

# The power of the edge



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**The influence of the lords of the Welsh Marches on the political changes in England from 1258-1330**

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## Introduction

The medieval border region of England and Wales was not a clearly defined one. It was unclear where England ended and Wales began, or as historian R. R. Davies put it: *'Instead of a boundary, there was a March.'*<sup>1</sup> The March was home to a group of semi-autonomous lordships. These lordships were theoretically held by a lord in a feudal structure, and these lords had to do homage to the King of England for these lands. But the legal structures were different, as the Statutes of the realm proclaim: *'In the marches, where the King's writ does not run.'*<sup>2</sup> It is also mentioned in clause 56 of Magna Carta:

*'If we have deprived or dispossessed any Welshmen of lands, liberties, or anything else in England or in Wales, without the lawful judgement of their equals, these are at once to be returned to them. A dispute on this point shall be determined in the Marches by the judgement of equals. English law shall apply to holdings of land in England, Welsh law to those in Wales, and the law of the Marches to those in the Marches. The Welsh shall treat us and ours in the same way.'*<sup>3</sup>

This sets the tone for a unique relationship between the March of Wales and the kingdom of England.

When Duke William of Normandy came to England in 1066 and conquered the island kingdom, he brought with him a large group of Norman nobles. After the conquest these nobles were keen to carve out their own power bases, preferably without interference from the king himself. The Anglo-Norman kings saw an opportunity here and allowed these nobles to conquer the frontiers of England, because this meant that the king would not have to invest large amounts of resources to do it himself. In exchange these nobles would be granted these lands to rule with more autonomy. The consequence of this was that the nobles who conquered these lands on their own saw themselves as autonomous lords. This created a unique group of counties on the borders with Wales and Scotland, and even in Ireland. These counties are called Marches, and many of the Marcher lords in the later centuries can trace their heritage back to these first Norman conquerors. For example the family of Clare came to England with William the Conqueror and were granted important positions in his reign, for example Guardian of Exeter and Sheriff of Devon.<sup>4</sup> And the name of the Mortimer family is probably derived from a place in Normandy. Roger de Mortimer was an influential lord in Normandy, but his family would come to England a few generations later.<sup>5</sup>

The uniqueness of the March of Wales has been researched and confirmed multiple times, but the influence of these lords in the government of England has hardly been looked at. In this research I will look at the position of the lords of the Marches in the kingdom of England and what role they

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<sup>1</sup> R. R. Davies, *Lordship and Society in the March of Wales, 1282-1400* (Oxford 1978) 15-33.

<sup>2</sup> *Statutes of the Realm*, I, 226; L. H. Nelson, *The Normans in South Wales, 1070-1171* (London 1966) 154.

<sup>3</sup> Anon., *Magna Carta Libertatum* (Runnymede 1215) Translation via British Library; <https://www.bl.uk/collection-items/magna-carta-1215> (Last visited 24-6-2018).

<sup>4</sup> M. Altschul, *A baronial family in Medieval England: The Clares, 1217-1314* (Baltimore 1965) 17-20.

<sup>5</sup> C. P. Lewis, 'Mortimer, Roger (I) de (1054- c. 1080)', *Oxford dictionary of national biographies* (Oxford 2004). Read online <http://www.oxforddnb.com.ezproxy.leidenuniv.nl:2048/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-19351?rskey=xXIsWt&result=4> (last read on 12-3-2018); Mortimer probably comes from *L'abbaye de Mortemer* near Rouen in France.

played in the development of the kingdom and parliament. I will focus on the development of the Marcher lords during the reigns of King Henry III, Edward I and Edward II. This can be tested by using sources like the English parliamentary rolls and charter rolls, to show grants and laws concerning the lords of the March in this period.<sup>6</sup> These official documents contain many decisions made by the king or parliament and are an indicator to the policies of the kings and their governments. I will also use a few chronical sources, like the *Brut y Tynysogion* or the *Vita Edwardi Secundi*. By using these two markedly different types of sources we can distinguish two things: Firstly the literal power and influence of the Marcher lords through their political positions and influence on decisions for example, and secondly how powerful these lords were perceived to be by various chroniclers. This can be especially important during the various conflicts in England in the thirteenth and fourteenth century, as the military prowess and loyalty to the king of the Marcher lords during that time contributed to their influence. By using the Marcher lords as viewpoint for this research I can see more clearly the distribution of power in thirteenth and fourteenth century England, and more importantly where royal power was severely limited.

The research question I have formulated for this thesis is: How did the influence of the Marcher lords in English politics change during the period 1258-1330? The starting point will be the confirmation of the Provisions of Oxford in 1258, and the ending will be the execution of the first Earl of March, Roger Mortimer, in 1330. The first chapter of this research will explain a few important concepts. A definition of the March of Wales will be given, as well as the definition for Marcher lord and how this concept came to be. The most important families will be discussed and a brief introduction in the history of the English Parliament during this period. The rest of the research will be structured around three important periods, the second chapter will be centred on the rebellion of Simon de Montfort and the development of the rights of parliament and the nobility. The third chapter will focus on the conquest of Wales, its aftermath and Edward I's drive to a more unified legal system in his realm. While the last chapter deals with the personal relationships between the king and his favourites and how this meant the near destruction of the Marcher lords. I will look at the forced abdication and alleged murder of King Edward II and subsequent power grab by Roger Mortimer and Queen Isabella. These events will be viewed from the perspective of both the Marcher Lords and the English government. The reactions of both parties to certain events could tell us a lot about the nature of their relationship. I will try to answer the following questions in this thesis. How influential were the Marcher Lords in the parliamentary reform in the period 1258-1267? How did king Edward I try to incorporate Wales and limit the power of the Marcher lords? And how did the Marcher lords react to the tyrannical government of Edward II and his advisors, the Despencers? Through these questions I hope to paint a clear picture of the influence of Marcher Lords in English politics from 1258 to 1330, and how they played a vital role in the development of the kingdom

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<sup>6</sup> C. Given-Wilson et al. Eds., *Parliamentary Rolls of Medieval England, 1275-1504* (PROME) (Leicester 2005); *Calendar of Charter rolls preserved in the public record office* (CChR).

during this period.

One of the big debates on this topic concerns the origin of the lords of the Welsh Marches. This debate has its roots in the nature of the relationship between Wales and England. Many historians have argued that the unique legal position of the March was a product of conquest, based on powerful lords like Gilbert de Clare, Earl of Gloucester, who defied Edward I and declared that he did not owe the king for his lands, but that he held his lordship by virtue of conquest by his ancestors.<sup>7</sup> Gloucester argued that the Marcher customs owed nothing to the king of England. And this view was more clearly formulated by George Owen in the late sixteenth century, who argued that the marcher laws and customs had its origins in the lords' assumption of authority in a power void, created by conquest.<sup>8</sup> In 1957 J. G. Edwards came up with another explanation. He argued that this unusual range of judicial powers existed because the Norman barons assumed the powers previously exercised by the Welsh princes whose lands were conquered by the Normans. The answer of the question concerning marcher laws and customs was therefore the multiple kingship of Wales.<sup>9</sup> This discussion continues to this day, but many have taken the explanation by Edwards as a probable solution, as some primary sources do point at this being the case. Certain Marcher lords were calling on Welsh law before the English courts, they claimed the right to booty taken in war for example.<sup>10</sup> By looking at the position of these Marcher lords in the high political circles in the kingdom of England, I hope to offer an explanation concerning the role of Marcher lords in English society, and how their power was perceived.

Many historians from England and Wales have researched the reigns of Henry III, Edward I and Edward II. One of the most famous historians in Welsh history is R. R. Davies, and he has written a number of works on the Marcher Lords. Mostly in their relationship with their Welsh neighbours, or as comparison to other British or Irish lordships.<sup>11</sup> Other historians in this field are J. and Ll. Beverly Smith and M. Lieberman. There are a few highly rated scholarly biographies of the three kings who will be researched in this thesis. D. A. Carpenter wrote a biography of Henry III, Edward I was written by M. Prestwich and S. Phillips wrote a sizeable book on Edward II. All three of these biographies explain the reign of their particular 'subject' with incredible detail and these books are valuable for a better understanding of the time period and the kings themselves.<sup>12</sup> There is also some recent scholarship on this period, who have provided a new point of view in this area. Historians like Sophie Ambler, Emma Cavell and Gwilym Dodd have written on this period from various interesting viewpoints, like the role of noblewomen in the conquest of Wales.<sup>13</sup>

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<sup>7</sup> J. Beverley Smith and Ll. Beverley Smith, 'Wales: Politics, government and law', in: S. H. Rigby, *A companion to Britain in the Later Middle Ages* (Oxford 2003) 312-329.

<sup>8</sup> Ibidem.

<sup>9</sup> J. G. Edwards, 'The Normans and the Welsh March', *Proceedings of the British academy*, 42 (1957) 155-177.

<sup>10</sup> Beverley Smith and Beverley Smith, 'Wales: Politics, government and law', 312-329.

<sup>11</sup> Davies, *Lordship and Society in the March of Wales*.

<sup>12</sup> M. Prestwich, *Edward I* (Berkeley 1988); S. Phillips, *Edward II* (London 2010).

<sup>13</sup> E. Cavell, 'Intelligence and intrigue in the March of Wales: noblewomen and the fall of Llywelyn ap Gruffudd, 1274-82', *Institute of historical research* (London 2015) 1-19.

## Chapter one: The meaning of the March

### The origins of the March

The border region between England and Wales is called a March and it was created by Norman barons who came along with Duke William of Normandy and his successors. These barons were granted lands in the westernmost regions of England and were given permission to expand those lands into Wales. By giving these barons the power to do this, the English king hoped to control the unruly borders easier.<sup>14</sup> But even before the Norman conquest the English kings felt the need to protect their border with the Welsh, for example with primitive defensive structures like Offa's Dyke.<sup>15</sup> According to contemporaries king William I was not interested in conquering Scotland or Wales, but his lords were and they tried to expand their influence independent from their king.<sup>16</sup> When William of Normandy came to England, he did venture into Wales. But he did not conquer it like he did with England. The seeds for conquest however were sown in these first few decades, especially because the Welsh Marches were included in the Domesday Book, and were therefore seen as rightfully English.<sup>17</sup> The Norman barons did try to conquer all of Wales, but they were ultimately unsuccessful. The threat of war and violence was omnipresent in this part of Britain and it created a frontier region with its own characteristics. The issue of the origins of the March is not unique in Wales, there is a very similar development in border regions throughout Europe and even within Britain. The border in the north, between England and Scotland had a similar development and created nearly the same type of march. In the rest of Europe the nobles in charge of areas known as marches or marken had specific titles. An example is marquis in France, or margrave (Markgraf) in Germany, and other titles in different parts of Europe.<sup>18</sup> The title of marquis was used in France to differentiate the ordinary counts from the counts on the March and this title would be imported to England later on in the fourteenth century, although not without resistance.<sup>19</sup>

The main idea on the origins of the March and its unique set of laws and customs is that it was a product of conquest. This idea was first put forward by George Owen in the late sixteenth century and he explains that the barons saw the Marcher lordships as a return upon their investment in the conquest.<sup>20</sup> Another theory on the origins and autonomous position of

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<sup>14</sup> Beverley Smith and Beverley Smith, 'Wales: Politics, government and law', 312-329.

<sup>15</sup> C. Edwards, *Wales and the Britons 350-1064* (Oxford 2013) 419-424.

<sup>16</sup> M. Lieberman, *The medieval March of Wales* (Cambridge 2010) 56-101.

<sup>17</sup> B. Holden, *Lords of the central Marches: English aristocracy and Frontier society, 1087-1265* (Oxford 2008) 12-15.

