The Rebel Barons of 1264 and the Commune of London: An Oath of Mutual Aid

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*The Rebel Barons of 1264 and the Commune of London: An Oath of Mutual Aid**

On 14 May 1264, Simon de Montfort led his baronial army to an emphatic victory at the battle of Lewes, capturing King Henry III, his brother Richard of Cornwall and their sons, the Lord Edward and Henry of Almain. It was a victory, however, which, in the words of one medieval chronicler, was paid for with the blood of the men of London.[1] The purpose of this article is to reveal a hitherto unknown copy of an agreement between the Montfortian barons and the citizens of London that was made in March 1264, just six weeks before the battle. The actual form of this agreement survives in two contemporary documents. The first is a copy of an oath sworn by twenty-one prominent Montfortians in London to aid and support each other. This rebel alliance included not only the mayor of London, Thomas fitz Thomas, but also the commune of London. The second document is a note detailing how this oath was to be sworn in the wards of London by all those aged twelve and over. Transcriptions (in the Appendix) and translations of both of these documents appear, for the first time, in this article. The main body of the paper discusses their wider significance. In the text of the first of these two documents is evidence of who was with, and for, Simon de Montfort at a crucial time in the period of baronial reform and rebellion. In the second, new light is shed on the attitudes of one of the most prominent chroniclers of the period. And both the copy of the oath and the note detailing its administration provide compelling evidence of just how tightly bound the citizens of London were to the baronial enterprise in the spring of 1264.

The battle of Lewes had been six years in the making. After two decades of challenging personal rule, Henry's regime had fallen apart in May 1258, when a baronial faction had seized control of the government and reduced the king to little more than a cipher.[2] The changes wrought by the baronial reformers in government over the

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1. *Willelmi Rishanger [Quondam Monachi S. Albani, et quorundam anonymorum,] Chronica et Annales [Regnantibus Henrico Tertio et Edward Primo, A.D. 1259–1307]*, ed. H.T. Riley, Rolls Series, xxviii (1865), p. 27.

2. D.A. Carpenter, 'What happened in 1258', in id., *The Reign of Henry III* (London, 1996), pp. 183–98; J. Maddicott, *Simon de Montfort* (Cambridge, 1994), pp. 151–5; *D[ocuments of the] B[aronial] M[ovement of Reform and Rebellion, 1258–1267]*, ed. R.F. Treharne and I.J. Sanders (Oxford, 1973), pp. 74–7.

next eighteen months went much further than even Magna Carta. The workings of law and local government were overhauled by legislation and visitations of special judges.[3] These measures sought to curb not only royal abuses, but also those of nobles and seigniorial officials.[4] In the most revolutionary feature of the reforms, a baronial council, responsible to three annual parliaments, took over the government of the country.[5] These reforms, which became known as the 'Provisions of Oxford', reached out to wide sections of society; indeed, in October 1258, the reformist proposals were proclaimed not just in Latin, but in French and English too, clearly aiming at the broadest possible audience.[6]

However, divisions among the baronial reformers soon provided Henry with an opportunity to regain his power, and by late 1261 he had done so. Simon de Montfort, the only great man not to accept the king's recovery, withdrew into a self-imposed exile, proclaiming his allegiance to his oath to uphold the Provisions of Oxford.[7] But in 1263, just over a year before the battle of Lewes, Montfort returned to England and placed himself at the head of a baronial faction that was dedicated to restoring the Provisions. Despite being a 'foreigner' himself, he brilliantly exploited the resentment of foreign influence at court and in government which had come to the boil after years of simmering. Having ravaged the lands of their enemies, Montfort and his allies took control of London in July 1263.[8] Henry's power collapsed once more, and the wider reforms, which had by then all assumed the name of the 'Provisions of Oxford', were reimposed.[9] Montfort, however, was unable to maintain his grip on power and the country hovered on the brink of civil war. In January 1264, Louis IX of France attempted to mediate between the two sides. His judgement, known as the 'Mise of Amiens', was a spectacular failure.[10] By March 1264, both sides were preparing actively for civil war. The king and his supporters raised the royal standard at Oxford. Montfort's power base was in the Midlands, and also in London.

During the twelfth and thirteenth centuries, towns throughout Europe had grown in size, wealth and prestige. London was no

3. *DBM*, pp. 96–113, 118–23, 136–65. Magna Carta had generally had little to say about local government, although it was very popular at the local level. See J. Maddicott, 'Magna Carta and the Local Community, 1215–1259', *Past & Present*, No. 101 (1984), pp. 25–65.

4. *DBM*, pp. 130–7.

5. *DBM*, pp. 96–113.

6. *C[alendar of] P[atent] R[olls: Henry III]* (6 vols., London, 1901–13), *1247–58*, pp. 655–6; *CPR 1258–66*, p. 3.

7. 'Annales prioratus de Dunstaplia', in H.R. Luard, ed., *Annales Monastici*, Rolls Series, xxxvi (5 vols., 1864–9), iii. 217; Maddicott, *Simon de Montfort*, pp. 214–24.

8. *[De Antiquis Legibus Liber,] Cronica Maiorum [et Vicecomitum Londoniarum]*, ed. T. Stapleton, Camden, xxxiv (1846), pp. 53–7.

9. Maddicott, *Simon de Montfort*, pp. 225–32.

10. *DBM*, pp. 280–91.

exception.[11] Trying to estimate its population is a very difficult task indeed, but by the end of the thirteenth century, it may well have amounted to 80,000 people.[12] London certainly dwarfed every other town in England in size, and also played an important role in political life. In 1141, the citizens had chased the Empress Matilda out of the city and prevented her coronation.[13] Under Richard I, London had been granted the right to become a commune, and had won several privileges of self-government from a king who was desperate for money.[14] In May 1215, it was the fall of London to the rebels which left King John with little option but to come to terms at Runnymede a month later.[15] In Magna Carta, London's privileges were protected, and the mayor of the city was one of the twenty-five 'barons' sworn to see that the Charter's terms were observed and maintained.[16] Subsequently, London became the base for Louis of France's attempts to gain the throne from both John and the young Henry III.

