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THE ROYAL COUNCILS OF WORCESTER.[1]

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On a previous occasion, when the Institute met at Gloucester, I took notice of the custom that prevailed in the middle ages, of the monarchs of England wearing their crowns on the great festivals of Christmas, Easter, and Whitsuntide. It may be necessary, however, to allude to it again; more particularly as the usage began to decline after the first council that was held at Worcester. Our old historians are very particular in mentioning the places where the king kept his festivities. It was doubtlessly at these fixed periods that much of the public business of the realm was transacted. The nobility might have been summoned to attend the court for these special purposes; thus regal hospitality and their own advice may have become united under the most agreeable circumstances.

The Saxon chronicle informs us that at these particular times, all the best persons in the land gave their attendance. The king always wore his crown on the occasion. The Conqueror held his court at Christmas at Gloucester, at Easter at Winchester, and at Whitsuntide at Westminster. His son carried out this practice with great regularity, but in the next reign, Henry I. in great measure laid it aside. Malmesbury complains that in the reign of Stephen these ceremonies had become abolished, a fact he imputes to the emptiness of the exchequer and the distracted state of the country. There can be no doubt that the custom had become

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extremely irregular. Therefore, when Henry II. ascended the throne, the way was prepared for its complete disuse.

This monarch was, however, twice crowned at Worcester, on the last occasion in the year 1158, with his queen, at the festival of Easter. We are told that when they came to the offertory, they took off their crowns, and placed them on the altar, vowing before God that they would henceforth cease to wear them.[2]

This is the first time a council is mentioned as being held at Worcester, and unfortunately we have no further intimation afforded as to what else took place.

When Henry III. ascended the throne, the relations betwixt England and Wales were beginning to grow embarrassed and unfriendly. During the two first years of the young king's reign, the disaffected barons sedulously cultivated the friendship of Llewellyn. It is unreasonable to regard the Welsh at this period as in a state of rebellion. They had a line of independent princes, and a throne established by the same natural right as that of the Plantagenets. There was great disaffection amongst the English themselves. The leading people, therefore, gladly availed themselves of any means of assistance that they could obtain from those neighbours who would help their cause. The Welsh had gained strength by their alliance with Philip Augustus of France. They were supported by the barons, who, dissatisfied with those omissions in Henry's charter that had been obtained from his father, already began to waver in their allegiance to the youthful sovereign. The French king was, however, expelled from the country he had invaded, and it was soon found that Henry, though a minor, had able counsellors around him to guard the interests of his crown.

Gallo, the papal legate, had already conveyed to Llewellyn a sentence of excommunication. He was (Feb. 12, 1218) summoned to Worcester to perform his homage, though, that nothing might seem outwardly deficient in respect, an honourable escort was ordered to attend him to this city. The Bishops of Hereford and Chester, Walter de Lacy, Hugh Mortimer, John Fitzalan, Walter and Roger de

[2] Henricus Rex Anglorum coronatus est apud Wigornam, post celebrationem divinorum coronam super altare posuit, nec ulterius coronatus est.—Radulf. de Diceto, p. 531. Sub Anno 1158.

Clifford, with others of the nobility, formed part of the prince's suite, and subsequently witnessed his concessions. In the presence of these magnates, and in that of others equally distinguished, Llewellyn swore on the Gospels to give up the crown, his castles of Caermarthen and Cardigan, as well as to keep them in repair until Henry came of age. He, moreover, gave up Mallgwyn, the son of Rhys; Rhys, the son of Griffith; Madoc, the son of Griffith; and Marenduc, the son of Robert, as hostages for the observance of the present treaty.

In connection with this transaction of the second council held at Worcester, it may be observed that the royal advisers permitted Llewellyn to hold the custody of those lands in North Wales which formerly belonged to Wenwynwyn, Llewellyn undertaking to provide reasonable sustenance for the heirs of Wenwynwyn, and to assign a dower to Margaret his widow.

Owing to the young king being in his minority, the writs at this period were tested by William Mareschal, Earl of Pembroke. According to the phraseology, "quum sigillum non habuimus has literas sigillo fidelis nostri comitis Willielmi Marescalli fecimus sigillari."

It does not appear whether Henry was present at the negotiations just referred to; but it is certain he was at Worcester on the second Sunday after Ash Wednesday, as there is a writ on the Clause Rolls addressed to the *Prepositi* of Worcester, ordering them to pay William St. Edward and Robert de Barevill twenty-one pounds for the expenses occasioned by his visit when the council was held.

Another writ addressed to the Barons of the Exchequer directs them to pay Fulke de Breaute twenty pounds for the expenses incurred at Worcester in the middle of Lent. Thus, the fact of Henry being in the city at this time does not admit of a doubt. He was here again Oct. 14, 1222, as we learn from writs issued to the Barons of the Exchequer, ordering them to pay the sheriff of the county twenty marks for an outlay made on his wardrobe when visiting the city. A similar notice shows that he was also there in 1221.

