole ground for the objection in question is, that the crosses were directed and paid for by an authority independent of the King. There has as yet, however, appeared nothing to show fully who the Queen's executors were. The Chancellor, Robert Burnel, Bishop of Bath, is referred to as chief in the executors' rolls. But the documents now referred to, show that the King himself was the chief executor; and they will thus, I trust, be the means of restoring to him the credit of those beautiful erections, even in the minds of those who previously had any doubts upon the subject. And they

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show that in his anxiety to omit nothing that would make his Queen's memory universally honoured throughout the length and breadth of the land, he went even far beyond this. He knew that the course of justice had long been tampered with; that the rights of the poor suitor or claimant had not availed with many a superior and subordinate officer unless there was wealth to support or maintain them. At the very time of the Queen's decease, inquiries were going on as to these acts of oppression and corruption, by virtue of a Royal Commission.³ Supposing such acts had been committed by the officers of his deceased Queen, they would be known only to the sufferers themselves, for her very virtues would be made to hide them. What would avail the sculptured stone, the engraved brass, or even the solemn services for her soul, to the feelings of the oppressed vassal and wronged neighbour, if any injustice done by her officers was by her decease placed beyond all hope of redress? And it is surely some sign of the degree to which the King was affected by his loss, to find such a disposition as his so moved.

Very speedily then after the Queen's decease, instructions appear to have been given for proclamations to issue, calling upon all persons who had any cause of complaint or claim to make against any of the Queen's servants to appear and support it; and, if any could be proved, ample amends should be made. I say such would *appear* to have been the case, for I have been unable to find any such Commission recorded as might be expected to have been issued; but so much may be gathered from several passages in the documents now brought under notice. These consist of four rolls of pleadings before Ralph de Ivingho and his associates, in the 19th and 20th years of the reign of Edward I. The cases on one of the rolls relate to the counties of Norfolk, Suffolk and Cambridge; on another, to those of Chester and Flint; on the other two to divers counties. In important cases the Queen's executors were represented by Hugh de Cressingham, well known from his fate some years afterwards at the battle of Stirling. He had been one of the Queen's bailiffs, and about the time these proceedings were completed, he was at the head of the justices itinerant for the northern counties. I will now extract some of the cases

³ See the Gentleman's Magazine for March, 1852, p. 265.

entered upon the rolls, which will be found illustrative of the period to which they refer, and will give some idea of the proceedings.

NORFOLK.—Robert de Petra, of Ayllesham, bailiff at Caus-ton, was attached at the suit of Cecilia and Beatrice Cleyn-kenayl, for taking away a writ of right sued by them. After pleading, the fact was confessed, and the bailiff was committed to prison, but released with a fine of £10.

William Kydeman and Cecilia his wife, complain of the abstraction of certain rents, due from lands which had come into the Queen's hands. This was done unjustly, and to the peril of the soul of the said Queen. They were recovered against a subordinate bailiff, with 20s. damages. The expression, "to the peril of the Queen's soul," is often used in these proceedings. It often occurs in the executors' accounts, and is commented upon by Mr. Hunter.

The Vicar of Ayllesham complains, that he and his ancestors having right of fishery at Puntingworth, John de Ponte and his sub-bailiffs had ejected him therefrom. John de Ponte admits that he had not allowed him to sell the fish he caught, but allowed him to fish for himself. The jury decide, that the vicar had the right to dispose of the fish as he pleased, and the vicar graciously remits damages for the sake of the Queen's soul.

The executors of Oliver de Ingham, claim part of debts due to Jews from Bartholomew de Redham, which the King had assigned to the Queen. The said Oliver held Redham's lands, a portion of which had been demised to the Queen in satisfaction of the debts to Jews, and yet a large part of these debts had been assigned by the Queen, and levied by the assignees upon the goods of the said Oliver; so restitution was prayed. Inquiries were made into the levying of the money; the Queen's own letter of assignment was produced, and the sum so levied was ordered to be returned. This order was not attended to, however, as there is a petition upon the Parliament roll of a later year from the same executors stating the facts, and saying, that "though the King had ordered it, it was not done."