<sup>18</sup> Lieberman, *The medieval March of Wales* 56, Lieberman points to the contacts between the German emperor and the Plantagenet kings, he specifically mention the *Mark* of Brandenburg; D. Crouch, *The Image of Aristocracy in Britain, 1000-1300*, (London 1992) 98-100.

<sup>19</sup> Crouch, *The Image of Aristocracy in Britain*, 98-100.

<sup>20</sup> Beverley Smith and Beverley Smith, 'Wales: Politics, government and law', 312-329.

the Welsh Marches is the possibility that the Anglo-Norman lords took over many of the rights and privileges of the Welsh princes whose land they were ruling now. The lands they took by conquest or marriage. This was only argued when in 1957 J. G. Edwards publicized his views. He argued that the multiple kingdoms of early Wales was vital to the understanding of the unusual range of powers and legal rights of the Marcher lords.<sup>21</sup> Edwards also put forward the idea of 'royal' qualities of the indigenous rulers of Wales. He argued that the power in Wales lay in the different parts of the native kingdoms. So that whoever held such a part could exercise the power inherent in those parts.<sup>22</sup> Recent studies have adapted many of Edwards' views and have accepted theories that the Marcher lords took many traditions from the native Welsh princes. But it is not a 'one-size-fits-all', it varies widely from lordship to lordship.<sup>23</sup> Scholar Emily Dolmans argues in her scholarly discussion on the March of Wales as it is represented in the literary text *Fouke le Fitz Waryn* that the March and the Marcher lords are symbolic for the conquering of Britain by the Normans. In this story nobody dares to live in the March, because the devil dwells there. This devil is represented by a giant from the *Historia Regum Britanniae* by Geoffrey of Monmouth and is one of the key enemies in the foundation myth of the Welsh. By defeating this monster, the author not only seeks to legitimize the superiority of the Normans in the March, it also accounts for the presence of the Welsh.<sup>24</sup> This shows the best origin of the March of Wales as a concept. As it was a hybrid society between the Welsh and the English, and it was seen as such by contemporaries.

### **Marcher lords**

The decision from the Anglo-Norman kings to grant certain lords in the border region more or less autonomous military powers had serious consequences for the future of the families who would come to dominate the area. For example the Clares and the Mortimers came over from Normandy with William the Conqueror or one of his successors.<sup>25</sup> These families were highly influential in the English foreign policy concerning the various Welsh kingdoms, as they had free reign to expand their lands westwards. When the Welsh were organized under a single leader in the mid-thirteenth century, the Marcher lords felt the most threatened. There were various little skirmishes between the different powers in the region until a larger war broke out, which coincides with unrest in England.<sup>26</sup>

The Anglo-Norman lords who took Welsh lands in their possession, either by force or by marriage, were influenced by the different laws and traditions of Welsh lords and princes in

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<sup>21</sup> Beverley Smith and Beverley Smith, 'Wales: Politics, government and law', 312-329.

<sup>22</sup> Ibidem.

<sup>23</sup> Ibidem.

<sup>24</sup> E. Dolmans, 'Locating the Border: Britain and the Welsh Marches in *Fouke le Fitz Waryn*, in: L. Ashe, D. Lawton and W. Scase eds., *New Medieval Literatures* 16 (Woodbridge 2016) 109-134.

<sup>25</sup> M. Altschul, *A baronial family in Medieval England: The Clares, 1217-1314* (Baltimore 1965) 17-20.

<sup>26</sup> J. G. Jones, *The History of Wales* (Cardiff 2014) 19-54.

comparison to their English counterparts. In Wales the princes had more power than a traditional feudal lord, but not as much as a king. This proves the idea of the Marcher lords being a 'hybrid lord', who ruled as a Welsh warlord with English methods, and their military prowess was the reason they were granted this land in the first place.<sup>27</sup> The Norman tactics in Wales were successful at first, because most of Wales was subdued and forced to pay tribute to the Anglo-Normans. This was markedly different from the way the Normans conquered England. Their temporary conquest would not last however, not for another 200 years. In the Northern kingdom of Gwynedd the Welsh fought back and reconquered most of their lands. This reversal of the Norman conquest of Northern Wales was the biggest setback for the Norman conquest in Britain, but they held on to most of the Southern coastlands, like Pembrokeshire.<sup>28</sup> And most of Southern Wales remained in the hands of lords with ties to the English. An important difference in the (partial) conquest of Wales by the Normans in comparison to the conquest of England was that the Welsh aristocracy was not destroyed in the same way it was done in England. Many native lords would intermarry with Anglo-Norman Marcher lords. And large parts of Wales remained in the hands of Welsh rulers, even though some of them would have to pay homage to the king of England.<sup>29</sup>

Wales was rarely unified under a single ruler in the Middle Ages, and the three most common kingdoms were Gwynedd in the north, Powys in the east and Dyfed in the south. And even though it was divided, it was very difficult to conquer. The primary reason for this was the geography of Wales, it was well defended by its woods, rivers and mountains.<sup>30</sup> According to chronicler Gerald of Wales it would take 'diligent and constant purpose' to conquer Wales, and not a single decisive battle like Hastings. The king of England simply did not have the time or incentive to use his resources to conquer Wales.<sup>31</sup> The consequence of this was that for about 200 years the westwards expansion of the Anglo-Normans remained a baronial instead of a royal enterprise. And the Welsh were no weak opponent, as Gerald of Wales described:

*'They are passionately devoted to their freedom and to the defence of their country: for these they fight, for these they suffer hardships, for these they will take up their arms and willingly sacrifice their lives. They esteem it a disgrace to die in bed, but an honour to be killed in battle.'*<sup>32</sup>

And even though the Anglo-Normans did not conquer all of Wales militarily, their ideas spread quickly and the Welsh princes took many of the new ideas on board, like the use of horses in

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<sup>27</sup> Lieberman, *The medieval March of Wales*, 56-101.

<sup>28</sup> Ibidem.

<sup>29</sup> Ibidem.

<sup>30</sup> Ibidem.

<sup>31</sup> Ibidem.

<sup>32</sup> Giraldus Cambrensis, L. Thorpe ed., *The journey through Wales/ The description of Wales* (Harmondsworth 1978) 233.

battle and the building of castles.<sup>33</sup> The divided nature of Wales in the middle ages was visible in the development of the March. Wales was divided in a great number of small kingdoms, and that was the same for the Welsh Marches. The March of Wales was a collection of small lordships, ruled by a number of lords. The geography of Wales helped this division, because large parts are incredibly difficult to access due to mountain ranges, rivers and other features.<sup>34</sup>

All these factors created a unique border region between England and Wales. The power the lords got and took was not just given by the English king, or taken over from the Welsh princes. The lords in the March created a hybrid lordship, forged from both Welsh princes and Norman barons. The Marcher lords were warlords, favouring conquest over constitutions. And by waging war, building castles and the development of their own laws and customs, they expanded their power. The king let this happen, as he knew that these lords were essential to conquer and control these regions.<sup>35</sup>

The March of Wales was home to a number of powerful barons, who not only dominated politics in the March, but were also seen as highly influential figures in the lives of the kings. This does not mean that these barons' possessions were solely in the March, but the titles they held in the March were their most prestigious ones, and they were often mentioned by their titles in the March in official documentation. I will not explain the detail of these families, but in the appendix is a more in-depth look at the most important figures of these families. The most influential families were the Clares, Mortimers and Bohuns, but there were more influential families like Lestrangle, Giffard, FitzAlan or De Valence and even Welsh lords who paid homage to the English king, like the family of the lord of Powys Owain ap Gwenwynwyn, who would change his name to Owen De la Pole. This family is not related to the dukes of Suffolk, who would become prominent in the fifteenth century. The name De la Pole translates to 'of the pool' and is named after the town of Welshpool, the capital of Powys.<sup>36</sup>

The most important titles in the March were: Earl of Gloucester, which was held by the Clare family and the Earl of Hereford, which was held by the Bohun family. In the fourteenth century the title Earl of March would come in existence for Roger Mortimer, which made his family the most important in the March of Wales.

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<sup>33</sup> Lieberman, *The medieval March of Wales*, 56-101.

<sup>34</sup> Beverley Smith and Beverley Smith, 'Wales: Politics, government and law', 312-329.

<sup>35</sup> Lieberman, *The medieval March of Wales*, 56-101.

<sup>36</sup> Prestwich, *Edward I*, 205.

## Parliament

To see the influence of the Marcher lords in the kingdom of England I will not only look at military actions and roles, I will also look at their role in parliament and other important political enterprises. Here follows a short explanation of the development of parliament during the reigns of Henry III, Edward I and Edward II. The parliamentary history of England is a subject which is heavily researched and the explanation given here only scratches the surface of a highly interesting and very complex topic. Many developments will be researched more in depth in later chapters of this thesis.

In the twelfth century many European princes began using the term 'parliament', but not in a single definitive way. It was used for private conversations or for any form of discussion or meeting.<sup>37</sup> In the first half of the thirteenth century the word 'parliament' was used more often and with a clearer definition. It would be a special meeting of the king's court, including archbishops, bishops, abbots, priors, earls and barons. And in these meetings the attendees would discuss matters of state of the king and kingdom.<sup>38</sup> In England from the 1240s on the word parliament became more common, and it was specifically mentioned in most clauses of the Provisions of Oxford. The king was told to hold parliament three times a year, on specific days. This parliament would be attended by the king, his 15 councillors and 12 magnates chosen by the barons.<sup>39</sup> But this does not mean that parliament was only attended by these people, a lot of other men would attend the parliaments as well.<sup>40</sup> And although many people would like to believe this form of government was proto-democratic, it is much more complex than that.

This form of parliament would largely survive the defeat of the barons in the second barons' war, and it would continue to be used in a slightly altered version by Edward I. But he held parliament twice instead of the three times a year, even though this was one of the Provisions of Oxford.<sup>41</sup> Attending parliament proved to be highly sought after, as it gave the barons lot of influence on important matters of state. On top of this were also offices like the chamberlain, the treasurer and the exchequer, of which the latter two were responsible for financial matters. And the chief justiciar of England, who was the most important minister to the monarch, and he can be seen as a medieval equivalent of a prime minister.<sup>42</sup> He would be chosen for one year, after which he had to render account to the king and his council.

Parliament changed a lot during the late Middle Ages, especially when the financial powers of the kingdom were no longer in the hands of the knights, but in the hands of the town merchants. This development is most visible in the period after this research, when the English

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<sup>37</sup> A. L. Brown, *The Governance of Late Medieval England 1272-1461* (Stanford 1989) 156-159.

<sup>38</sup> *Ibidem*.

<sup>39</sup> *Ibidem*.

<sup>40</sup> J. R. Maddicott, *The origins of the English parliament, 924-1327* (Oxford 2010) 233-274.

<sup>41</sup> Brown, *The Governance of Late Medieval England*, 157.

<sup>42</sup> J. Baker, *An introduction to English legal history* (Oxford 2007) 15.