Again, on April 22, the same year, a council was held at Worcester, attended by the papal legate, the archbishops,

prelates, abbots, the chief justiciary, the Earl of Pembroke, besides several earls and barons of the realm. In the following year most of the preceding magnates again assembled here, when they declared that no charters or other documents should be sealed in perpetuity till the young king came of age. Also in the fourth year of the reign the state of public affairs was considered at Worcester, when Llewellyn, Prince of Wales, again attended.

Joanna, the wife of Prince Llewellyn, was, at a little later period, a visitor to the young king at Worcester. She was doubtlessly urged to take this journey under the hope of obtaining some fresh privilege from Henry. Whatever the result of her journey may have been, it is certain that she did not incur any expense, as the Barons of the Exchequer were ordered to pay her seven pounds seven and four pence, being the cost of her journey.

We have mention made of another charge that was to be defrayed by the Barons of the Exchequer. It is of so unusual a kind, that, although not strictly relevant to the councils of Worcester, it deserves notice, since it relates to the fine monument of the king's father, whose interment in the cathedral might naturally attract the affections of Henry to the place. Several pieces of silk had been paid for and delivered to William, Earl of Pembroke, out of the royal treasury. The use to which they were applied was to cover, or rather adorn, the tomb of King John, Henry's father. They were delivered to the Prior of Worcester for this purpose.

Before proceeding any farther, it may be desirable to state that as there existed a royal castle at Worcester, it is most probable that the early councils or conventions were held within its precincts. This is the more likely from the fact of these assemblies being confined to the transaction of purely secular and public business. There are several entries on the Great Roll of the Pipe, which speak of the repairs done to this building, as well as of works upon the surrounding palisades. In the reign of John there frequently occurs the charge of three shillings for a hunter catching wolves.

In the year 1237, a council met again at Worcester. The object of the meeting was similar to those already mentioned. The turbulence of the Welsh was a recurring

cause of anxiety. A truce had been agreed upon when the king was at Tewkesbury the preceding year (July 11, 1236). Safe conduct was afforded to the Prince of Abberfrau and his attendants for the meeting at Shrewsbury and Wenlock, when its provisions were to be ratified. The king had nominated the Bishops of Hereford and Llandaff, with two other persons, as commissioners for South Wales, and the same number for North Wales, to receive the mutual act of ratification and guarantee. Such was the general nature of the business the council had to settle at these various conventions. Worcester lying on the borders, was a place naturally suited for entertaining these questions, though Gloucester and Shrewsbury were as frequently chosen as places convenient for the discussion of the Welsh difficulties.

In the year 1264, business of a more legislative character than what had hitherto been transacted, was brought before the notice of the king's council at Worcester. In the forty-sixth year of his reign, or about two years previously, Henry issued a declaration that he would no longer adhere to the provisions that the barons had obtained from him at Oxford. He recited the absolution from their observance that had been granted to him by Popes Alexander and Urban. The king of France, who had been called in to mediate between Henry and his Barons, declared these provisions, which had been a great advance in the cause of popular liberty, to be null and void. He affirmed that the king should have his former prerogatives restored. That he should have the power of nominating his chief justiciary, chancellor, and high officers of state as he pleased, and that aliens should be as eligible as natives to fill any official positions.

This short-sighted and injudicious award provoked a contest that was immediately fatal to the royal authority, and which led to the king's defeat and capture at Lewes.

Henry was at Worcester on the 13th of December (1264), being then the prisoner of Simon de Montfort. It was on this occasion that he issued writs of a most comprehensive kind to the various abbots, bishops, and sheriffs throughout England, as well as to the barons and burgesses of the different towns, that they would assemble on the Octaves of St. Hilary, at London, to deliberate upon the honor of the crown and the tranquillity of the country.

Here we may see distinctly sketched the first outline of

those legislative assemblies we now possess. Though as the fortunes of the king experienced a favourable change after the battle of Evesham, on August 4, 1265, he was subsequently enabled to reassume arbitrary power. Notwithstanding the postponement of this important privilege, it is abundantly clear from various inferences deducible from the business actually performed by the council held at Worcester, from the tenor of the writs, and from the position of the people convened, that the principle of summoning legislative assemblies according to our present custom was here for the first time adopted. This appears to me so clear and undeniable that it is not a matter of surprise it should have engaged the observation of Tyrrell, in his "Bibliotheca Politica." It has however eluded the notice of those writers who have borrowed so freely from this noble constitutional work, without acknowledging their obligations to it for other information, on which they mainly founded their reputation. The works of Tyrrell, Littleton, Carte, and Madox may indeed be too little read or consulted; they have fallen into comparative oblivion, but their honest and diligent labors can never be forgotten whilst industry, independence of opinion, and a love of truth are deemed higher qualities in an historian, than the elegance of style and artificial composition which have rendered two of our writers so popular and attractive.