Intermittent tension between the Crown and the city continued during the forty years of Henry's minority and personal rule.[17] When the storm of the baronial rebellion broke in May 1258, London's role was initially muted. Just four months previously, the king had moved to purge much of the opposition in the capital, and several aldermen had been removed from their positions.[18] Eventually, however, in July 1263, the leaders of the city threw in their lot with the rebels, when we are told that the 'whole commune' welcomed Montfort and his allies into the city.[19] Thus, by March 1264, London had come to be a key ally of the reformist party, in a country about to descend into civil war. It

11. A useful study of London in the period up to 1215, and one which very much situates the development of London in its European context, is C.N.L. Brooke, *London, 800–1216: The Shaping of a City* (London, 1975).

12. C. Barron, *London in the Later Middle Ages: Government and People, 1200–1500* (Oxford, 2003), p. 45.

13. William of Malmesbury, *The Historia Novella*, ed. and trans. K. Potter (Oxford, 1955), p. 98–9.

14. Brooke, *London, 800–1216*, pp. 45–7.

15. *Cronica Maiorum*, p. 4.

16. In the sealed version of Magna Carta, it was agreed that London was 'to have all its ancient liberties and free customs' and that the granting of aids to the Crown from the city would take place under strictly limited conditions: J. Holt, *Magna Carta* (2nd edn., Cambridge, 1992), pp. 455, 469–73, 478–80. The attempt by the city to have the royal prerogative of tallage similarly curbed was unsuccessful: ibid., p. 436.

17. Whilst the citizens of London might have felt more confident in demanding a political role, this was matched by their insecurity about the maintenance of their privileges—which was to be a common theme throughout the medieval period, and not just of John's reign. The citizens repeatedly sought assurances from monarchs (and indeed from rebel leaders such as Simon de Montfort and Thomas of Lancaster) that their liberties would be protected, and there was little that was more likely to provoke an angry response from both the leaders of the London citizenry and the populace themselves than an attack on these jealously guarded liberties. A sense of their nervousness about their privileges can be gathered from the account of the years of Henry III's personal rule in *Cronica Maiorum*, pp. 8–26.

18. *Cronica Maiorum*, pp. 30–37.

19. Ibid., p. 54.

was in this context that Montfort and his supporters, including the mayor and commune of London, sought to bind themselves to each other by oath.

The text of the oath, in English translation, states:[20]

> Because disputes have been set in motion in this kingdom of England against some of us, and some strive to damage others with all their power, we Simon de Montfort, earl of Leicester and steward of England; Gilbert de Clare;[21] Hugh Despenser, justiciar of England; Robert de Ferrers, earl of Derby; Henry de Montfort; Simon de Montfort the son; Thomas fitz Thomas, mayor of London, and the commune of the same city of London; Peter de Montfort; Richard de Grey; Henry de Hastings; John fitz John; Robert de Vipont; John d'Eyville; Robert de Ros; William Marmion; Baldwin Wake; Osbert Giffard; Nicholas of Seagrave; Geoffrey de Lucy; John de Vesci and William de Munchensy, in order to prevent anyone harming us wrongfully, have promised in good faith and sworn that we will help each other against all people who would wrongfully wish to harm us, and concerning these things we will make no peace without the common accord of us and our friends, who hold to us in this necessity, and from this hour will hold together, both us and all those who hold themselves with us in all rightful quarrels. And to save our liberties[22] and customs and maintain them against all those who would wrongfully wish to do us violence, we have done these things, saving the faith of our lord king in all things. And in witness to these things we have caused two indentured writings to be made in the form of a chirograph, one of which remains with the mayor and the commune aforesaid, sealed with the seals of the earl and of the other great men aforesaid, and the other in the hands of the same earl and the other great men in the keeping of the justiciar, sealed with the seal of the commune of London. Given at London, the Monday next after {***}[23] the year of the incarnation of our Lord 1264.

Written on the verso of this oath is a note, which reads (in translation):

> Because Lord Simon de Montfort, earl of Leicester, and the high men of the land who hold themselves on that side, and the mayor and the barons of the city of London are allied with each other, and bound by oath and by indentured writing to guard us so that we are not wrongfully harmed therein, it is provided that each alderman should hold his wardmote, of all

20. The French transcriptions are printed at the end of this paper in the Appendix.

21. It is noteworthy here that Gilbert de Clare is mentioned without the title of earl of Gloucester. In the baronial letters to Henry on the eve of the Battle of Lewes, he is likewise simply 'Gilbert de Clare': *Cronica Maiorum*, p. 64. It is said that he was knighted by Montfort just prior to the battle, and certainly by June 1264 he was referred to as 'earl of Gloucester': *Willelmi Rishanger Chronica et Annales*, p. 25; *CPR 1258–66*, p. 322.

22. For the use of the word *fraunchises* to mean 'liberties', see W. Stubbs, *Select Charters and Other Illustrations of English Constitutional History* (9th edn., Oxford, 1913), p. 490.

23. The actual date is illegible owing to a brown stain. I believe it to have been 31 March 1264: *vide infra*.

> those who are of twelve years or more, and make them swear on the book[24] that they will maintain the same oath as the others have sworn, that is to say that the aforesaid barons and we will unite ourselves against all people who would wish to harm us wrongfully, and that we will make no peace in these things without the common accord of them and us, and from this hour forward we will hold together in all rightful quarrels, and save and maintain our liberties and customs against all of those who would wish to do us violence, saving the faith to the king in all things.

This agreement was referred to by the London alderman, Arnold fitz Thedmar, who wrote in his chronicle of the spring of 1264 that 'at that time, the barons and Londoners aged twelve and over were joined together, by written chirograph and by oath, standing together against all men, saving, however, their faith to the lord King'.[25] This section of the chronicle must have been written soon after the events it described—certainly prior to the battle of Evesham in August 1265—and it is in fitz Thedmar's own hand.[26] As an alderman and officer of royal government in the City, fitz Thedmar was well placed to inform us of these events. Fitz Thedmar's running commentary on the period of baronial reform and rebellion, known as the 'Chronicle of The Mayors and Sheriffs of London', is inserted into a contemporary bound volume titled the *Liber de Antiquis Legibus*, kept among the records of the Corporation of London at the London Metropolitan Archives.[27] In the *Liber* is a scrap of parchment, measuring 110 mm (height) by 160 mm (width), containing the two texts printed here. It is stitched to the recto of folio 146, which is the first leaf of the twentieth quire, along with two other scraps of parchment. When the manuscript was twice edited in the nineteenth century, this small document was twice ignored. The first edition was produced by Thomas Stapleton in 1846. He printed or summarised most of the contents of the volume, but seems to have missed this document.[28] Henry Riley subsequently produced a work in English in which he translated the chronicle and some other pieces selected from the manuscript, but did not mention this one.[29] Neil Ker noted its existence in his magisterial survey of British libraries, but did not recognise its historical value.[30] Yet this small piece is an exact match to the agreement described in the pages of fitz Thedmar's chronicle.