King is desperate for money to wage the Hundred Years' war.<sup>43</sup> In his article on the histories of the English Parliament, Gwilym Dodd explains that the commons were present before Edward III, but they became an essential part of parliament during his reign.<sup>44</sup> During the last decade of Edward I's reign, there were a few crises concerning parliament and Edward's way of ruling. The barons were asking questions on the new taxes imposed by the king, to pay for many wars he fought. It has been revealed from the parliamentary rolls that the barons would raise their issues with the king in parliament, as their grievances would have the publicity it needed.<sup>45</sup> The most important affairs would be discussed in parliament, as it would be politically important for the king to seek advice from his greatest magnates. He did not do this for every major decision, most of the time issues were raised by the barons in so-called petitions, and there was no real consistency in medieval England.<sup>46</sup> Most of the time the barons and earls would be attending parliament, but when new taxes had to be imposed, it was necessary to have a representation from the towns and boroughs.<sup>47</sup>

One of the constants throughout the reigns of the three kings was the necessity for the presence of the king at the parliamentary meetings, as it was emphasized by Henry III and maintained by Edward I and II.<sup>48</sup> Gwilym Dodd argues that this is because parliament was actually a meeting with the king and his council, in which they addressed the petitions of the barons.<sup>49</sup> During the reign of Edward I, parliament remained the way to obtain counsel and consent. The function of parliament remained broadly the same during Edward's reign, the nobles could still petition the king in parliament and homage would be rendered in parliament. Parliament became the central focus for opposition to the king, without immediately taking violent measures.<sup>50</sup> During the reign of Edward II more incidents between the king and his magnates took place, because of Edward's behaviour. Edward II's reign is better known for the character of the king, who would carry out his own will, no matter what parliament said.<sup>51</sup> The consequence for this was that parliament would take an unprecedented step and took matters into their own hands, but more on that in chapter four.

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<sup>43</sup> Brown, *The Governance of Late Medieval England*, 158-159.

<sup>44</sup> G. Dodd, 'Historians of the Late Medieval English Parliament', *History Compass* (Nottingham 2014) 473-488.

<sup>45</sup> Prestwich, *The three Edwards*, 102-120.

<sup>46</sup> *Ibidem*.

<sup>47</sup> *Ibidem*.

<sup>48</sup> Prestwich, *Edward I*, 436-468.

<sup>49</sup> Dodd, 'Historians of the Late Medieval English Parliament', 473-488.

<sup>50</sup> Maddicott, *The origins of the English parliament*, 277-330.

<sup>51</sup> *Idem*, 331-371.

## Chapter two: Parliamentary revolution

In 1215, King John was forced to sign a document which would enshrine the rights of the barons and the limits of the crown, Magna Carta. This is one of the most important documents in English history, and it is widely seen as a cornerstone for western democracy. When John died of dysentery in 1216 he left behind his son Henry as his heir, who was only a minor.<sup>52</sup> When Henry III came of age and began ruling himself he respected the liberties of the magnates, in some cases he even expanded them.<sup>53</sup> Due to his tolerant stance, Henry faced the problem of his barons' debts. The relative weakness of his sheriffs made it so that the king had great difficulty getting the money back which was owed to him.<sup>54</sup> But the most important problem facing Henry was the type of people he surrounded himself with, or at least the barons' perception of these people. The king mostly surrounded himself with 'foreigners', mostly French nobles related to him or his wife. This irked the English earls, even though the relative amount of French nobles at court might be overstated. Chronicler Matthew Paris wrote that Henry had allied and surrounded himself with all of the magnates of England.<sup>55</sup> Because Henry used to rely on others to rule out of his name, he had great difficulty taking the reins back in his hands when was old enough to rule. The reign of Henry III would become known for its political change and parliamentary reform, whether it was his own choice or not. The question for this chapter will therefore be: How influential were the Marcher Lords in the parliamentary reform in the period 1258-1267?

In the first few decades of Henry's reign the kingdom of England was at peace. But the king could not keep himself from blundering into political nightmares. Henry had given too much to his French half-brothers and he had wasted money on failed military campaigns in France and Sicily. The opposing barons in 1258 saw these failures and argued that the king was unable to rule the kingdom sufficiently.<sup>56</sup> What makes this interesting is that the opposition was created within the royal court itself, as the main rebels were among the most trusted earls in the kingdom, like the Earl of Leicester or the Earl of Hereford.<sup>57</sup> A large number of nobles in England had a list of grievances. Some earls had also personal grudges against the king, especially Simon de Montfort, the Earl of Leicester.<sup>58</sup> De Montfort and Henry had been clashing a few times during the 1250s, after a failed campaign in France. De Montfort was punished for the actions he took while fighting a group of rebellious nobles in France, even though the king had sent him personally to do so. The Earl of Leicester was not happy about this. Now he could align himself with the other barons and increase his power over the

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<sup>52</sup> R. Turner, 'England: Kingship and political community, 1100-1272', in: S. H. Rigby, *A companion to Britain in the Later Middle Ages* (Oxford 2003) 183-207.

<sup>53</sup> D. Carpenter, *The reign of Henry III* (London 1996) 88-93.

<sup>54</sup> *Ibidem*.

<sup>55</sup> Carpenter, *The reign of Henry III*, 95.

<sup>56</sup> *Idem*, 98-99.

<sup>57</sup> Carpenter, *The reign of Henry III*, 98-99.

<sup>58</sup> Maddicott, *Simon de Montfort*, 137-150.

king. Matthew Paris tells the story of how King Henry was caught in a thunderstorm on the Thames and that he stopped at the palace of the bishop of Durham, where De Montfort was staying as well. The Earl of Leicester asked him moments later why he was afraid, because the storm had passed. Then Henry said: *'I fear thunder and lightning beyond measure, but by God's head I fear you more than all the thunder and lightning in the world'*.<sup>59</sup>

### **The provisions of Oxford and the second barons' war**

As the name suggests the provisions were drafted and signed at Parliament in Oxford in 1258.<sup>60</sup> The eventual provisions were probably agreed upon in parliament, and not an exact document written by the earls before parliament started. This can be seen by the use of French, which was the spoken language of parliament, while most official documents were written in Latin. And there are inconsistencies between clauses.<sup>61</sup> The most radical provision was put in place immediately. This was the election of a new council of fifteen men. These men were elected by four electors who were part of a council of twenty four. Two electors were chosen among the twelve men nominated by the king, and the other two electors were chosen from the twelve men nominated by the barons.<sup>62</sup> The king's council of fifteen was given the power to advise the king on all matters concerning the kingdom, and the power to amend and redress anything that they deemed necessary.<sup>63</sup> This document was seriously radical for its time, as it tried to put the king under control of the majority of barons. But it did not survive for long.

The following years would see great change in the parliamentary system, as the king tried to roll back the reforms. The political battle raged on and in 1261 De Montfort was exiled to France. But when he came back in 1263, he was the undisputed leader of the opposition to the king. This meant the start of the second barons' war.<sup>64</sup> In his book on the reign of Henry III, D. A. Carpenter explains how unique this position was for the time. He argues that the popularity of De Montfort came from his political consistency, as he was one of seven barons that began the reforms in 1258 and he remained the only one supporting this 'radical' stance until his end. But as Carpenter brilliantly puts: *'one can be consistent sitting in an armchair: Simon was a man of action'*.<sup>65</sup> The character of Simon de Montfort has been a topic for discussion in various scholarly works. Many modern scholars have pointed to his influence as a democratic champion, as the baron who fought to keep and expand Magna Carta. This argument is largely based on the fact that De Montfort called for a parliament in early 1265,

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<sup>59</sup> Maddicott, *Simon de Montfort*, 150; H. R. Luard ed., *Matthaei Parisiensis, Monachi Sancti Albani, Chronica Majora*, V, (1872-1883) 706.

<sup>60</sup> R. Butt, *A history of Parliament: The Middle Ages* (London 1989) 98-99.

<sup>61</sup> *Ibidem*.

<sup>62</sup> *Ibidem*.

<sup>63</sup> Butt, *A history of Parliament*, 98-99; R. F. Treharne and I.J. Sanders, *Documents of the Baronial movement of Reform and Rebellion, 1258-1267* (Oxford 1973).

<sup>64</sup> Maddicott, *The Origins of the English parliament*, 233-237.

<sup>65</sup> Carpenter, *The reign of Henry III*, 222.

which would see a large group of representatives from the knightly class and the boroughs, and this would prove to be the template of the House of Commons for the following centuries.<sup>66</sup> Historian Sophie Ambler has argued in various scholarly works for the political importance of Simon de Montfort in the development of parliament. She goes as far as calling it the ‘first English revolution’.<sup>67</sup> She argues that the political and intellectual basis for the revolution lies deeper than De Montfort himself, mostly rooted in early thirteenth century mirrors of princes from men like Grosseteste.<sup>68</sup> Ambler puts a lot of emphasis on the fact that De Montfort called for a large group of ‘commons’ to attend parliament, and the fact that the Provisions of Oxford were published for a large audience. The intention of De Montfort is obviously unknowable, but in this argument Ambler overlooks one critical issue, even though she shortly mentions it. Nearly all of the Marcher lords had left the baronial party at the time of the 1265 parliament, and to make up for the lack of influential nobles, the Earl of Leicester called on the ‘commons’, so that he still could claim the parliament was legitimate and that he had the popular support. I disagree with the notion that Simon de Montfort was motivated by democracy or the limiting of royal power in general. I do believe, however, that he thought Henry III to be a weak king. Maddicott has discussed this issue in his biography of De Montfort, and even though I do appreciate most of Ambler’s arguments, I disagree with her assessment of Simon de Montfort. One compelling argument Maddicott makes is that De Montfort had close relations with clerical men, mostly because he was incredibly pious and because of his family’s involvement in the Albigensian crusades.<sup>69</sup> To quote Maddicott:

*‘To the bishops and scholars of his circle, Simon de Montfort, whatever his faults, was an ardent Christian, a redeemable fragment of humanity among nobles who all too often looked irredeemable, a man aligned with the most religious forces of his age – the crusade, the friars, the schools – and one whose abilities equipped him for a leader’s place in the Church militant.’<sup>70</sup>*

Ecclesiastical men like Robert Grosseteste had defined the differences between kingship and tyranny in the decades before the Provisions of Oxford. De Montfort’s connection with these men and his piety combined with his political consistency and power made him a ‘crusader’ for these reforms. Especially because Henry III was a weak king, while De Montfort was a battle-hardened warrior. This is the key character trait of Simon de Montfort. Yes, he was a political leader, but he was no clever politician or a diplomat. He was a warrior who much rather sorted out his problems on the battlefield than by diplomacy or mediation. He could convince others to do as he wished, due to his incredible reputation as a military general.<sup>71</sup> The aforementioned piety also explains why De Montfort was such

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<sup>66</sup> S. T. Ambler, ‘Magna Carta: Its confirmation at Simon de Montfort’s parliament of 1265’, *The English historical review* 130:545 (2015) 801-830.

<sup>67</sup> S. T. Ambler, ‘Simon de Montfort and King Henry III: The first English revolution in English history, 1258-1265’, *History Compass* (London 2013) 1076-1087.

<sup>68</sup> *Ibidem*.

<sup>69</sup> Maddicott, *Simon de Montfort*, 346-371.

<sup>70</sup> *Idem*, 350.

<sup>71</sup> Maddicott, *Simon de Montfort*, 346-371.

a consistent defender of the Provisions of Oxford. In 1258 the barons had taken an oath to uphold the Provisions, and De Montfort would rather die than break it. De Montfort was therefore not a champion of democracy, but a religious general willing to enforce the reforms envisaged by religious intellectuals like Robert Grosseteste and Walter de Cantilupe. His decision to call for a much broader parliament was likely a case of legitimizing his cause after the Marcher lords had left his side, and probably not because he valued the opinion of the common people.