SUFFOLK.—Edmund de Hemegrave prays the auditors, for God's sake, and that of the Queen's soul, that he have remedy for the injury done him, viz. : after he was of full age, and had held his lands two years, he was ejected there-

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from by William de Boctone, bailiff of the late Queen, soon after her return to England from her last voyage but one ; and that he was obliged to pay 300 marks to the Queen's treasurer to get restitution. Hugh de Cressingham says, that the 300 marks were justly taken by the Queen as the value of the marriage of the said Edmund, which the Queen had committed to Richard de Ewelle, but which he (Edmund) had disregarded. The said Edmund says, it is true his marriage was committed to the said Richard by King Henry, but not by the late Queen ; that while under age and in the custody of the said Richard, he was never offered marriage ; but after he was of age the said Richard offered him his daughter Eleanor, to which he was not bound to consent, being of age, and so nothing was due from him. A jury was impanelled, and their verdict was, that the offer of the daughter of the said Richard de Ewelle in marriage to the said Edmund was made after the said Edmund was of age, and that he had a right then to refuse her—that the damages done by occupation of plaintiff's lands were eighty marks—and that the fine of 300 marks was levied in the third year of the King's reign. Afterwards the complaint was recited before the King, and John de Berewyk alleged that the 300 marks had, since the Queen's death, been paid to Eleanor, the daughter of the said Richard de Ewelle,—so she was to appear and show why the money should not be returned to the said Edmund. On a certain day all the parties came, and a general release was made by the said Edmund to the said Eleanor on condition of her giving him 100s. These were delivered into the just hands of the chaplain of Ralph de Ivingho, to be kept till the said Edmund should have made proper letters-patent of release to the Queen's executors, and to the said Eleanor.

As might be expected, there are several instances of complaints that appear to have been utterly groundless—the court of the auditors constituted for the relief of the slightest injury would present a last chance to a desperate claimant, and a prospect of gratifying ill-will against the Queen's officers, who had only done their duty.

Here are a few instances :—

Thomas de Rystone complains of having been unjustly fined 100s. and one hundred linen cloths of Ayllesham, worth 16s. His complaint was rejected, and the fines were

maintained as being properly imposed upon him for having done many things against the King's crown and dignity, while rural dean of Ingewurth.

The Prior of Ixning complains, that having sent cattle to pasture in the park of Ditton, four years last Easter, they were detained by the Reeve, and never returned. A jury was impanelled to try the matter, and their verdict was, that the Prior delivered the cattle to the park-keeper and directed him to sell them for the Prior's creditors, which he had done, and paid the Prior what was over.

John le Noble complains of being imprisoned by the late Queen's bailiffs till he paid a fine of 30s. But the jury who tried the case, said that the said John was indicted at the Court Leet, for attempting, with the help of other servants of the parson of Aldeburgh, to carry away the daughter of Robert Hereward, and that he paid the fine in question rather than his master should know his offence.

Kendal Gogh complains, that having duly satisfied the Queen for all services due from his land in Hope Midechait (Flint), he was, nevertheless, ejected by the Queen's bailiff. The bailiff says, that the said Kendal was ejected because his land lay uncultivated for three years, and it was surveyed and let to other tenants who could perform the services charged thereon. This answer was confirmed by the finding of the jury.

I will now select a few more instances in which the plaintiffs succeeded in establishing their cases.

Richard, the son of Adam the baker, of Newmarket, and Agnes, his wife, complain that the late Queen's Reeve of Ditton came with others to Newmarket, where they had a tenement, and when they left the same, the said Reeve entered it and held it against them, accusing them of having broken into the Queen's house and stolen iron and other goods; and that they imprisoned, beat, and otherwise ill-treated the said Richard and his wife, till they gave a release of their tenement under peril of their life. This was denied by the Reeve, and the release said to be voluntary. The finding of the jury gives the following particulars of this extraordinary case. They say, that the said Reeve came with others to the house of the said Richard, and finding two persons in bed they turned them out, and would not let the said Richard and his wife enter the house. Then, holding

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the house in the Queen's name, they reported that the said Richard and his wife had broken into it, and stolen certain goods therefrom, and they showed a little hole in the wall, through which no larger animal than a cat or a little dog could enter, by which they said it had been done : they then levied hue and cry thereon, and took and imprisoned the said Richard and his wife in the castle of Cambridge, for eight days or more, till they made the release aforesaid, though their neighbours wished to bail them. As soon as the release was made, they were set at liberty without any trial ; but they were not beaten. They had been ejected five years. The judgment was, that they were to recover twenty marks damages, and the Reeve was to be committed to prison during the King's pleasure.

Madoc Cam and others complain, that the Queen's bailiff at Bangor,—who having taken the moiety of the fish caught by them in the Dee as the Queen's share, ought to have left the other moiety at their disposal,—had, when he had received the Queen's share, professed to buy theirs at the lowest valuation, and directed his wife at one time to carry away 10s. worth for 12*d.* ; at another time, a mark's worth for 2*s.*, and half a mark's worth for 6*d.* This was denied, and it was alleged that the fish was taken at the value fixed by the appraisers of Bangor ; but the jury completely confirm the complainants' statement, and adjudge them 40*s.* damages, and the bailiff to prison.