24. The French word is 'livere'. One imagines that this meant the bible. See A. Tobler and E. Lommatzch, *Altfranzösisches Wörterbuch,* V: *Bd. K, L, M–Merze* (Mainz, 1963), pp. 530–32.

25. 'Tunc temporis Barones et Londonienses confederati sunt, scripto cyrographato et juramento, quilibet duodecim annorum et amplius, standi simul contra omnes, salva tamen fide Domini Regis': *Cronica Maiorum*, p. 62.

26. This section of the chronicle contains no evidence that it was written with the knowledge of the later events of Evesham, and, moreover, does contain evidence that it was revised following the battle: *vide infra*.

27. London Metropolitan Archives, CLA/CS/01/001/001. Most of the manuscript can confidently be dated to the late thirteenth century.

28. *Cronica Maiorum*.

29. *Chronicles of the Mayors and Sheriffs of London*, ed. and trans. H.T. Riley (London, 1863).

30. N. Ker, *Medieval Manuscripts in British Libraries* (5 vols., Oxford, 1969–2002) i. 22–7.

The two sides of the text are both written in extremely cursive hands typical of the mid-thirteenth century, in French of middling quality. The *Liber* manuscript within which it is to be found contains not only fitz Thedmar's chronicle, but also much other sundry content associated with him. In the thirteenth-century list of the contents of the manuscript, no mention is made of this document. However, that is not significant; there are some other inclusions in the manuscript which are likewise not mentioned in the contents. It seems likely that this small scrap of parchment was kept loose with the manuscript until at some point it was stitched into it.

Nineteen hands, writing in numerous stints, were responsible for the copying and composition of the *Liber*. The hand responsible for the recto of our document does not seem to appear anywhere else in the manuscript: it is unique. This copy of the oath is clearly not the sealed original; nor does it have the appearance of a chirograph, as the edges are neatly cut. It must, however, be a contemporary copy. Not only would the hand suggest this, but it would also seem unlikely that anyone would wish to make a copy of this document after the collapse of Montfort's regime at Evesham. The verso, however, appears to be written in the hand of fitz Thedmar himself. This is the hand most prevalent in the manuscript, responsible for the majority of the chronicle, fitz Thedmar's autobiography and his account of various tallages within the city.[31] It is most recognisable by the distinctive form of the letters 'g' and 'x'. It may well be that, in order for the terms of this oath to be sworn in every ward in London, copies of the agreement were drawn up by an unknown scribe for all the aldermen. Fitz Thedmar was the alderman of Billingsgate ward;[32] it is likely that he kept his copy, as the *Liber* provides other evidence of official records and letters that he preserved.[33] Could we go so far as to say that the wording on the verso was actually a draft of fitz Thedmar's speech to his men assembled in the wardmote? The language suggests that this may well have been the case. One can imagine the men of the ward listening to their alderman's exhortations that 'from this hour forward, we will hold together in all rightful quarrels, and save and maintain our liberties and customs against all those who would wish to do us violence'.[34] John Maddicott has recently suggested that medieval homage could have been taken in just such a way, *en masse*, the actual words of the vow being read aloud to an assembled crowd.[35] It is likely that a similar procedure would

31. Ker, *Medieval Manuscripts*, i. 22–7; *Chronicles of the Mayors and Sheriffs of London*, pp. vi–viii; A. Gransden, *Historical Writing in England* (2 vols., 1974 and 1982; repr. London, 1996), i. 508–11.

32. A.B. Beaven, *The Aldermen of the City of London* (2 vols., London, 1908–13), i. 373.

33. *Cronica Maiorum*, pp. 234–8, 240–42, 253.

34. The use of *nus* is particularly noteworthy here, the object of the potential violence being in the first person plural.

35. J. Maddicott, 'The Oath of Marlborough, 1209: Fear, Government and Popular Allegiance in the Reign of King John', *English Historical Review,* cxxvi (2011), p. 317.

have taken place in the wardmote for oath-swearing.[36] Even if this is not fitz Thedmar's own speech, it seems certain that at the very least it was a note either to himself, or to his fellow aldermen, as to how to accomplish the administration of the oath. What we have, then, is a document of real importance, some of which is written in the hand of one of the most important chroniclers of the period.

It would seem unlikely that anyone listed as taking the oath was not present in London for the actual agreement. We know that the king was at Oxford from 5 March to 3 April, holding a parliament to which none of the swearers to this oath had been summoned.[37] The chronicle sources generally agree that the rebel barons came together in London in the Lent of that year.[38] Although none apart from fitz Thedmar mentions a sworn agreement, the Dunstable annalist writes that the reformers went to London, 'consilium habituri cum Londoniensibus, sociis suis' ('to hold a council with the Londoners, their allies').[39] The chroniclers do place some of those named in London. Thomas Wykes writes that John fitz John murdered a Jew, Cok, son of Abraham, with his own hands in London in April 1264.[40] We know that Hugh Despenser, constable of the Tower of London, was in London already, since it was he who led the raiding parties in March that ravaged the manors of royalists around London.[41] Simon de Montfort returned to London from Kenilworth after 20 March, when he was at Brackley for a parley with the king's representatives.[42] However, the list of oath-takers on the recto of the document is the only evidence that we have from the month of March 1264 that places all of these prominent Montfortians in London. It also affords the first documentary proof of Gilbert de Clare's adherence to the rebel cause, providing us with a *terminus ad quem* by which he must have joined Montfort in London.[43] In addition, this is the only source which places Robert de Ferrers, the 'wild and flighty' earl of Derby, in London too.[44] He was absent from the battle of Lewes, fought six weeks after this agreement, because he

36. The wardmote in London was the equivalent of the Hundred Court in the country. It was in this assembly that oaths of fealty were taken to Henry in 1261 and 1265, and to Edward in 1263: *Cronica Maiorum*, pp. 46, 53, 73.