When the rebels defeated the royalists in Lewes in 1264, De Montfort became the *de facto* leader of the kingdom. He had taken both the king and his son Edward as prisoners in the battle, and De Montfort could use the king's seal to his advantage.<sup>72</sup> Among these rebels were also a few of the influential Marcher Lords we have seen before. Richard de Clare had been on the king's side before De Montfort's exile, but he died in 1262. And King Henry had denied Richard's eighteen years old son Gilbert his inheritance. This enraged the young Marcher Lord. Gilbert showed his discontent by publicly refusing to do homage to Prince Edward as the heir in March 1263.<sup>73</sup> This had large ramifications when war broke out in Wales. Most of the Marcher lords were dissatisfied with the king. The young Earl of Gloucester declared his support for De Montfort a year later, when he returned from exile and became the leader of the opposition in the civil war.<sup>74</sup> In 1264 the rebels were victorious in the battle of Lewes and the barons could now rule the kingdom with the king rubberstamping their decisions. But discontent was brewing between De Montfort and Clare. After the battle of Lewes the Earl of Leicester appropriated a lot of land for himself, as he believed the king owed him. Most importantly, he took the city of Bristol from the king. This city was part of the Clare lands, or so they had argued for decades. By denying this city to his strongest supporter De Montfort was driving a wedge between himself and the Earl of Gloucester.<sup>75</sup> In the chronicle written by Robert of Gloucester is also noted how Simon de Montfort used a lot of French men to fight for him, which the Earl of Gloucester and many other English nobles deeply disliked.<sup>76</sup> And the same chronicle narrates the following parliament, in which Earl Gilbert and Simon de Montfort had a falling out about certain lords and more importantly, the Earl of Gloucester accused De Montfort of not keeping the Provisions of Oxford. As he gave lands, money and patronage to the people he liked most, and especially De Montfort's sons were the target of the barons' rage.<sup>77</sup> These arguments are very interesting, as De Montfort is accused of the same 'crimes' the king had committed a few years prior, the use of too many 'foreigners' and blatant favouritism. To avoid further conflict Gilbert the Red slipped silently out of London and went back to his lands in the March, to secure them from raids by the Welsh.<sup>78</sup>

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<sup>72</sup> Maddicott, *The Origins of the English parliament*, 233-237.

<sup>73</sup> Maddicott, *Simon de Montfort*, 220-221.

<sup>74</sup> *Idem*, 264-265.

<sup>75</sup> *Idem*, 327-330.

<sup>76</sup> W. A. Wright ed., *The chronicle of Robert of Gloucester*, II (Cambridge 2012) 752.

<sup>77</sup> *Idem*, 752-754.

<sup>78</sup> Wright ed., *The chronicle of Robert of Gloucester*, II, 752-754.

The seeds of discontent within the baronial party had been sown. The chronicle of Robert of Gloucester not only talks about the unhappiness of the Earl of Gloucester, but also about a number of other influential barons who were fed up with the Earl of Leicester, men like John Giffard.<sup>79</sup> Another reason the Earl of Gloucester might have left London and headed back to the March was the rumour that he was the next target for De Montfort, after the Earl of Leicester had already imprisoned another important noble, the Earl of Ferrers. Gloucester was now Montfort's only serious rival in terms of power, and because people were speculating that he was plotting with the Marcher lords to overthrow De Montfort, the Red Earl knew that he had to leave quickly.<sup>80</sup> This is the case for many of the Marcher lords after the battle of Lewes, as they no longer saw Simon de Montfort as a champion of righteousness, but as another tyrant. De Montfort had lots of support from the March before the battle of Lewes, but in the months after Lewes many of these lords drifted away and turned to the king's side. Instead of being the champion of reform, Simon de Montfort was seen as a self-centred rebel, who did not care for the provisions. As explained above, De Montfort was no man of compromise. And his 'ideals' were perhaps the Provisions of Oxford and to limit the power of the king, but this was not because he was a champion of the common people. Simon de Montfort was a battle-hardened, religious zealot who could not stand to be ruled by a weak king like Henry III.<sup>81</sup> Carpenter argues that the gifts to his family were motivated by an idea of justice he believed he deserved, but had not gotten from the king. He argues that De Montfort saw no inconsistency in his own actions, as he was convinced his actions were for the good of the realm, even though it profited himself.<sup>82</sup> This view is echoed by Maddicott. But I do think De Montfort liked the power he had gotten and saw himself as a quasi-crusader for parliament. If one looks at the character traits of the Earl of Leicester and the information we can get about him in the primary sources, it shows a man who is convinced of his own righteousness and inability to see value in ideas of other people. So he could not accept that someone else would rule the kingdom but himself, as he believed he was the only one with the right ideas and strength to put them in place. Which is an incredibly dangerous idea and he should therefore not be seen as a champion for democracy, as his ideas are almost the complete opposite of it. Treharne portrays the Earl of Leicester in his book on the role of Simon de Montfort in the baronial reforms as a true champion of morality, righteousness and the people. He argues that the barons were cowardly turncoats, especially the Marcher lords.<sup>83</sup> This view is consistent with the works that have been written about him by monks in the decades after these events, but more critical reading of other sources shows a more complex image.

Simon de Montfort knew he had to bring the Red Earl to heel, if he wanted to maintain power over the kingdom. But while he marched to Wales with some of his most important allies and his royal

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<sup>79</sup> Wright ed., *The chronicle of Robert of Gloucester*, II, 752-754; John Giffard himself was a Marcher Lord who owned large parts of land in Gloucestershire.

<sup>80</sup> Maddicott, *Simon de Montfort*, 328.

<sup>81</sup> Carpenter, *The reign of Henry III*, 219-241.

<sup>82</sup> *Ibidem*.

<sup>83</sup> Treharne and Fryde eds., *Simon de Montfort and Baronial reform*, 317-344.

hostages, the Earl of Gloucester was building a Marcher alliance against De Montfort. Roger Mortimer of Wigmore was part of this alliance, so was the king's half-brother William de Valence, Earl of Pembroke and other nobles like the aforementioned John Giffard.<sup>84</sup> When in May of 1265 Prince Edward escaped his imprisonment he left for Wigmore castle, the seat of the Mortimers, and the royalist party was back in action.<sup>85</sup> In the next few months the heir to the English throne started to lead his allies as he outsmarted Simon de Montfort and engaged in battle at Evesham, where the rebels were outflanked by the royalists. Edward assigned a special hit squad with the goal of finding the Earl of Leicester and killing him, which succeeded with Roger Mortimer delivering the final blow.<sup>86</sup> The battle of Evesham was not the immediate end of the second barons' war, but it was definitely a decisive moment in the war. Many people had died, and many high nobles among them. Simon de Montfort was perhaps the most famous, but his son Henry died as well. And many good men with them, according to Robert of Gloucester.<sup>87</sup> This battle crushed the hopes of the rebels, and freed the king from their grasp. And it began to create an image of Edward as a strong but ruthless leader.<sup>88</sup> The proof of Henry's opposition to many of De Montfort's decisions can be found in the charter rolls. In March 1265 the king granted the Marcher earldom of Chester to Simon de Montfort, an earldom which belonged to his own son Edward.<sup>89</sup> It is hard to believe this was the king's own choice, and it is probably forced by the Earl of Leicester. Another piece of evidence for the unwillingness of the king is the charter dated August 8<sup>th</sup>, a few days after the battle of Evesham. In this charter the king 'revokes and annuls' a number of grants done by the king while '*he was in the ward of Simon de Montfort, Earl of Leicester*'.<sup>90</sup> This grant is dated when the king is a free man again and it shows clearly how he opposed a lot of the decisions made by the Earl of Leicester.

### **The role of the Marcher Lords**

The military and political role of the Marcher Lords in the second barons' war was significant. During the high point of De Montfort's rule after the battle of Lewes there was a new temporary form of government put in place, where three electors would choose a council of nine to lead the kingdom. They were also part of this council and they chose therefore six others. The three electors were: Simon de Montfort, Gilbert de Clare and Stephen Berksted, bishop of Chichester.<sup>91</sup> So one of the three most important figures in this form of government was the Earl of Gloucester, but this was

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<sup>84</sup> Maddicott, *Simon de Montfort*, 329-334.

<sup>85</sup> Wright ed., *The chronicle of Robert of Gloucester*, II, 757-758.

<sup>86</sup> M. Prestwich, *Plantagenet England: 1225-1360* (Oxford 2005) 115-117; O. De Laborderie, J. R. Maddicott and D. A. Carpenter, 'The last hours of Simon de Montfort: A new account', *The English historical review* 115:461 (2000) 378-412.

<sup>87</sup> Wright ed., *The chronicle of Robert of Gloucester*, II, 757-759.

<sup>88</sup> De Laborderie, Maddicott and Carpenter, 'The last hours of Simon de Montfort: A new account', 378-412.

<sup>89</sup> CChR, II, 54.

<sup>90</sup> CChR, II, 56.

<sup>91</sup> Prestwich, *Plantagenet England*, 115.

only for a very short period as Gloucester fell out with De Montfort and left his side. But not all historians agree with the notion that it was De Montfort's fault, R. F. Treharne wrote:

*'The mass desertion of most of the Marcher lords in October 1263 was largely occasioned by his (De Montfort's) determination to stop their lawless plundering of alleged enemies.'*<sup>92</sup>

Which shows a complete lack of understanding of Welsh and Marcher law. Marcher law states that the lords fighting in battle have a right to the spoils of war.<sup>93</sup> The opposition to Simon de Montfort was thereafter formed by four nobles, three of which were Marcher lords, and the centre of this opposition was in the March. The four nobles were: Gilbert de Clare, Roger Mortimer, William de Valence and John de Warenne, Earl of Surrey.<sup>94</sup> During the battle of Evesham it became clear that the main military leaders on the royalist side were Prince Edward, Gilbert de Clare and Roger Mortimer. And it is highly likely that Roger Mortimer killed Simon de Montfort himself, as it is explained in the chronicles preserved in the College of Arms. This chronicle is thought to be the most accurate as it contains various specific details and local information, which makes historians De Laborderie, Maddicott and Carpenter believe that this document is an accurate account.<sup>95</sup> Roger Mortimer was among the opponents of Simon de Montfort since his return from exile, and he was one of the most significant reasons for his downfall. When Prince Edward escaped from De Montfort's imprisonment, he headed for Wigmore castle, the seat of Mortimer. And he was one of three military leaders in Evesham, as we have seen. So both the Earl of Gloucester and Roger Mortimer were vital to the royalist party's success in the war against the Earl of Leicester.<sup>96</sup> The influence of the Marcher Lords on the outcome of the battle of Evesham was immense, as historian Michael Prestwich put it: *'Edward's success was above all due to the links he had forged with the lords of the Welsh March.'*<sup>97</sup> But their influence was not only seen on the battlefield, in the political struggle that followed this war the Marcher lords made sure that the king kept his word and put the reforms in place. So that he would not turn into a tyrant again.

### **The disinherited**

After the battle of Evesham, King Henry set out to punish the rebels and he disinherited all of the participating nobles, which had huge consequences. In the charter rolls are various mentions of the punishment of rebels who had worked with Simon de Montfort. For example on the 25<sup>th</sup> of October

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<sup>92</sup> Treharne and Fryde eds., *Simon de Montfort and Baronial reform*, 317-344.

<sup>93</sup> R.R. Davies, 'Kings, Lords and liberties in the March of Wales, 1066-1272', *Transactions of the Royal Historical Society* 29 (1979) 41-61.

<sup>94</sup> Maddicott, *Simon de Montfort*, 333.

<sup>95</sup> De Laborderie, Maddicott and Carpenter, 'The last hours of Simon de Montfort: A new account', 378-412.

<sup>96</sup> D. A. Carpenter, 'A noble in politics: Roger Mortimer in the Period of Baronial reform and rebellion, 1258-1265', in: A. J. Duggan ed., *Nobles and nobility in Medieval Europe* (Woodbridge 2000) 183-203.

<sup>97</sup> Prestwich, *Edward I*, 52.