Up to this time the king had acted by the advice of his own special council. But now temporal and spiritual peers, as Lords of Parliament, are summoned to act in a judicial capacity. Other powers are also called together, who, as the Commons of the realm, appearing at London (January 20, 1265), constituted, under the king, the legislative voice of the nation at large.

There can be no doubt that it was on this emergency, when the Mise of Lewes had given the barons the ascendancy, that they seized the advantages of political power. Yet, looking at the manner they used it, it cannot be said they acted like the regicides and usurpers of later times, and profaned the sacred cause of liberty by injustice and murder. On the contrary, the person of the monarch was respected, and political rights were enlarged without the perpetration of violence or crime.

It must be admitted that, whilst the transactions of this

particular period are amongst the most obscure of any in our constitutional history, the language of the writs by which the barons, knights, and burgesses were summoned, being uncertain, the character of the representatives as well as their power being undefined and vague, yet the general result of the documents, and of the business itself, clearly indicates a march in political civilisation. It arose from the disasters and subsequent captivity of the king. The light broke out for an instant, as it were, and then became hidden for nearly half a century. But in the meantime Edward was consolidating the laws, as well as improving the constitutional assemblies of the country. It was not until the twenty-sixth year of his reign that Worcester returned regularly two burgesses to parliament.

There was another subject dealt with in the council of 1264, which deserves notice. In a parliament held in London, on March 11th, 1265, mention is made of certain articles made by common consent of the king and magnates at Worcester, and transmitted under his seal to every county inviolably to be observed for ever.

These articles, as we learn from a manuscript quoted by Tyrrell, from Corpus Christi Library, Cambridge, were those celebrated Provisions published in the Statute of Marlborough (52 Hen. III.). They have always been received as a portion of the law of the land, and are the foundation of many parts of the existing law, though now appearing only in the Red Book of the Exchequer, and in copies preserved in the Cottonian and other collections of manuscripts, from which they have been printed in the statutes of the realm. They were ordered at the time of their enactment at Worcester to be published in the county courts, hundreds, wapentakes, and courts baron, for the advantage of all the community of England.

These ordinances were ratified and confirmed when the parliament met on the Octaves of St. Hilary in the year and month following at London.

Prince Edward, who had been given up as a hostage to Simon de Montfort after the battle of Lewes, effected his escape in the month of May in the following year. Having sought for a refuge in the castle of Wigmore, he was joyfully received by Roger de Mortimer. The next day he passed onward to Ludlow, where he obtained the assistance

of the Earls of Clare and Surrey. They presently marched to Worcester, which the loyal citizens speedily surrendered to them. Thus, by one success added to another, the royal forces became enabled to take the field against Simon de Montfort, on the 4th of August, near Evesham.

The king, says Walter Hemingford, was wounded in the shoulder, and would have been slain, had he not cried out, "I am Henry of Winchester, your king; kill me not." Whereupon Adam de Montalt rushed forward and saved him. The prince, who was near, ran to his assistance, but could only beg his blessing, leaving him to be protected by his knights till the fight was over and the victory completed.

During the whole of this period, Henry III., now advancing in age, was continually at Worcester or the neighbourhood, but it does not appear that he enriched either the city, or the religious foundations within it, with any memorial of his bounty. The name of this monarch is in vain searched for amongst those who were benefactors to the Abbeys of Worcester, Evesham, Tewkesbury, or Pershore. He had, it is true, granted the citizens in 1261 a charter, by which two bailiffs, two aldermen, two chamberlains, and forty-eight assistants, should govern the town, with return of writs and power to hold pleas. His name never occurs in the list of donors to the religious houses of those places which had witnessed the success of his arms, or the attachment of his people.

He had the negative qualities of a good, rather than a great, man. Without either the courage or the genius for war that characterised his illustrious son, he possessed nevertheless some of the smaller virtues. These have served to shield his name from reproach. His ideas of government were merciful, but obstructive to national progress. The reforms introduced into the representative system during his reign, though they lasted but for a year or two, and were the result of external pressure rather than the spontaneous creations of his own mind, left indeed traces behind to which we are indebted at the present day. If posterity has anything to praise in reviewing his career, it will be found in the taste he introduced into several of the buildings erected during his reign; in the patronage he bestowed on the arts of sculpture and painting; and in the countenance

he afforded to the execution of a few works of devotional magnificence.