37. Maddicott, *Simon de Montfort*, pp. 264–5; *Close Rolls of the Reign of Henry III* (14 vols., London, 1902–38), *1261–4*, pp. 377–81; '[Chronicon vulgo dictum chronicon Thomae] Wykes', in Luard, ed., *Annales Monastici*, iv. 140. Conversely, the Worcester chronicle mentioned that ten of the swearers of the London oath were summoned to attend the parliament at Oxford, but defied the orders of the King: 'Annales prioratus de Wigornia', in Luard, ed., *Annales Monastici*, iv. 450.

38. *Flores Historiarum*, ed. H.R. Luard, Rolls Series, xcv (3 vols., 1890), ii. 487; 'Annales Londoniensis', in *Chronicles of the Reigns of Edward I and Edward II*, ed. W. Stubbs, Rolls Series, lxxvi (2 vols., 1882–3), i. 61; 'Wykes', p. 140; *Cronica Maiorum*, p. 62.

39. 'Annales prioratus de Dunstaplia', p. 228.

40. 'Wykes', p. 142.

41. *Cronica Maiorum*, p. 61.

42. *CPR 1258–66*, p. 308; *Cronica Maiorum*, p. 62.

43. The later writer Thomas Wykes could write only that Clare was a recent addition to the rebel ranks in the spring of 1264, without more specific dates: 'Wykes', p. 140.

44. Maddicott, *Simon de Montfort*, pp. 249, 322–4.

was drawn north to defend his lands from the ravaging being carried out by the Lord Edward.[45] This oath shows that he was nonetheless an ally of the reformist cause at that time, and perhaps allows his conduct to be portrayed in a more sympathetic light. After all, he was in London prior to the battle of Lewes, and his move north to defend his lands was quite understandable.

The men who entered into this pact are all known to have supported Montfort to *some* degree during 1264. Of the twenty-one named oath-takers, fifteen are to be found as witnesses to the baronial submission to Louis IX of France which resulted in the Mise of Amiens in January of that year.[46] Of the six who did not, we have already discussed Clare and Ferrers. John d'Eyville was another, and it has been written that his later 'apparent absence from Lewes, Northampton and Evesham remains a mystery'.[47] The evidence from the chancery would seem to suggest that he was at York Castle over the winter of 1263–4, holding it despite orders to surrender it to the royalist Robert de Neville.[48] This would certainly explain his absence from the baronial list of the Mise of Amiens. Our document, however, is important evidence that he, too, was allied to the rebels at this critical point, and must have ventured from that fortress by mid-March at the latest. In a similar fashion, the oath is important in placing Osbert Giffard and William Marmion amongst the rebels in London. There is scant evidence of their whereabouts or loyalty in the months preceding the agreement. Thomas fitz Thomas, the last name on the recto not to be found on the Mise of Amiens, as mayor of London remained in the city; one would not expect the mayor to have witnessed the baronial submission.[49] What we have is unique: a complete list placing all of these men together in London. What, then, was the motivation for their swearing of the oath?

To answer that question, we must first date the oath more precisely. The date of the agreement is not given in the chronicle, and on the document itself it is frustratingly illegible on account of a large brown stain. I believe that we can, however, date the document quite confidently. On Saturday 5 April 1264, the king won a comprehensive victory at the Battle of Northampton, capturing not only the town, but also several prominent Montfortians.[50] Four of those who took the oath in London were captured there: Simon de Montfort junior, Peter de Montfort, Baldwin Wake and Osbert Giffard. The oath must, then,

45. *Flores Historiarum,* ii. 488–9.

46. *DBM*, p. 284.

47. Oscar de Ville, *Deyville: A Family in a Century of Rebellion,* (Univ. of London Ph.D. thesis, 1995), p. 95.

48. *CPR 1258–66*, pp. 302, 313–14.

49. *Cronica Maiorum*, pp. 58–9.

50. 'Wykes', pp. 143–5; *Flores Historiarum*, ii. 488. The best account of the battle is found in R.F. Treharne, 'The Battle of Northampton', in E. Fryde, ed., *Simon de Montfort and Baronial Reform: Thirteenth Century Essays* (London, 1986), pp. 299–316.

have been sworn prior to 5 April.[51] Furthermore, if we assume that the document is dated according to the traditional style, with the new year beginning on the feast of the Annunciation (25 March), that leaves only one Monday upon which it could have been made—namely, 31 March 1264. If Treharne was correct in his calculation that it would have taken an army three days to march from London to Northampton, then these men, and their followers, must have left London by 1 April in order to arrive at Northampton in time to fortify the city.[52] Perhaps they even departed on the day upon which the agreement was entered into? It may be the case that the rebels had already received intelligence that Henry was about to march on the town; maybe they just appreciated its strategic value and decided to despatch a force for its defence. It seems clear, however, that before dividing their forces and leaving one half to defend London, an oath was deemed necessary to bind the witnesses to a common cause and to ensure that, in the words of the document, 'nos nos entreaiderons vers totes genz que a tort grever nos vodront' ('we will help each other against all people who would wrongfully wish to harm us').

This, then, was a martial agreement made by men about to fight. Further evidence for its purpose is to be found in the list of witnesses, twenty of whom were knights and barons. This may also explain the absence of any clerical names; for, if there was one group upon which Montfort could count for considerable support, it was certain bishops. Only two weeks before this agreement was made, the bishops of Winchester, London, Chichester and Worcester (Walter de Cantilupe, one of Montfort's closest friends) represented the rebel barons at peace talks with the king.[53] Two of those four, the bishops of London and Worcester, had also previously led the baronial submission at Amiens.[54]

During the tumultuous time of reform and rebellion, there was a considerable precedent for such oath-taking. As has been noted above, the men of London swore similar oaths on at least three other occasions during this short period.[55] It was also ordered, in 1258, that the whole community of England swear by oath to maintain the Provisions of Oxford.[56] Henry's son, the Lord Edward himself, swore a famous oath to assist Simon de Montfort in 1259.[57] Comparing the texts of these oaths with the one taken in London further supports the argument that

51. 'Wykes', pp. 144–5; 'Annales prioratus de Wigornia', p. 450; 'Annales prioratus de Dunstaplia', p. 229; *The Chronicle of Walter of Guisborough*, ed. H. Rothwell, Camden, 3rd ser., lxxxix (1957), p. 190.