1265 at Canterbury the possessions of the Lord of Hardredeshull were transferred to Warin de Bassingburn as a punishment for the involvement of the former with the rebellion.<sup>98</sup> Many more of these punishments are documented in the calendar of charter rolls preserved in the public record office on the pages following this issue. A later charter words this disinheriting more clearly:

*'... in the time of the war lately carried on in the realm by the said Simon and his adherents for the disberison of the king and the destruction of his crown up to the battle between the king and the said rebels, the lands of which rebels and enemies by their forfeiture, by the common consent and counsel of the magnates of the realm, are at the king's disposal, saving to the chief lords of the fee their homages and services?'*<sup>99</sup>

This shows that all the lands of the rebels would return to the king's hands, and he could do with these lands what he so pleased. Henry would eventually take a more moderate approach thanks to the intervention of a papal legate and the Earl of Gloucester, and at Kenilworth castle in 1266 he signed an agreement or 'dictum' with the barons on less harsh measures. The disinherited were allowed to buy back their lands for a price dependent on their involvement with the rebellion. It could be the annual value of a property, but it could also be seven times this annual value, which was still incredibly harsh.<sup>100</sup> And even though the Earl of Gloucester did sign this document as witness, he would later take up arms against the king.<sup>101</sup> This document would remain the ruling law for about a year when the last remaining group of rebels were defeated and their last stronghold on the Isle of Ely was taken.<sup>102</sup> After that the reconciliatory spirit was held up and became part of the new laws passed in 1267, with the Statute of Marlborough, in which the king accepted many, but not all of the reforms sought by the Provisions of Oxford.<sup>103</sup> The sons of Simon de Montfort who had survived the war were exiled from the kingdom.<sup>104</sup>

As we have seen, the peace did not return to the realm immediately after the battle of Evesham. That would have to wait until 1267, when the king had dealt with the rebellious barons in a better way. The disinheriting of many nobles was not popular, and one of the royal supporters who defended the disinherited was the Earl of Gloucester.<sup>105</sup> Gloucester did switch sides during the war because he thought Simon de Montfort was no longer true to the ideals of the reformers, and because his own rights were infringed upon. After the battle of Evesham he would continue to champion these ideals, even if it meant opposing the king. King Henry had ordered all the lands and castles of the rebels to be taken, but the Red Earl decided to take matters into his own hands and took the

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<sup>98</sup> CChR, II, 56.

<sup>99</sup> CChR, II, 57.

<sup>100</sup> Wright ed., *The chronicle of Robert of Gloucester*, II, 772-775; Carpenter, *The reign of Henry III*, 310-323; CChR, II, 61-67.

<sup>101</sup> CChR, II, 62.

<sup>102</sup> Ely is no longer an island, but it was back in the thirteenth century.

<sup>103</sup> Carpenter, *The reign of Henry III*, 335.

<sup>104</sup> Wright ed., *The chronicle of Robert of Gloucester*, II, 769-770.

<sup>105</sup> Altschul, *A baronial family in Medieval England*, 110-113.

rebels' properties himself. Most of the times he did hand it over to the king, but not before he had collected the rents himself. Some lands he returned to his own men who had remained followers of Simon de Montfort after their lord had switched sides.<sup>106</sup> This is also shown in Gloucester's support for the rebels against the king after the dictum of Kenilworth was signed, of which he was a witness himself.<sup>107</sup> There was a quarrel between the earl of Gloucester and his regional rival Roger Mortimer over the lands of Brecknock and the lands and castles of the new Bohun earl. In 1265 Humphrey de Bohun had died and Gilbert de Clare was granted custody of these lands with the marriage of his heir, but Mortimer did not accept this. This territorial struggle combined with the fact that they were on opposing sides of the debate on the treatment of the Disinherited made the tensions in the March extremely high.<sup>108</sup> So high in fact that the Earl of Gloucester marched on London with a sizeable force, and the city rose in support of the Red Earl.<sup>109</sup> But it would not come to a new civil war, as both Gloucester and the royal party accepted moderation and settled for a peace deal with a return to the terms of the Dictum of Kenilworth, which would remain until the approval of the aforementioned statute of Marlborough.<sup>110</sup>

After the events of 1267 came a more peaceful time in the kingdom of England. The treaty of Montgomery was signed, which recognized Llywelyn ap Gruffydd as Prince of Wales and feudal lord of most of the Welsh lords, in exchange for the sum of 30.000 marks of sterling.<sup>111</sup> But it was not all well and good in the kingdom of England, and the hostilities from only a few years prior could hardly be forgotten. The relationship between Edward, King Henry and the Earl of Gloucester was strained.<sup>112</sup> There were various disputes between the Marcher Lords and the Prince of Wales, so the treaty of Montgomery was not well-received. On top of that were some tedious legal questions concerning compensation for Gloucester's involvement in the battle of Evesham.<sup>113</sup> Prince Edward's concerns during the last years of his father's reign were not the internal affairs. He was raising money to go on crusade to the Holy Land.

Michael Prestwich wrote in his biography of Edward I that the heir certainly was involved in the major decisions of the years following Evesham, but that he was not the strong 'power behind the throne'. Prestwich compares Edward's contributions to three people: Papal legate Ottobuono, who would be involved in nearly every affair up to 1268. Richard of Cornwall, the king's brother was also very influential, he was the one who settled a dispute between Edward and the Earl of Gloucester, and Richard also left in 1268.<sup>114</sup> And the third figure is the Earl of Gloucester. He forced the king to

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<sup>106</sup> Altschul, *A baronial family in Medieval England*, 110-115.

<sup>107</sup> CChR, II, 62.

<sup>108</sup> Altschul, *A baronial family in Medieval England*, 115-117.

<sup>109</sup> T. Jones ed., *Brut y Tynysogion or The chronicle of the princes: Red book of Hergest version* (Cardiff 1955) 258-259.

<sup>110</sup> Prestwich, *Edward I*, 58-59.

<sup>111</sup> Jones ed., *Brut y Tynysogion or The chronicle of the princes*, 258-259.

<sup>112</sup> Prestwich, *Edward I*, 59-60.

<sup>113</sup> *Idem*, 60-61.

<sup>114</sup> Richard of Cornwall was also King of the Germans, and he left in 1268 to attend to matters in Germany.

take a more moderate stance in the reconciliation of the Disinherited.<sup>115</sup>

In these various examples it has been made clear that the Marcher lords were central to the political turmoil following the provisions of Oxford. First by supporting Simon de Montfort, but when he seemed more interested in self-aggrandisement than in furthering the reformers' agenda, many lords switched to the royalist side, led by Gilbert de Clare, Earl of Gloucester. It would be wrong to portray all the Marcher lords as a unified group with one clear goal, as various lords had their own reasons for joining or abandoning the rebels. One of the most important decisions during this war, was to gain the help of the Marchers against Simon de Montfort. And when they were not sufficiently rewarded for their troubles, these same Marcher lords proved to be a danger to the peacekeeping of the realm. They were more interested in their own lands, than in the well-being of the kingdom of England, even though they claimed to be the champions of the reformers. But it is certain that the Marcher lords were the deciding factor in the second barons' war and the following political turmoil. On the other hand is Treharne, who sees Simon de Montfort as the sole champion of the reform movement, and because he made it broader, the common people made sure it remained.<sup>116</sup> So I agree with the conclusion of Michael Prestwich that the Marcher lords were vital in the battle of Evesham, but I would like to go even further. The Marcher Lords are the main reason why the reforms of the baronial party even survived the second barons' war, with Roger Mortimer and the Earl of Gloucester in particular playing key roles.

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<sup>115</sup> Prestwich, *Edward I*, 63-65.

<sup>116</sup> Treharne and Fryde ed., *Simon de Montfort and Baronial reform*, 317-344.

## Chapter three: The King's justice

King Henry III died in 1272 and was succeeded by his son Edward. Edward was in Sicily at the time, on his way back from a crusade to the Holy Land.<sup>117</sup> After he returned and was crowned in 1274, Edward turned to the government of his kingdom. The king implemented a lot of new administrative laws and regulations, which put into practice many of the goals of the movement of 1258.<sup>118</sup> These reforms were brought before parliament in 1275, and this parliament had an incredible large amount of attendees. Specifically to make sure the reforms were well known throughout the land, and to have large support for these measures.<sup>119</sup> Edward I continued the parliamentary reform that was started during the reign of his father. We have established that the Marcher lords had become increasingly powerful in the last decade of the reign of Henry III, and their support or advice was necessary for the young king to rule without too much problems. It is no coincidence that most men who were summoned to parliament held land in the border regions, either in the North with Scotland or the West with Wales.<sup>120</sup> Even though Edward needed a certain amount of support, he could not allow his vassals to act like kings in their own demesnes. This was especially true for these lords in the Marches, and Edward would certainly try to crack down on their privileges and increase the crown's influence in these areas of his kingdom. The question leading this chapter will be: How did king Edward I try to incorporate Wales and limit the power of the Marcher lords?

### Edward, Llywelyn and the March

During the second barons' war Llywelyn ap Gruffydd had been involved in English matters for the first time. His alliance with Simon de Montfort was one of the reasons why many Marcher Lords switched sides and joined the royalists. The Prince of Wales had motivations that clashed with the interests of the Marcher lords, and there had been small skirmishes in the March for years leading up to, and during this civil war.<sup>121</sup> The treaty of Montgomery in 1267 officially recognized Llywelyn ap Gruffydd as Prince of Wales, even though many of the Marcher lords were vehemently against any and all treaties which would give the Welsh prince more power.<sup>122</sup>

In 1254 Prince Edward had received the title Earl of Chester, and with that large chunks of land on the Welsh border.<sup>123</sup> But the Welsh lords living in these parts were not happy with the way Edward's men ruled the place, and they went to Llywelyn for help. Llywelyn quickly took many of Edward's

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<sup>117</sup> Prestwich, *Plantagenet England*, 121-123.

<sup>118</sup> *Idem*, 123-126.

<sup>119</sup> Prestwich, *Plantagenet England*, 123-126.

<sup>120</sup> Prestwich, *Edward I*, 447.

<sup>121</sup> Beverley Smith and Beverley Smith, 'Wales: Politics, government and law', 312-329.

<sup>122</sup> *Ibidem*.

<sup>123</sup> A. Chapman, *Welsh soldiers in the Later Middle Ages, 1282-1422* (Woodbridge 2015) 11-12.

castles and he also took some lands from Roger Mortimer. This was obviously humiliating for Prince Edward.<sup>124</sup> In the Welsh *Brut y Tynysogion* or chronicle of princes is written that most Welsh lords agreed to stay loyal to one another, with the threat of excommunication for those who would not keep this agreement.<sup>125</sup> Other scholars have seen this as an oath of allegiance to the lord of Gwynedd, Llywelyn ap Gruffydd. And he started to use the title Prince of Wales in that same year.<sup>126</sup> One should remember that, even though his rise to power is quite remarkable, it was not universal in Wales. Llywelyn's powerbase was the lordship of Gwynedd in Northern Wales, and it stayed like that for the following decades. Many lords in the western and southern parts of Wales were not happy with the aggressive expansion of their Northern neighbours and they asked the king of England and his men for help.<sup>127</sup> These Welsh lords would be very helpful in the wars against Llywelyn. As said before, this rise to power from Llywelyn was complete with the treaty of Montgomery and the official recognition of the Prince of Wales by the king of England.