Time, no less than, I fear, exhausted patience, forewarns me to hasten these remarks to a close. Fortunately there is only one other council at Worcester left for description. Edward I. visited Worcester in various years of his reign. He was here for three days in 1276 : for nine in 1277 : for four in 1278 : for one in 1281, when he passed three days at Kemsey, and eight at Pershore. Again, for seven days in 1282, and for three at Hartlebury : for a week in 1283, and for five days in 1294, when he went on to Hartlebury and Bridgenorth, thus proceeding, as on the former occasions, into Wales. It was during his sojourn at Worcester, during the month of November in the last year, that he held a council touching the state of his affairs in the principality. Though at this time the Welsh had been overawed by his conquests, and the country partially secured by the erection of those noble castles whose ruins still exist at Flint, Rhuddlan, Conway, and Harlech, the people can scarcely be said to have been subdued. The fortress of Beaumaris was not yet built, whilst that of Caernarvon was in the present year destroyed. And where could the king more suitably hold a council on the condition of his impending war, than in a loyal city like Worcester that lay upon the borders.

If we may judge by the tenor of a document that issued from him at this moment at Worcester, Edward must have lost his usual confidence at the prospect before him. He addressed the body of religious men, and more especially the Friars Minors, as the mediators between God and men, to pray on his behalf that the impending troubles might be taken away, and his kingdom delivered from adversity. With deep and holy grief did he pass by that noble monument of his grandfather, which still forms the most interesting object in Wulstan's pious foundation, and with contrite prayer did he bend before the high altar, and present his offering of propitiation to God.[3] Nor, with whatsoever feelings of admiration we may be actuated in

[3] We have not any details given us on the Rolls respecting Edward's visit, but there is a writ on the Liberate of this 23rd year, addressed to the treasurer, ordering him to deliver 10,000*l.* to Walter de Langeton, Keeper of the Wardrobe, for the expenses of the household, and for certain matters to be done in Wales. Dated at Worcester, 25th November.

beholding the valour of that little kingdom over whom he sought to cast the fetters of a conqueror, can we suppose that these gifts were vain oblations, or his supplications unanswered. Like the seven idolatrous nations we read of in Holy Writ, "he put them out by little and little," till their sovereignty and their freedom were extinguished. The result of these long-continued contests was the union of the ancient sovereignties of Dyved, Gwynedd, and Powisland to England; and in Worcester, in Gloucester, in Bristol, and in fair Shrewsbury, the leading councils were held that aimed at the dismemberment of Wales.

Centuries have rolled on since its line of native princes have ceased. Their valour and their misfortunes have outlived tradition. They are written in the truest pages of history. Fresh information may still be added to the mass of accumulated facts, for although there are not any coeval chronicles, there are a large number of records relating to the Welsh wars, that will supply additional information on the events of that period.[4] These will enable us to divest truth from fiction. They will liberate us from the fairy hands that ring the knell of Welsh valour, and they will teach us to regard their sweet notes as merely poetical delusions.[5] Like the mountains whom the bard invokes, we shall "mourn in vain Modred, the magic of their song," because we shall fruitlessly search for any proof of his existence. Nay, if in a real desire for "truth severe," the question of the massacre of the bards is considered, it will be found to rest on no contemporary foundation whatever. In fact, inspiring as must ever be the genius of poetry, the writer of history should studiously remain uninfluenced by its fascination. We may, however, borrow an idea from the well-known ode that has thus been incidentally alluded to; and we may institute a comparison of the value of consulting our national records, where historical facts are certain, with the changes the noble stream of the Severn undergoes before it reaches Worcester. Its waters roll down from huge Plinlimmon,

[4] The recent valuable researches of the Honourable Mr. Bridgeman on the Princes of Upper Powis, printed in the Collectanea Archaeologica, show how much new and authentic information is to be gathered relative to this period. His remarks throw much additiona light on our Welsh Border History.

[5] By fairy hands their knell is rung,
By forms unseen their dirge is sung:
Their Honour comes, a pilgrim grey,
To bless the turf that wraps their clay.

gathering fresh strength from every spring and rivulet they unite with on their journey, carrying fertility to the soil they wash, and gradually expanding themselves into the largest of our English rivers. Thus we are taught, by taking a survey over the majestic course of time, to collect those evidences which constitute truth, out of the various channels through which it flows. It is incumbent upon historical writers to sift all those current statements that have been too readily accepted by indolent students. The more popular they are, perhaps the more doubtful. Always, however, drawing the materials from the purest and most certain sources, the public records of the kingdom. And still, to pursue the metaphor, if we ascend the rugged sides of this cloud-topped eminence, and drink of its wells in their natural purity, ere they have become polluted by the refuse of towns (fatal to health as falsehood is to history), the heart will feel refreshed and invigorated by their crystal sweetness. So also, on the other hand, if tediously, patiently, and dimly striving to decypher the faint, the incomplete, and nearly illegible archives, where truth alone sits sacredly enshrined, the grateful labour will diffuse new light, and another page will be added to the annals of our common country.