52. Treharne, 'Battle of Northampton', p. 307.

53. 'Annales Londoniensis', p. 61; *CPR 1258–66*, pp. 307, 308.

54. *DBM*, p. 284.

55. See n. 37 above. We do not have texts of these oaths.

56. *DBM,* p. 100.

57. D.A. Carpenter, 'The Lord Edward's Oath to Aid and Counsel Simon de Montfort, 15 October 1259', in id., *Reign of Henry III*, pp. 241–52.

the London oath was essentially an alliance for war.[58] There were, of course, some parallels between these oaths, not least in their wording. Despite the fact that Edward's oath was a very specific and different one from the one analysed here, some of the same words, such as *efforcier, droiture* and *encontre*, are to be found in both oaths.[59] More similar is some of the language in the first of the oaths of the community of England of 1258.[60] In this, taken in June of that year, it was 'le commun de Engleterre' that swore, similarly 'en bone fei', that 'chescun de nus a tuz ensemble nus entre eiderums, e nus e les nos cuntre tute genz, dreit fesant' ('that each of us and all together will help each other and our people, against all men [and] that we will do justice').[61] The resemblance, in both language and spirit, of the two oaths is at once evident.[62] That should not surprise us. At least four of the witnesses to the London oath were present at Oxford in June 1258 and were reformers then, namely Simon de Montfort, Peter de Montfort, Richard de Grey and Hugh Despenser.[63] It is quite clear that Simon de Montfort, the first witness to the oath made by the barons, and the only one named by fitz Thedmar as leader of the 'hauz homes' on the verso of our document, was very much the driving force behind the later accord. Can we posit that he was also instrumental in the wording of the later oath, perhaps aided by his most trusted lieutenants? His commitment to oaths to which he was already bound is of course, well known: he is supposed to have announced in 1261 that he would rather die landless than be a perjurer.[64]

Yet there are noticeable differences between the oath sworn at London and the other oaths. For example, the text of the London oath does not open with one of the many address clauses that one expects in oaths of the period, but with a straightforward statement of intent. Moreover, whilst the verso does indeed stipulate that all the men of London are to swear 'on the book', the oath taken by the barons makes no mention of it having been sworn on the gospels (as the oaths sworn in both 1258 and 1259 do).[65] The language used in 1264 is much blunter, offering no ideological rationalisation for the agreement. In October 1258, all the

58. The oaths of 1258, 1259 and 1264 are all in French, making comparison even easier. Of course, as with the gnomic Latin of the official records, many words and phrases can be found in all three of these oaths. Thus, we see the caveat 'sauve la fey le Rei' in all of these agreements. It hardly need be pointed out that, in the chronicle account of this oath by fitz Thedmar, 'salve tamen fide Domini Regis' is a direct translation of this phrase. The rebels did not withdraw fealty to the king until the eve of the battle of Lewes.

59. Carpenter, 'The Lord Edward's Oath', p. 251.

60. *DBM*, pp. 100–1; cf. the Appendix to this article.

61. *DBM*, pp. 100–1.

62. Not the least noteworthy point is the use of 'le commun' of England as the basis for this oath, as with 'le commun' of London for that of 1264. Communal adherence to these oaths was clearly deemed to be of the utmost importance.

63. *DBM*, p. 100.

64. 'Annales prioratus de Dunstaplia', p. 217.

65. *DBM*, p. 100; Carpenter, 'The Lord Edward's Oath', p. 251.

men of England had been bound by oath to support the reforms which were promulgated by the council,[66] and in 1259, the Lord Edward made a similar commitment to the baronial enterprise.[67] These elements are absent from the text of 1264. True, in the 1264 oath there is a vow to save the liberties and customs of the land, but this falls far short of a full-scale commitment to what, by then, had become known as the Provisions of Oxford.[68] In summary, what we find in the 1264 text is a functional agreement entered into by fighting men, five days before battle was enjoined at Northampton. There are no clerical witnesses. Its language is simple and to the point, devoid of any rhetorical flourishes. It was simply intended to bind the oath-takers to each other at a time when the country seemed to be on the brink of civil war.

As well as providing new evidence as to who was with Montfort in March 1264, this document is also useful for understanding the depth of commitment of the Londoners to the baronial cause. It has long been known that the city was generally on the side of reform. The reasons for the Londoners' support of the reformist cause were complex.[69] There had been friction between the king and the ruling elite of London, and a generation-long power struggle in the city had created factions, one of which had become allied with the king prior to 1258. Long-standing social tensions had exacerbated the situation. Thomas fitz Thomas had been first elected mayor in 1261.[70] He was the mayor to whom Montfort had written around 24 June 1263 asking for his backing and for that of the other leaders of the London citizenry. By 12 July they had replied affirming their support.[71] A day later, the queen was pelted by the mob as she attempted to flee the city while the king remained in the Tower.[72] By 16 July, Montfort and his allies had entered the city and made peace. Against this backdrop, Thomas fitz Thomas very much represents the 'communa mediocris populi regni Anglie' ('the community of the middling people of the kingdom of England') that, in fitz Thedmar's words, rejected the award of the Mise

66. *DBM*, pp. 116–17.

67. 'a meintenir l'emprise qui est fete par les Barons de la terre al cuor de Dieu': see Carpenter, 'The Lord Edward's Oath', p. 251.

68. Similar language is to be found in the London custumal *Liber Albus,* which provides the oaths of all the medieval London officers in French. In these, the aldermen swear 'la fraunchise de la citee de Loundres sauverez et meyntiendrez'. The aldermen likewise swore to maintain these privileges. The *Liber Albus* was compiled one hundred and fifty years after these events. However, it was drawn from many sources, including the manuscript in which the agreement discussed here is to be found. There is therefore every reason to believe that the oaths sworn according to *Liber Albus* were the same as those sworn in the mid-thirteenth century: *Munimenta Gildhallae Londoniensis*, ed. H.T. Riley, Rolls Series, xii (3 vols. in 4, 1859), i. 306.