During the battle of Evesham a large part of the army of De Montfort were Welsh. After the rebels were defeated, Llywelyn had to make a decision on his support for the rebellion. His political skill saved him, and he got a favourable deal. But in the decade following the treaty of Montgomery the problems between the Welsh and the English remained. The friction between the Prince of Wales and the Marcher lords grew substantially, and the Welsh lords were also dissatisfied with the way Llywelyn ruled the principality.<sup>128</sup> The lord Gruffydd ap Gwenwynwyn for example. One of the methods Llywelyn had to employ to keep the loyalty of the other Welsh lords was to take hostages like Owain ap Gwenwynwyn, the son of the aforementioned Gruffydd. The Prince of Wales' power over the other lords was not in the same feudal way as in other European nations.<sup>129</sup> The growing dissatisfaction of certain Welsh lords made it possible for those noblemen to look for alternatives. Especially the men closest to Llywelyn, his brothers, who had been exiled from the Principality.<sup>130</sup>

In the 1270s a lot of fighting went on between the Marcher lords and the Welsh. The Welsh took a castle from the Earl of Gloucester at Caerphilly in 1270, which the Red Earl took back in 1274. There was also fighting between the forces of the Welsh prince and the Earl of Hereford. On top of that was the longstanding feud between Llywelyn and Roger Mortimer.<sup>131</sup> But these skirmishes were not all Llywelyn's fault, as the Marcher lords took land from the Welsh if they so pleased. This led to Llywelyn refusing to pay the money they had agreed upon in the treaty of Montgomery, until the king would restore the lands to him the Marchers had taken.<sup>132</sup> In the same treaty the fealty of the Prince of Wales to the King of England was agreed, but Llywelyn had never actually payed homage to the

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<sup>124</sup> Walker, *Medieval Wales*, 111-138.

<sup>125</sup> Jones ed., *Brut y Tynysogion or The chronicle of the princes*, 251.

<sup>126</sup> Walker, *Medieval Wales*, 111-138.

<sup>127</sup> *Ibidem*

<sup>128</sup> *Ibidem*

<sup>129</sup> Prestwich, *Edward I*, 170-173.

<sup>130</sup> Chapman, *Welsh soldiers*, 11-13.

<sup>131</sup> Prestwich, *Edward I*, 173-174.

<sup>132</sup> *Ibidem*.

king. In the period 1272-1276 Edward had summoned Llywelyn various times, but the Welsh prince never attended. Llywelyn did not trust the English at all, especially after the failed assassination attempt against him in 1274 by his brother Dafydd and the lord Gruffydd ap Gwenwynwyn.<sup>133</sup> And to add further insult to injury, Llywelyn agreed to marry Eleanor de Montfort, Simon's daughter.<sup>134</sup> King Edward had granted amnesty to Dafydd and Gruffydd when they fled to England after their failed assassination attempt of Prince Llywelyn, which enraged the Prince of Wales. And when Edward summoned Llywelyn to his court in Chester in 1275, Llywelyn refused to attend because of it. As it is written in the chronicle of princes:

*'In that year, about the feast of Mary in September, King Edward came from London to Chester; and he summoned to him prince Llywelyn to do him homage. And the prince summoned to him in turn all the barons of Wales. And by common counsel he did not go to the king because the king harboured his fugitives, namely, Dafydd ap Gruffudd and Gruffudd ap Gwenwynwyn. And for that reason the king returned enraged to England. And Llywelyn returned to Wales.'*<sup>135</sup>

Llywelyn also feared the growing power of the Marcher lords, especially Gilbert the Red, who had tried to increase his power in Wales.<sup>136</sup>

### **The first war in Wales**

In 1276 Edward had had enough and went to war against Llywelyn, who was viewed by the king as an unruly vassal, and not as a rivalling monarch. The treaty of Montgomery recognized the king of England as feudal overlord. But there are also scholars who believe Edward's main ambition throughout his life was to conquer all of Britain, and this would therefore be an aggressive war on the part of the English.<sup>137</sup> The Marcher lords were definitely in favour of a war against the Welsh, as they had waged various smaller wars in the border to expand and defend their own lands. This combined with the perceived rebelliousness of Llywelyn made sure that King Edward would send his army west.

The English army did not have a lot of difficulty fighting the Welsh. Llywelyn's men stood no chance against their far superior opponent. The Prince of Wales had played a political game in the past decades, and he lost. Due to his rivalries with many of the Marcher lords he could not get their support. In fact, lords like Earl Humphrey de Bohun of Hereford or John Giffard, were eagerly joining the royal party to defeat Llywelyn, hoping to strengthen their own position. And even Llywelyn's brother Dafydd, who had tried to have him assassinated, fielded a substantial amount of

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<sup>133</sup> A. D. Carr, 'The last and weakest of his line: Dafydd ap Gruffydd, the last Prince of Wales', *Welsh History Review* 19 (Cardiff 1999) 375-399.

<sup>134</sup> Prestwich, *Edward I*, 175.

<sup>135</sup> Jones ed., *Brut y Tynysoigion*, 263.

<sup>136</sup> Walker, *Medieval Wales*, 111-138.

<sup>137</sup> J. Graham Jones, *The History of Wales* (Cardiff 2014) 34-35.

men for the English.<sup>138</sup> The outcome of this first war in 1277 was a defeat for Llywelyn. He was humiliated and his power as Prince of Wales was greatly decreased. After the defeat the treaty of Aberconwy was signed, and the contents were extremely harsh on Llywelyn. He had to pay a fine of £50,000 to the king, and he had to pay a sum of £1,000 per year to hold Anglesey. On top of that Llywelyn had to do homage to the king in a few public occasions, for example in Rhuddlan and in London, and he had to abide by the treaty of Montgomery.<sup>139</sup> These harsh terms had the simple goal of completely undermining any form of independence the Prince of Wales had left. In short, Llywelyn had lost all the gains that he had built up in the past decades.

King Edward seemed satisfied with the outcome of this conflict, as he allowed Llywelyn to marry Eleanor de Montfort in 1278. The woman he had held prisoner, since he heard of the proposed marriage between the two.<sup>140</sup> But it was not the end of the problems in Wales. There had been various incidents between Llywelyn's men and English men, promises were not kept and even two members of Llywelyn's household were hanged, even though they were under royal safe-conduct.<sup>141</sup> And perhaps most importantly, Llywelyn and various rivalling lords were in a few legal battles which gave rise to an important question: Should these cases be determined by Welsh law or Marcher law? In a proceeding between Llywelyn and Gruffydd ap Gwenwynwyn the king had decided that they should come before justices. But the case was never concluded, for a new Welsh rebellion in 1282 ended it.<sup>142</sup> The arguments put forward are interesting nonetheless, for example Magna Carta dictates that a case between two Welsh lords should be ruled with the Welsh legal procedures, but Gruffydd claimed not to be a Welsh lord, but a Marcher lord. This would mean that Welsh law would not apply to this case. The consequences were extreme for Edward, as a ruling for whatever side of the coin would almost certainly bring rebellion. Whether it was his longstanding ally or the Prince of Wales.<sup>143</sup>

### **The war of conquest**

Llywelyn then tried a different, but highly effective strategy. He tied Welsh law to the Welsh national identity, and through this he painted the English as violent oppressors of Welsh customs and identity.<sup>144</sup> In the chronicle of Archbishop Peckham the sons of Welsh lord Maredudd ap Owain exclaimed the following:

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<sup>138</sup> Walker, *Medieval Wales*, 111-138.

<sup>139</sup> *Ibidem*.

<sup>140</sup> *Ibidem*.

<sup>141</sup> Prestwich, *Edward I*, 184.

<sup>142</sup> *Idem*, 185.

<sup>143</sup> *Idem*, 186-187.

<sup>144</sup> R. R. Davies, 'Law and national identity in Thirteenth century Wales', in: R.R. Davies et. al., *Welsh Society and Nationhood* (Cardiff 1984) 57.

*'All Christians have laws and customs in their own lands; even the Jews in England have laws among the English; we had our immutable laws and customs in our lands until the English took them away after the last war.'*<sup>145</sup>

The goal of this strategy was to unify the Welsh lords and Welsh people, so a rebellion against the English would have chance of succeeding. And even though the reality might have been slightly different, and English law was probably not as hated as Llywelyn argued, their argument was incredibly effective. Nationalist propaganda was in full swing, and when one makes emotional arguments, facts go out of the window.<sup>146</sup> Welsh historian R. R. Davies argued that the thirteenth century saw an increase in national sentiment in Wales, because of the growing importance of written law and the friction between the Welsh and the English.<sup>147</sup> And even though this is an opinion many modern scholars have frowned upon, I agree with this argument. One drawback from such an argument is that the stakes for war were much higher than before, Edward was now no longer dealing with an unruly vassal, but an all-out rebellion. The war became a war of conquest.

One of the big debates among modern historians is this debate concerning nationalism, and whether it was a nineteenth-century invention or if it existed way before then. Modern historian Eric Storm argues for example that nationalism and modernity are closely interlinked and therefore not possible before the eighteenth century.<sup>148</sup> As explained above, the sense of a national identity was clearly visible in the reign of Edward I. I have explained that during the conquest of Wales, the Welsh saw their own laws and customs as a way to identify themselves as a different 'people'.<sup>149</sup> It was no different for the English. Storm, and other modernists like him, fail to examine any evidence for national identity before the eighteenth century, or even before the French Revolution of 1789.<sup>150</sup> But recent scholarship has changed the perception of national identity in a premodern society. The first proponent of this view was Azar Gat, whose views have been highly criticized for its radical approach.<sup>151</sup> But many modernists like Eric Storm have acknowledged a few fundamental ideas, as Gat has provided a better explanation for the development of 'imagined communities', a term coined by Benedict Anderson in his book of the same name. Gat argues that not only the printing press and modern inventions are important to the spread of ideas, he sees the spoken word as a crucial factor. Especially in religious connotations, like the pulpit.<sup>152</sup> There have been scholars like Melissa Julian-Jones who have shown that the Church of Wales was highly important in the development of the Marcher lordships, even though many scholars before her saw the Marcher lordships as something

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<sup>145</sup> *Registrum Epistolarum Johannis Peckham*, II (1883) 454; Translation quote: Prestwich, *Edward I*, 188.

<sup>146</sup> Prestwich, *Edward I*, 188.

<sup>147</sup> Davies, 'Law and national identity in Thirteenth century Wales', 51-69.

<sup>148</sup> E. Storm, 'A new dawn in Nationalism studies? Some fresh incentives to overcome historiographical nationalism', *European history quarterly* 48:1 (Leiden 2018) 113-129.

<sup>149</sup> J. Peckham and C. T. Martin ed., *Registrum Epistolarum Johannis Peckham*, II (1883) 454.

<sup>150</sup> Storm, 'A new dawn in Nationalism studies?' 113-129.

<sup>151</sup> A. Gat, *Nations: The long history and deep roots of political ethnicity and nationalism* (Cambridge 2013) 1-26.

<sup>152</sup> Storm, 'A new dawn in Nationalism studies?' 113-129.

secular.<sup>153</sup> If we try to use these ideas on nationalism for thirteenth century England and Wales, we see a clear use of national identity as a means to justify certain actions. Gat has argued in his works on the existence of a common enemy as a driving force for nationalism, which is apparent in Wales, and later in Scotland.<sup>154</sup> But a common enemy was not the only argument for Welsh national identity.