The free tenants of Hope Midechayt (Flint), complain that they had been ejected from their share in the mill of Rual. Hugh de Cressingham says, the mill is near the Castle of Hope, and the Queen had bought the shares of the tenants therein, except those of the complainants ; that the mill was burnt in the war, and rebuilt at the Queen's expense because she had the greater share in it, and the complainants had been deprived of their liberty to grind there, because they would not pay their share of the building. The complainants reply, that the mill ground well enough for them before the repair, and they ought not to be excluded by that act. The jury confirm the complainants' right, which they are to recover.

In the next case it would seem that the Queen's auditor had tried to advance the fixed rents to a level with the increasing value of money.

The poor tenants of Causton complain, that having hitherto paid only 1*d.* for every rent hen that was due, the auditor had directed 1½*d.* to be taken, and had taken it for ten years. It was alleged that the hens ought to be given, and not the penny, and that the hen was worth 1½*d.* This was denied, and the surcharge being made on the auditor's own authority, he was directed to pay five marks, and the tenants only 1*d.* in future.

Many of the proceedings are of a mixed character, and show that the suitors often appealed to the equitable powers of the late Queen's executors. The next case is given at some length, as it affords some particulars of the Queen's personal interference in a delicate affair, and sets out her conduct to a poor and wronged maiden in an exemplary manner.

William, the son of William de Pateney, prays the favour of the Lord the King, that the lands of his father, to wit, two carucates of land in Uphulle and Crucheston (Somerset), may be restored to him—from which Walter de Wymburn ejected his father by means of an inquisition which he took upon the complaint of one Agnes de Sparkeford, without the King's writ, and adjudged the same to the said Agnes, who demised them to the late Queen, and she held and occupied the same lands unjustly, and they are now in the King's hands—whereupon he prays remedy.

And the King directed his writ to his justice, Gilbert de Thornton, commanding him to certify to the auditors appointed to hear and examine into any offences committed by the ministers of the late Queen, concerning the record of a complaint made upon the King's writ to the said Gilbert by William de Pateney against the said Queen. And the record was returned and the proceedings set out. But as the auditors were unwilling to proceed to judgment in the premises unless the truth thereof had been more fully inquired into, an inquisition thereon was taken by a jury. Who say upon their oath, that Agnes de Sparkeford demised to William de Pateney her land in Uphulle to farm for two years, during which term she enfeoffed him thereof absolutely for the sum of eighty marks. And the said William being so enfeoffed, having resided there a year, and desiring also to have the land of Crucheston, contracted a marriage with the said Agnes (though he was elsewhere

married), and on account of this contract the said Agnes gave him the land at Crucheston, and gave him a charter of the land, both at Uphulle and Crucheston, for 200 marks.

And the said William quietly continued possession of the land for eleven years, during which time the said Agnes frequently demanded and entreated him to make her his wife, to which request he would not and could not consent, as he was married elsewhere; and therefore the said Agnes being reduced to the greatest poverty came to the Queen at Clarendon, and gave her to understand how she had parted with her land, and how by the falsehood of the said William she was disinherited. Whereupon the Queen being moved by piety came and showed the King this deed and falsehood, and he incontinently directed Walter de Wymburn to call the parties before him, and do in the matter what right and reason demanded. And the said Walter attached the said William to answer touching the said deceit by the King's marshals. And he answered, that he was enfeoffed of the lands by the charter of the said Agnes, without any condition whatever. And issue being joined, the jury say that the said Agnes recovered seisin of her land before the said Walter de Wymburn. Being asked if she received the 200 marks alleged to have been paid her, they answer, no. Being asked if the said William was married when he made the contract with her, and if she knew it, they answer, he was married in the county of Southampton, but the said Agnes was entirely ignorant thereof. And they say, that the said Agnes afterwards gave the said tenements to the lady the Queen, and enfeoffed her thereof—and the Queen gave her for seven years while she lived, ten marks a-year for food and clothing.

Shortly after this the record becomes defaced, but there is little doubt that William de Pateney is put out of court.

The two next cases show the equitable principles with which both the auditors and the Queen's executors were actuated in the settlement of matters.

The Prior and Convent of Ledes, pray that justice may be done them, and the late Queen's will be fulfilled in this matter; that the said Queen had promised them forty marks annual rent to found a chantry for three canons in the chapel of the castle, to which the King and Queen bound themselves by writing, and the service has been daily

performed, and only twelve marks has been received. Being asked what authority they have for the promise, they say the Queen's letter, which they show to the above effect, dated at Leyburne. in Gascony, 24th October, a° 14. The justices obtain certificate of the value received by the said prior, and the claim having been recited before the King, they are to recover twenty-eight marks rent out of the Queen's lands, and hold the same for ever.