69. A very useful narrative history of thirteenth-century London is G. Williams, *Medieval London, from Commune to Capital* (London, 1963). See also Maddicott, *Simon de Montfort*, p. 234.

70. *Cronica Maiorum*, p. 49.

71. *Cronica Maiorum*, pp. 53–5; Maddicott, *Simon de Montfort*, pp. 229–34.

72. 'Wykes', p. 136.

of Amiens in 1264.[73] To be sure, there always remained royalists within the city. In December 1263, for example, the community of London had to act to save Montfort when he was trapped outside the city, in front of Henry's forces, as a result of the actions of a discontented cabal of prominent London citizens.[74] At Lewes in May 1264, some of these Henrician citizens were held hostage by the rebels, and were killed by royalists who were unaware of their identity.[75] Moreover, just prior to Lewes, an attempt was made by another royalist to set fire to the city.[76] These were, however, isolated incidents. Generally, as has been noted, by now 'the commune (of London) owed its existence to Montfort. Its survival depended on his, and throughout the fifteen harassed months of his administration, the city leaders stood high in his counsels'.[77]

Moreover, the implication must be that 'the commune of London' was very broadly based indeed. One must be careful trying to define the meaning of the word 'commune' too precisely; as Susan Reynolds notes of its very formation, 'the word (commune) and its derivatives may have been used loosely and emotively in the twelfth century as they are in the twentieth'.[78] Certainly, by the time of this oath, its use had become common. Thus we read in fitz Thedmar's chronicle that in July 1263 the 'whole commune' welcomed the rebels into London, or that the 'commune of the city of London' was one of those named in the oath. However, in the document detailing the administration of the oath, it is not said that 'the commune of London' was allied with 'the high men of the land', but that '*the mayor and barons of the city of London*' were. Could it be then that this difference actually reflected a real difference on the ground? To begin with, it was indeed an agreement entered into by the mayor and barons of London with the Montfortians. But, when the oath was sworn by all those over the age of twelve in the wardmote, it perhaps became something which 'the commune of London' had enjoined. No doubt there were dissenters, but the chronicle account and the note in fitz Thedmar's own hand both suggest that all men who owed attendance at the wardmote took the oath. If that was indeed the case, then it would seem that the term 'commune of the city of London' represented a substantial number of people from different levels of society within the city.[79]

73. *Cronica Maiorum*, p. 61. There is much information about fitz Thomas in Williams, *Medieval London*; see esp. pp. 216–17, 231, 236–7.

74. 'Annales prioratus de Dunstaplia', p. 226.

75. 'Wykes', p. 150.

76. 'Annales Londoniensis', p. 63.

77. Williams, *Medieval London*, p. 231.

78. S. Reynolds, 'The Rulers of London in the Twelfth Century', *History*, lvii (1972), pp. 337–57, at 348.

79. It is likely that, as Reynolds warns, terms such as 'commune' were used loosely. Perhaps the terms 'mayor and barons' and 'the commune' could even have been coterminous, with the support of everyone else in London being additional. It is more likely, however, that the 'commune of London' in fact represented all those aged twelve and over who attended the wardmote.

Maddicott surmised that oaths fulfilled a communal purpose, noting that 'as participants in a spectacular piece of political theatre, [oath-takers] would carry into the future a consciousness of the obligations which the ceremony entailed'.[80] That would indeed seem to have been so in this instance, for six weeks after the swearing of the oath in the wardmote, the citizenry of London left the city to fulfil the terms of the promise that they had made. We cannot say for sure how many Londoners fought at the battle of Lewes, but the force that marched out of London, led by Henry de Hastings and Geoffrey de Lucy, must have numbered in the thousands. They paid a heavy price that day, as they were chased for miles by the Lord Edward, who it is said, had not forgotten the treatment of his mother the year previously.[81] No historian has ever doubted the commitment of the majority of the Londoners to the enterprise of the barons. What this document helps us to do is more fully to understand that commitment. Those citizens had sworn a solemn oath to ally themselves with the rebel barons against all those who would wish to do them harm. Moreover, this agreement had been entered into in the very public sphere of the wardmote, under the watchful eye of the alderman. This suggests that the level of collusion between the rebel barons, and the 'barons of London' must have been high. After all, the simple act of seeing the terms of the oath sworn throughout the city, ward by ward, was proof of the administrative lengths to which the city's governors were ready to go in support of the Montfortians.

If all London citizens over the age of twelve were to swear to its terms, then fitz Thedmar himself must have done so. Of course, the presence of his hand on the verso of our document proves that his role in this venture went much further than that. His role in city government alone would have necessitated some involvement in this enterprise, and dealing with chirographs and other similar documents would have been nothing new to fitz Thedmar; as one of the chirographers of the chest of the Jews he would have been used to them.[82] As an alderman, he would have been responsible for the military service of the men in his ward.[83] One of his duties was to provide the banner that all men in his ward were to follow in the city's defence; one might speculate that these banners might have been hoisted for this oath ceremony.[84] He would also have been responsible for the checking of the horses and arms of the men in his ward.[85] It was normal that, when a martial oath such as

80. Maddicott, 'Oath of Marlborough', p. 317.

81. 'Wykes', p. 150; 'Annales prioratus de Dunstaplia', p. 232; *Chronicle of Walter of Guisborough*, p. 194.

82. *Calendar of the Plea Rolls of the Exchequer of the Jews*, I: *Henry III, A.D. 1218–1272*, ed. J. Rigg (London, 1905), pp. 127–8.

83. M. Bateson, 'A London Municipal Collection of the Reign of John', *English Historical Review*, xvii (1902), pp. 480–511, 707–30.

84. Ibid., pp. 727–8.

85. Ibid.

this was to be administered, it would fall to the aldermen to administer it.[86] But it does not necessarily follow that all aldermen stood squarely behind the oath: some might well have thought themselves only to be carrying out the duties of their office. Is it possible, then, that we can use this document to make assumptions about fitz Thedmar's political views?