For a modernist mind it would be hard to see the existence of national identity in Medieval Wales, due to the political fragmentation of local loyalties. But as R. R. Davies argues:

*'National sentiment could be important in medieval society; it could and did co-exist with a pattern of local loyalties and with a vocabulary of personal relationships'*.<sup>155</sup>

And national sentiment could exist next to local loyalties, like in modern times. One does not question the loyalty of a football fan who supports both his local team, and his national team. These same relations would probably have existed in medieval society. Davies and other scholars in this field have seen Welsh law as the defining characteristic of national identity, and he points to similar arguments for Scotland in its wars of independence against Edward I, and later Edward II.<sup>156</sup> Andrea Ruddick takes a similar approach to the debate on the English side of things, and she points to the legal definition of an English person, and how the law was a defining feature of 'Englishness'.<sup>157</sup> The March was in this respect a typical border region, with both Welsh and English people living there. The Marcher lords were different from both the Welsh and the English, because they were this mix of two nations. One could argue that there was some sort of Marcher identity due to its unique set of laws, but not as strong as either Welsh or English identity, for they did not have a language or common 'origin myth'. While both the Welsh and the English do have these things.<sup>158</sup> The closest thing the Marcher region had to an origin myth was the story of *Fonke le Fitz Waryn*, which takes place in the March of Wales and combines a lot of Welsh origin myths and Anglo-Norman traditions.<sup>159</sup>

A few years after the conquest the Welsh lord Rhys ap Maredudd rose in rebellion against his English overlords. This was quite remarkable, as Rhys had supported the English king in his wars against Llywelyn. Robert Bartlett tells in his book 'The hanged man' how certain legal procedures against Rhys were provoking him into rebellion. Rhys complained the king that he was tried by English law, and not by his native Welsh law.<sup>160</sup> This rebellion gathered quite some momentum, as there was probably a lot of dissatisfaction about the enforcing of English laws in Wales.

Many historians have debated the reason for the conquest of Wales by Edward I, but the king himself was quite clear it seems. In the calendar of charter rolls it is noted:

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<sup>153</sup> M. Julian-Jones, 'Reading the March: Interpretations and constructions of the Welsh Marcher lordships and the Church in Wales, c. 1100-1284', *History Compass* (Cardiff 2017) 1-9.

<sup>154</sup> Gat, *Nations: The long history and deep roots of political ethnicity and nationalism*, 1-26.

<sup>155</sup> Davies, 'Law and national identity in thirteenth century Wales,' 51-69.

<sup>156</sup> *Ibidem*.

<sup>157</sup> A. Ruddick, *English identity and political culture in the fourteenth century* (Cambridge 2013) 100-131.

<sup>158</sup> *Ibidem*; Davies, 'Law and national identity in thirteenth century Wales,' 51-69.

<sup>159</sup> Dolmans, 'Locating the Border, 109-134.

<sup>160</sup> R. Bartlett, *The hanged man* (Princeton 2004) 68-79.

*Inasmuch as the land of Wales, which since no short time was subject by feudal law to the kings of England, is now united to the king's dominion not only by power but by way of justice'.<sup>161</sup>*

King Edward believed it was his right to take over Wales, as king he felt responsible to bring justice to his realm. R.R. Davies has pointed to this quote and interpreted it as evidence for the king trying to justify his actions, or to clear his conscience.<sup>162</sup> And it is no question that Edward did a lot to justify the conquest of Wales, most notably the symbolic gestures like taking the supposed crown of King Arthur and bestowing his son with the title Prince of Wales.<sup>163</sup> This effort to get the Welsh under English control by use of law and customs made for a difficult position for the Marcher lords, as they believed to have a unique set of laws, while the king believed that all laws came from him. This was the starting point for the king's struggle with the Marcher lords. He believed that the Marcher lords should follow his laws, for he was their feudal overlord and he was the highest authority, and they should answer to him.

This war of conquest was much more difficult for the English, even though most nobles had joined the war effort on the side of King Edward. Edward wanted to repeat the same strategy of a three-pronged attack on Wales, one North, one middle and one in the South.<sup>164</sup> This time around, Dafydd did support his brother as did most Welsh lords. The English had to work hard to defeat the Welsh, and they suffered various setbacks. The Earl of Gloucester was defeated in the South, and Roger Mortimer had died of natural causes. The death of Mortimer almost caused his men to desert completely, so they had to get another military leader to lead the armies of the Middle March. The king chose Roger Lestrage, another Marcher lord, to do so. Lestrage placed the two sons of his predecessor, Edmund and Roger, in good places as they received important correspondence from Lestrage.<sup>165</sup>

In 1282 Llywelyn ap Gruffydd was promised homage by the Mortimer brothers if he would come out to the March, and there he was surprised and killed by either the Mortimers themselves or men related to those lords. According to Archbishop Peckham, Edmund Mortimer and his servants were present in the field where Llywelyn died and the young Mortimer now had certain items taken from the Prince's lifeless body.<sup>166</sup> It is an intriguing question how the Marcher lords knew where Llywelyn was and how they got him to the place they wanted. It has been shown that the important Marcher families had an extensive intelligence network in the March and in Wales, and the value of that network, centred around Roger Lestrage was vital in the downfall of Llywelyn. In correspondence between Roger Lestrage and the king became clear just how quickly he knew of Llywelyn's movements. The intelligence shared between three families was vital for the death of Llywelyn and

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<sup>161</sup> CChR, II, 284.

<sup>162</sup> R. R. Davies, *Domination & Conquest* (Cambridge 1990) 109-128.

<sup>163</sup> *Ibidem*.

<sup>164</sup> Prestwich, *Edward I*, 189-192.

<sup>165</sup> Cavell, 'Intelligence and intrigue in the March of Wales, 1-19.

<sup>166</sup> *Ibidem*.

the conquest of Wales. The three groups were Roger Lestrage, the military leader of the middle March, Gruffydd ap Gwenwynwyn and his wife Hawise Lestrage, and the young Mortimer brothers and their mother Maud.<sup>167</sup> The women in the list had an active role in this plot to bring down the Prince of Wales, as they were instrumental in the spread of intelligence between the families of the March. Maud Mortimer had experience with this, as she helped her husband in the fight against Simon de Montfort, and was after the battle of Evesham presented with his head. On top of that was Margaret Lestrage, who was married to a high noble from the court of Gwynedd. And he defected to the English crown later on.<sup>168</sup>

With Llywelyn dead, the Welsh resistance was quickly broken. Dafydd would lead the Welsh for a few months, but he lost battle after battle until he was taken by a group of renegade Welshmen, who delivered him to the King of England.<sup>169</sup> Dafydd would then have the questionable honour of the first prominent person in the history of England to be condemned as a traitor and sentenced to be hanged, drawn and quartered. And so it happened in October 1283 in Shrewsbury.<sup>170</sup> With the Welsh out of the way, Edward could focus on the thing he found most important: legal reform. One of the consequences of a war of conquest was the implementing of 'foreign' laws and customs, in this case the English. In 1284 Edward issued the statute of Rhuddlan, which broadly abolished the Welsh laws and brought them more in line with English law. The English used their laws to conquer and incorporate their new territories, both in Wales and in Ireland. The reactions to these policies were not uniformly negative, but it often clashed with other agendas in the region.<sup>171</sup> This statute brought the newly conquered parts of Wales, mostly in the North, directly under the crown. And that would mean that the English laws would be applied in this area. But the March was still a separate issue, as the conquest of Wales was concerned with the lands of Gwynedd in North-Wales, and the statute of Rhuddlan had no effect on Marcher law.<sup>172</sup> In a map added to this thesis is visible which lordship would be part of the Crownlands due to the conquest of Wales.

### **Quo warranto?**

To get a better view of the landholdings in England, and who had taken lands without permission, Edward I started a new way of challenging the barons' rights to certain lands. The king asked his lords to provide proof by what right they held their lands, or in Latin: *Quo warranto?* This became official law in 1278 at parliament in Gloucester.<sup>173</sup> This irked many large landowners in England, and

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<sup>167</sup> Cavell, 'Intelligence and intrigue in the March of Wales, 1-19.

<sup>168</sup> Ibidem.

<sup>169</sup> Carr, 'The last and weakest of his line, 375-399.

<sup>170</sup> Walker, *Medieval Wales*, 111-138.

<sup>171</sup> G. Dodd, 'Law, legislation and consent in the Plantagenet empire: Wales and Ireland 1272-1461', *Journal of British studies* 56 (2017) 225-249.

<sup>172</sup> Davies, 'Law and national identity in Thirteenth century Wales', 51-69.

<sup>173</sup> D. W. Sutherland, *Quo Warranto proceedings in the reign of Edward I* (Oxford 1963) 17-27; Prestwich, *Edward I* (Berkeley 1988) 258-259.

one famous legend shows the way these lords saw the inquiries. When royal officials came to a powerful baron to ask with what right he held his lands, he took out a rusty sword and said:

*Look, my lords, here is my warrant! My ancestors came with William the Bastard and conquered their lands with the sword, and I will defend them with the sword against anyone wishing to seize them*.<sup>174</sup>

This story is most certainly exaggerated, but it does give a good understanding of the barons' stance in this debate. The lord in question was either the Earl of Surrey or Earl Gilbert of Gloucester, as the story exists for both of these men.<sup>175</sup> This idea of right by conquest and not by royal grant was one of the biggest reasons why Edward had a lot of problems executing this idea of *quo warranto*.

According to Michael Prestwich in his biography of Edward I, the judicial idea behind the *quo warranto* investigations was the view that all authority was derived from the king. King Edward thought that the barons had usurped many royal rights and he believed it to be his duty as king to reclaim these lost royal rights.<sup>176</sup> But Prestwich asks the question if there were perhaps more political motives at play. The reason he asks this question is the fact that Gilbert the Red, Earl of Gloucester was singled out almost exclusively at the start of these proceedings as five of the first eight proceedings were done against Gloucester.<sup>177</sup> It would be wrong to assume that the *quo warranto* proceedings were only started because of political animosity towards the Earl of Gloucester, it is highly probable that the king truly believed that the Clares had unlawfully usurped lands.<sup>178</sup> We have seen during the aftermath of the battle of Evesham in the second barons' war that they had done so. And as we have seen in the justification for the wars in Wales, Edward did put a lot of emphasis on the idea of justice and royal authority.

In the following decades King Edward worked hard to undo many of the unique rights that existed within his kingdom, mostly focused around the lords in the Welsh March. Powerful men like Humphrey de Bohun and Gilbert de Clare would be prosecuted and tried in a court of law to assert the king's power over his vassals.<sup>179</sup> Edward believed that the unique set of laws of the Marcher lords were harmful to the public good. Edward saw it as his duty as king to set this right and bring justice to those lords who had not submitted yet. Edward had already shown his ideals with the statute of Rhuddlan after the conquest of Wales. He wanted his whole kingdom to be ruled with the same laws and customs, which derived from him. That is probably Edward's greatest legacy.

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<sup>174</sup> Prestwich, *Edward I*, 259.

<sup>175</sup> H. Rothwell ed., *The Chronicle of Walter of Guisborough* (London 1957) 216; Prestwich, *Edward I*, 259.

<sup>176</sup> Prestwich, *Edward I*, 260-261.

<sup>177</sup> Sutherland, *Quo Warranto proceedings in the reign of Edward I*, 146-147; Prestwich, *Edward I*, 260-261.

<sup>178</sup> Prestwich, *Edward I*, 261-263.

<sup>179</sup> Altschul, *A baronial family in Medieval England*, 145-156.

## Rights of the March

The Marcher liberties were a difficult concept within the larger sphere of the law in the kingdom of England and the principality of Wales. In the twelfth and thirteenth centuries, the kings of England and the Marcher lords clashed over these rights, and what they actually were. The unique power of the Marchers was for a large part derived from legal rights of the Welsh chieftains, who were displaced by Norman barons, and they would eventually mix as Marcher lords.<sup>180</sup> The wars in Wales were played out against a background of longstanding tension between various powerful Marcher lords, like the Earl of Gloucester and the Lord Mortimer on one side, and Llywelyn ap Gruffydd on the other. After the conquest of Wales, and the fact that large parts of the principality were brought under royal control, meant that the relation between the Crown and the Marcher lords would change forever.