Michael de Elhurst complains, that the water running to his mill at Merdon (Kent), had been diverted by the Queen's bailiffs, and his wall broken down so that he could not grind. The bailiffs allege that the former holder of Bokyngsand, of whom the Queen had it, bought the water of the said Michael's ancestor, and yet he had raised his wall to the injury of the Queen's mill. This answer is confirmed by the jury; but as the water had washed away the earth from the said wall, and more water flowed to the Queen's mill than usual, it was directed that the wall be repaired, and the said Michael recover seisin.

The roll of proceedings in the counties of Chester and Flint, is full of curious matter, especially to those locally interested: but besides the extracts already given from it, there are several other entries which appear to possess general interest.

The first case is remarkable as one in which an admission is made that will bear an unfavourable construction upon the late Queen's conduct.

Richard de Stokepord, Knt., complains, that the lady the Queen, caused twenty marks to be levied upon him by her bailiff, because he had not presented John de Cam at the Queen's request, to the Church of Stokepord; and this he could not do, as he had made the presentation before he received the Queen's commands. And the Queen's bailiff said in secret, that he well knew that for the reason alleged, the said Richard had been distrained and ill-treated till he had paid the said fine. And as the Bishop of Bath (Robert Burnel, the King's chancellor, and one of the Queen's executors), was said to know this was true, entreaty shall be made thereon to the Queen's executors.

Madoc, the son of Griffith Vachan, the son of Griffith Ab Madoc (who has been traced by a Welsh gentleman, well versed in these matters, to be the lineal ancestor of Owen

Glendower ; and the spirit displayed in this case is certainly that which characterised his celebrated descendant;) complains that from the time when he ought to have had the inheritance of his late father, it had been taken into the Queen's hands "by force," and he himself claimed to be in custody till he attained full age, which he says, "is a thing that was never imposed upon any Welshman, nor should it be, because it is not the custom of that country." Since the Queen's death his inheritance was in the King's hands, whence the youth has nothing for his support but six marks a-year. He prays inquiry may be made if ever any Welshmen have been in custody, or ought to be. Hugh de Cressingham replies that the father of the said Madoc was enfeoffed by the King by barony and other military services which give the King custody. Madoc denies that any Welsh ever were or ought to be in custody, and says his father held his lands as his ancestors had held them, and none of *them* ever were in custody. The Baron of Edernion was also enfeoffed by the King, and his heir though under age, had been restored to his inheritance.

The case is not decided, but is to be referred to the King. If it had been, we should know whether Edward I. succeeded in imposing upon the Welsh all the incidents of feudal tenure, which were so profitable to the King, but irritating to the tenant, against the chief of which Madoc here so strongly protests.

The next instance is one of family fraud and oppression, but corrected in consequence of the Queen's officers' conduct being questioned.

Tangwystel and Wentilyan, daughters of Yovan Gough, complain that they claimed the inheritance of their father, but the Queen's bailiff refused to grant it them, and delivered it to Yerefret Fylok. The bailiff answers, that the uncle of the said daughters had seisin of the inheritance before it was claimed by them. But the jury say, that the said Tangwystel and Wentilyan are the right heirs of their father, and on the day their uncle (Yerefret) came into court to claim the inheritance, they also came to do so, but their said uncle so threatened and otherwise terrified them, that they were afraid to make their claim.

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Wales had affected two persons in very different positions ; and with these I will conclude my extracts.

Hugh de Venables complains, that his father being about to sell certain land to the Queen, the execution of the deeds was stopped by the commencement of the war in Wales ; but the Queen was in possession of the land. After the war, the Queen refused to give up the land, but promised to pay for it. This had not been done, so his father had died from poverty, and he was in debt £100. No proceedings took place, and it is recorded that entreaty should be made to the King, as the complainant can only refer to promises.

The Bishop of St. Asaph complains, that the Englishmen of the parish of Hope and the towns adjoining, who came there since the last war, would not obey his citations or appear before him out of their parish, and in this they were encouraged by the Queen's bailiff ; and what was worse, the tithes and customs due to the bishoprick they refused to render, wishing in this and other things, to hold a higher place than the Welsh and natives of the land. The King is to be spoken with and prayed to remedy it.

And it appears by several proceedings here recorded, that after the war in Wales, the King had induced Englishmen to settle where the Welsh had left or been driven out, by proclaiming such settlers to be rent free for ten years ; although that promise was said to have been disregarded by the Queen's bailiffs in some places. But it is only in one instance that the complainants substantiate their case, and the bailiffs are punished.

That the King's own directions greatly guided the auditors, is shown by many other cases besides those where I have noticed the expression in which their settlement is postponed, till the King could be consulted in the matter.

This selection forms but a small portion of the entries upon the rolls, and there can be little doubt that they are well worthy the consideration of the historical inquirer ; and that such consideration will not in any way lower the already high estimation in which the characters of King Edward I., and Queen Eleanor of Castile are usually held.