It was at first supposed that fitz Thedmar was a royalist sympathiser. Henry Riley noted that his description of the parliament at Oxford in 1258 as 'insane' gave 'proof of the adverse tendency of the writer's opinion to the cause of the barons'.[87] E.F. Jacob described fitz Thedmar as 'a staunch Conservative' who was 'thoroughly hostile to the new Whig oligarchy of the barons'.[88] Other analyses have been more nuanced, noting that fitz Thedmar seemingly separated the cause of baronial reform from that of defence of the liberties of London.[89] He was certainly able to support the cause of the Montfortians, although with reservations. One only need compare his account of March 1264, in which he blamed the raids led by Hugh Despenser for the start of the war, with that of the summer of 1264, in which he sympathetically described the mission of the rebels as 'regnum contra alienigenas defendendum' ('to defend the kingdom against foreigners').[90] However, the populist cause of the mayor fitz Thomas always remained anathema to him, as did any attack on the liberties and privileges of the city.[91] It is in this context that we must interpret his 'shrill' denunciation of some of the actions of Hugh Bigod.[92] This was also evident in his similar criticisms of the king's attempts to circumvent custom in favour of the Abbot of Westminster throughout the 1240s and 1250s.[93]

One reason why fitz Thedmar's chronicle can appear so contradictory is that neither edition of it conforms to modern editorial practice. Much of fitz Thedmar's supposedly 'royalist' writing actually took place after the victory of the king's party at Evesham. Prior to the battle, he often wrote sympathetically about the reformist cause. *Post bellum*, however, he described those allied to Montfort as stupid and malicious, and inserted a melodramatic plot against the lives of certain London royalists, himself included, into the chronicle.[94] London had become too hot for any rebels after the collapse of Montfort's power in 1265, and the change in fitz Thedmar's attitude must be seen in this

86. See the oath taken the year previously, 'coram Aldermanno suo': *Cronica Maiorum*, p. 53.
87. *Chronicles of the Mayors and Sheriffs of London*, p. 40.
88. E.F. Jacob, *Studies in the Period of Baronial Reform and Rebellion, 1258–67* (Oxford Studies in Social and Legal History, vol. 8, no. 14; Oxford, 1925), p. 52. I am grateful to Dr Richard Cassidy for bringing this to my attention.
89. Williams, *Medieval London*, pp. 212–14; J. Catto, 'FitzThedmar, Arnold (1201–1274/5)', *Oxford Dictionary of National Biography*.
90. *Cronica Maiorum*, pp. 61, 69.
91. *Cronica Maiorum*, pp. 14, 55, 58–9.
92. Williams, *Medieval London*, p. 213.
93. *Cronica Maiorum*, pp. 14, 17.
94. *Cronica Maiorum*, pp. 77, 114–15.

light. Moreover, not only did he change the tone of his chronicle after Evesham, but he also made revisions to his earlier work. Indeed, two of the most famous entries in the chronicle describing events prior to 1265 are highly likely to be later insertions. The word 'insane', describing the Oxford parliament, appears to be a revision written over an erasure, almost certainly made after Evesham.[95] Likewise, the detailed description, added in the margin, of how Thomas fitz Thomas said to Henry in 1265 that he would be a good servant to the king, if the king would be a good lord, also appears to be a later addition.[96] None of this is clear from Stapleton's edition.

Furthermore, as is noted above, fitz Thedmar's chronicle forms just one part of a larger manuscript which he compiled. What the oaths recorded in the document considered here show is that it is not sufficient to use the chronicle alone to form conclusions about fitz Thedmar; there is much else in the *Liber*'s folios that sheds light on his motivations. The language on the verso of this document suggests that, if nothing else, he was clearly willing to go along with the rebel regime. It is written in the first person plural, dealing with the administration of an oath to the reformist cause, so that 'we are not wrongfully harmed'. In omitting such evidence from the edition of the manuscript, an opportunity was lost to see the compiler in the round. He was a man who, like many others of the period, may have struggled to come to terms with the fast-moving events. After all, in April 1264 he gave at least tacit, if not outright, approval to an oath entered into by Hugh Despenser, and yet in his account of that month—probably written within two months of the event—he denounced some of the actions of Hugh Despenser and others. Placing the note which is probably fitz Thedmar's own copy of the oath, with his own hand annotating the verso, alongside this other evidence should surely end once and for all any perception of him as a wholehearted royalist.

Of course, all the oaths in the world would not have been able to prevent the collapse of Montfort's regime. On 4 August 1265, he was killed at the battle of Evesham. The adherence to his cause of the majority of the takers of this oath has long been recognised. Of those names in the oath the previous year, only four were not allied to the baronial cause by that point. Two were no longer involved: Robert de Vipont, who had died in May 1264, and Robert de Ferrers, who had been imprisoned by the Montfortians in February 1265 for fighting what was very much a lone war.[97] Two had changed allegiance: Gilbert de Clare, whose defection to the royalist party has been described elsewhere, and Osbert Giffard, whose motivations remain less clear.[98] Of the remaining

95. *Cronica Maiorum*, p. 37. This was first noted by A.G. Little; the best summary of the debate to date is in Gransden, *Historical Writing*, i. 515–16.

96. *Cronica Maiorum*, p. 73.

97. *CPR 1258–66*, pp. 322, 409; 'Wykes', p. 160.

98. Maddicott, *Simon de Montfort*, pp. 327–31. After the battle of Evesham, Osbert Giffard was rewarded by the king: *Calendar of Inquisitions Miscellaneous*, I: *1219–1307* (London, 1916), p. 188.

seventeen witnesses to the oath of 1264, almost half either fell or were captured alongside Simon de Montfort at Evesham. Three were killed: Hugh Despenser, Peter de Montfort and Simon's son, Henry. John fitz John, Henry de Hastings, Nicholas of Seagrave and John de Vesci were all taken prisoner.[99] A further five—Richard de Grey, Baldwin Wake, William de Munchensy, Geoffrey de Lucy and Robert de Ros—would no doubt have been present, had they not already been captured by the royalist forces at Gloucester and Kenilworth.[100] Simon de Montfort the younger managed to escape the royalists at Kenilworth, only to arrive too late to the field at Evesham. In fact, of the seventeen oath-takers known still to be rebels, at least fifteen fought at the battles of Northampton, Lewes, Gloucester, Kenilworth or Evesham, all since the taking of the oath, for the cause of reform. They had, then, kept to their word 'to hold together', with their friends, in what they perceived to be 'rightful quarrels'.

Indeed, even after the rebel defeat and Montfort's death at Evesham, many of these oath-takers continued the struggle. Perhaps they felt they had little left to lose; but Simon junior, Richard de Grey, William Marmion, William de Munchensy, Henry de Hastings, John d'Eyville, Baldwin Wake, Nicholas of Seagrave, Geoffrey de Lucy and John de Vesci all fought on over the subsequent two years, preventing peace from being declared until 1267.[101] Another who continued to be a thorn in the side of the regime after Evesham was Thomas fitz Thomas. Imprisoned by the king after the battle, he could only watch as his houses and lands were granted to the Lord Edward and other royalists.[102] In December 1265, he was replaced as alderman of the ward of Cheap.[103] He was only eventually freed, in April 1269, after paying a redemption fine of £500.[104] Before that, however, in May 1266, the Londoners had responded to the king's grant that the citizens could elect one bailiff of their choosing by rioting and shouting 'nolumus habere Maiorem nisi Thomam filium Thome, et volumus ut liberetur a prisona' ('we want no mayor except Thomas fitz Thomas, and we want him freed from prison').[105] The popularity of the man who had represented the commune of London in the swearing of such an important oath two years previously had clearly diminished little.

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99. 'Wykes', p. 174; 'Annales prioratus de Wigornia', pp. 454–5.
100. 'Annales monasterii de Waverleia', in Luard, ed., *Annales Monastici*, ii. 364; 'Wykes', p. 170; *Cronica Maiorum*, p. 75; Maddicott, *Simon de Montfort*, p. 340.
101. 'Annales monasterii de Waverleia', pp. 370–71; 'Annales prioratus de Dunstaplia', pp. 243–6; 'Annales Londoniensis', pp. 73–8; *Cronica Maiorum*, pp. 86–91.
102. 'Wykes', p. 177; *CPR 1258–66*, pp. 462, 464, 466, 468.
103. Williams, *Medieval London*, p. 235.
104. *CPR 1266–72*, p. 328.
105. *Cronica Maiorum*, p. 86.

Appendix*

Transcription of the recto:[106]

Por ce que contenz sunt emmeuz en cest Reaume Dengleterre contre acuns, e les uns safforcent grever les autres a tot lor poer, nos Simon de Monctfort conte de Leyc' e senescal dengleterre, Gilbert de Clare, Huge le Despenser justice Dengleterre, Robert de Ferers conte de Derby, Henri de Mountfort, Simon de Mountfort le fiuz, Thomas fiuz Thomas Maire de Lundres, e le[107] commun de meimes la cite de Lundres, Pieres de Mountfort, Ricard de Grey, Henri de Hastinge, Johan le fiuz Johan, Robert de Veupont, Johan de Eyvile, Robert de Ros, Willaume Marmion, Baudewyn Wake, Oubert Giffard, Nicholas de Segrave, Geffroi de Lucy, Johan de Vescy e Willaume de Moncheaesy, por nos garder que len ne nos greve a tort, avom promis, en bone foy e jure que nos nos entreaiderons vers totes genz que a tort grever nos vodront, e de les choses nule pes ne forons[108] sanz Commun acord de nos e de nos amis qui a nos se tienent en ceste bosoigne. E de cest heure en avaunt nos entretendrons e nos e tous ceus qui a nos se tenent en totes dreitureles quereles, e de nos fraunchises e costumes sauver e maintenir contre touz ceus qui afforcier nos vodront. E ces choses avom nos fetes, sauve la fey nostre Seignur le Rey en tote choses. E en temoing de ces choses, avom fet faire dous escriz endentez en maner de cyrograf, dount lun remaint vers le Mayre e le Comun avaunt diz, saellees des saeus le conte e des autres hauz homes avaundiz, e lautre vers mannes celuy conte e les autres hauz homes en la garde la Justice, saelle de sael commun de Lundres. Done a Lundres le Lundi prochain apres *** lan del incarnation[109] nostre Seigneur, MCCLX quarte.

The verso:

Por ce ke sire Simon de Mont Fort cunte de Leicestre e le haus humes de la terre ke de cele part se tenent, e le meire, e les baruns de la cite de Lundres sunt entre aliet e assure par serement, e par escrit endentet pur nus garder ke lein ne nus greve a tort, pur veu est ke chescun Alderman teine sun Wardemot de tuz ceus ke sunt de xii aunz e de plus, e les

* I am very grateful to Simon Gaunt for his assistance with the French text. I was also helped a great deal with both the translation and the palaeography by Christopher Whittick. Any errors that remain are my own. In the translation I have given the modern form of English toponymic surnames preceded by 'of', save in those instances where modern conventional usage dictates otherwise.

106. In this transcription, I have kept the punctuation and capitalisation as it appears in the document itself.

107. The word *commun* is derived from the feminine noun in Latin. In the French of the period, it appears with both a masculine and feminine definite article. Cf. *Dictionnaire Historique de la Langue Française, sous la direction de Alain Rey* (2nd edn., 3 vols., 1998; repr. Paris, 2004), i. 818; W. Wartburg, *Französisches etymologisches Wörterbuch*, II, pt. ii: *Coinquinare–Cytisus* (Bonn, 1946), pp. 961–2; F.E. Godefroy, *Dictionnaire de l'Ancienne Langue Française et de tous ses dialectes du IXe au XVe siècle* (10 vols., Paris, 1881–1902), ii. 198–9.

108. This should read *ferons*.

109. This is a feminine noun; correctly it should read *de l'incarnation*.

face jurer sur le livere ke il tendrunt meime le serement ke les auters unt jure, ce est a saver ke les avandis baruns, e nus nus entretendrums vers tute gens ke a tort grever nus voudrunt, e ke de ce choses nule pes ne frum[110] saunz comun acord de eus e de nus, e de cest ure en avant nus entre tendrums en tute dreitule quereles, e de nos fraunchises e de nos custumes sauver e meintenir encuntre tuz ceus ke deforcer nus voudrunt, sauve la fey le Rei en tute choses.

110. For *ferromus*.