One of the most important cases of legal battles between the Marchers and the King of England was one surrounding the bishopric of Llandaff in Wales. The Earl of Gloucester claimed the power to appoint a bishop for this area, but this was rejected by King Edward I. The king had appointed bishops himself various times throughout England, because he could do so by law. But this bishopric was not in England, it was in Wales. These ecclesiastical properties were therefore not bound by English law, according to Magna Carta.<sup>181</sup> This would prove hard to ignore for the English King, and the Earl of Gloucester would not be the only Marcher lord with such a claim. Other Marcher lords like Humphrey de Bohun would claim similar rights when certain ecclesiastical figures died within their liberties.<sup>182</sup> After the conquest of Wales the king had created a number of new lordships, one of which was granted to the Earl of Sussex, John de Warenne. This earl claimed that his lordship was a direct successor of a previous Welsh prince, and that he therefore would be entitled to those rights. The king refused those claims, arguing that the lordships were indeed successors to Welsh ones, but that the earl had been granted this land by the crown and so the power to appoint bishops was in the king's hands.<sup>183</sup> There was a clear idea of a highly autonomous power for the lordships in the March, and it seems that King Edward wanted to make sure that his newly created lords in these areas would not try to claim the same powers. The many bishopric powers in Wales before the conquest were clearly held by the Prince of Gwynedd and not by the King of England. This would change entirely with the Edwardian conquest, when the King of England claimed the lordship over the entirety of Wales. But the question remained, which laws would be applied to Wales and the March?<sup>184</sup> It is obvious what Edward's position in the matter was, and according to Margaret Howell, he used these various court cases to create legal evidence of the superiority of English law over Marcher laws and customs. This argument would fit in the image of Edward, which he had built up after the conquest

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<sup>180</sup> Altschul, *A baronial family in Medieval England*, 145-156.

<sup>181</sup> M. Howell, 'Regalian right in Wales and the March: The relation of theory to practice', *Welsh history review* 7 (Cardiff 1974) 269-288.

<sup>182</sup> Howell, 'Regalian right in Wales and the March', 269-288.

<sup>183</sup> *Ibidem*.

<sup>184</sup> *Ibidem*.

of Wales and the statute of Rhuddlan.

The questions surrounding the appointment of bishops was hardly the only thing which raised concern. The Earl of Gloucester and the Earl of Hereford were on opposing sides of a legal battle, and when the latter appealed to the king for intermediation, the problems started for the Marcher lords. King Edward seemed determined to show the Marcher lords that he was the one to dispense justice throughout his whole kingdom, and that the lords of the March should comply with his laws.<sup>185</sup> In the previous chapter is explained how the Earl of Gloucester was put in charge of the Bohun lands, until the young earl was old enough to do it himself. Humphrey de Bohun was not happy with the way the Earl of Gloucester had done this, especially because the Red Earl was now building a castle on disputed land. When Gloucester was summoned for this court case, he did not show up. He explained that the Marcher lords had the right to solve these issues themselves, which happened mostly through private wars. This was entirely against everything King Edward believed in, and he would not accept it.<sup>186</sup>

After the conquest of Wales, Edward created a number of new lordships. One of the nobles rewarded was Reginald de Grey, who had been an important general in the English army that fought in Wales. In the Calendar of Welsh rolls is this grant noted:

*Notification that the king has granted by this charter to Reginald de Grey the castle of Ruthin and the cantred of Defferencloyt and the lands that belonged to Wentbliana de Lascy in that cantred, and also the lands that belonged to her in the cantred of Engelfeld, to hold as freely and wholly as other neighbouring cantreds are held.*<sup>187</sup>

This quote raises the question: What does ‘to hold as freely and wholly as other neighbouring cantreds’ actually mean? This could be interpreted as the creation of new lordship with the same rights as the traditional ones like the earldom of Pembroke, Gloucester and Hereford. But the king understood this confusion and he meant that this is a lordship within his kingdom and it is held in the same regard as any other in his realm. As explained above, he disagreed with the notion of Marcher regality and his legal cases against the Marcher lords in the decade following the wars in Wales makes clear that he wants to end the unique set of laws and customs which exist in his own kingdom. Marcher law would continue to exist, but the king would now have the highest authority.

The statute of Rhuddlan also opened the floodgates for Englishmen to take up office in Wales. This was done with intent, as King Edward tried to get the administration of Wales on the same page as the English one. The English believed that they should bring civilization to their uncultured neighbours.<sup>188</sup> In the new counties, nearly all sheriffs were English and the finances were in English

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<sup>185</sup> Altschul, *A baronial family in Medieval England*, 145-156.

<sup>186</sup> *Ibidem*.

<sup>187</sup> W. H. Stevenson ed., *Calendar of Various Chancery Rolls Preserved in the Public Record Office: Supplementary Close Rolls, Welsh Rolls, Scutage Rolls, A.D. 1277-1326* (Burlington 2009) 243.

<sup>188</sup> Davies, *Domination & Conquest*, 109-128.

hands as well. It was theoretically possible for the Welsh gentry to work themselves up through the system and get an important office. But only one Welshman was constable of a castle, namely Gruffydd ap Tudor, and one rose to the office of sheriff, Gruffydd ap Dafydd.<sup>189</sup> One should not make the mistake that this meant there was systemic ‘discrimination’ in the settling of Wales, which was not the case. It is true that contemporaries saw and wrote about the differences between the Welsh and the English, and that certain communities were divided in Welsh-speaking and English-speaking. But as explained above, the difference between people was primarily based on laws and customs instead of language. Davies gives the examples of the Statute of Kilkenny in 1316, which was designed to prevent the English settlers to take on the Irish customs, and the Act of Union from Henry VIII was designed to erase all ‘sinister usages and customs’ of the Welsh.<sup>190</sup> The Welsh would eventually try to compromise and live by many of the customs the English had brought over, even though many Welsh custom would remain in place until at least the sixteenth century.<sup>191</sup> The strategy was not to oppress the Welsh laws and customs, but to make sure that the Welsh would take on the English laws and custom.

In the last decades of the thirteenth century King Edward I tried to use and control the Marcher lords. First he used their network, connections and military power to defeat and eventually conquer the Welsh. After that he tried to control the Marcher lords and the Welsh by enforcing the crown’s authority over their special rights and privileges to incorporate the area better in the kingdom. He went about this in a clever way, he knew it would be very difficult to bring the Marcher lords to heel through military measures, so he used the law to his advantage. And by winning court case after court case he humiliated his most powerful earls in the March, the Earl of Gloucester and the Earl of Hereford. They lost a lot of power to the crown and this legal reform made the lords of the March less influential in the overall politics of the kingdom of England, even though they had been crucial in the defeat of the Prince of Wales and the conquest of the principality. This strategy created a lot of enemies among the barons, as many felt wronged by the taxation for Edward’s wars and the humiliation of the legal cases against the important earls. The barons would hold this grudge and it would come to fruition during the reign of his less competent son, Edward II. The rights of the March would be the at the centre of attention in English politics again a few decades later, when Hugh Despenser tries to increase his personal holdings in the March of Wales at the cost of many other Marcher lords.

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<sup>189</sup> Prestwich, *Edward I*, 205-207.

<sup>190</sup> R. R. Davies, ‘Race relations in post-conquest Wales: Confrontation and compromise’, *Transactions of the Honourable society of Cymmrodorion* (1975) 32-56.

<sup>191</sup> Davies, ‘Race relations in post-conquest Wales’, 32-56.

## Chapter four: The tyranny of King Edward II

King Edward I died in 1307 and his son Edward of Caernarfon succeeded him as king. Edward II was not like his father, and his reign would see some of the biggest crises in medieval England. He would oversee one of the most famous defeats in English military history at Bannockburn, and he would lose his throne to his wife and her lover, the powerful Marcher lord Roger Mortimer. The king had many problems and those will be examined and analysed in this chapter. But it is too easy to put all the blame on Edward II for his shortcomings. His father had left behind massive financial problems and a nobility who were humiliated. In the last chapter we have seen that Edward I actively went after his most powerful vassals, and he taxed them heavily due to his many wars. This combination was a recipe for disaster, and mixed with the utter incompetence of Edward II as King made for one of the most interesting periods in English history. In the reign of Edward II we see the decline of power of the lords in the March, mostly due to the untimely deaths of certain lords. The end of Edward's reign saw one dynasty come on top as Earl of March, and the power of the Marcher lords was now more or less in the hands of a single lord. In this chapter I will look at how the Marcher lords reacted to the development of a tyranny during the reign of Edward II and his advisors, the Despencers.

### Piers Gaveston

The new king did not seem very interested in continuing the war in Scotland. But after the growing power of the newly proclaimed King of Scots, Edward had to act. There were already big problems in England, and this would have a large impact on the campaign in the North. The reign of Edward II started with the decision by the new king to recall his closest friend Piers Gaveston from his exile.<sup>192</sup> And before we take a look at the war in Scotland, we have to understand what this decision meant for the situation in England itself.

In 1305 King Edward I had knighted his son Edward of Caernarfon and a hundred other knights. At the same time he had banished Piers Gaveston, a charismatic French knight.<sup>193</sup> Gaveston was said to have a bad influence on Prince Edward. He had been exiled by Edward I as a way to punish both the French knight and his son, because the prince had tried to give lands to Gaveston, without the knowledge of his father. Edward I was furious, and even exclaimed that would he not threaten the unity of the realm, he would have disinherited his son.<sup>194</sup> But when the king died in 1307, there was nothing that could stop Edward II from recalling his friend. There has been written extensively on

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<sup>192</sup> Phillips, *Edward II*, 120-121.

<sup>193</sup> D. Preest ed., *The chronicle of Geoffrey le Baker of Swinbrooke* (Woodbridge 2012) 3.

<sup>194</sup> Phillips, *Edward II*, 120-121.

the character of Piers Gaveston, and I will not specifically focus on him. He is a fascinating character, and the central point of the upheavals of the first years of Edward's reign. In short, Gaveston's arrogance and his hold over the king were fuelling the anger of the baronage, especially when it became known that he had made up nicknames for the most influential barons. It has been debated if these nicknames were real, but they are mentioned in the *Vita Edwardi Secundi*.<sup>195</sup> And in the *Flores historiarum* the Earl of Warwick was referred to as *noir chien de Ardene*, or 'the black hound of Arden'. This growing friction between the king's friend and the English nobility would come to fruition a few years later. One of the most telling gifts Edward gave Piers was the earldom of Cornwall, a title usually reserved for men of royal blood, not lowly knights like Gaveston.<sup>196</sup> The *Vita* also states that Piers Gaveston's arrogance was his downfall, that 'if *he had been more humble, none would have opposed him*'.<sup>197</sup> And there were other accusations with varying degrees of believability, the most famous one is that Edward and Piers were in a homosexual relationship. It is clear the men were very close, but there is no evidence to support the claim of a sexual relationship between the two. The best explanation of this debate is given by W. M. Omrod, as he called this scholarship both anachronistic and futile, because the evidence does not speak of what Edward actually did, just about his reputation.<sup>198</sup> One should not forget that Edward II grew up with Gaveston as a close friend, and he referred to him as brother. This is also probably why Gaveston was awarded the earldom of Cornwall, even though that title was usually reserved for men of royal blood. I would argue that the close bond between the two men was more likely to be like brothers, than to be like lovers.

The biggest opponent to Piers Gaveston was Thomas of Lancaster, the king's cousin. He was unhappy with the power the king gave to his friend, and after a few years of struggles Lancaster killed Gaveston. Lancaster claimed it was justified, as the king had accepted new reforms which had exiled Gaveston. But the king recalled Gaveston nonetheless.<sup>199</sup> A group of powerful barons led by Lancaster saw no other way. This started a long feud between the king and his cousin. The problems between Edward II and Lancaster dragged on for a few years. The Marcher lords did play an important role in this conflict, and the most important figures were either neutral or on Edward's side. Roger Mortimer and the young Gilbert de Clare for example.<sup>200</sup> In 1311, when the troubles had gotten nearly out of hand, the King had trusted the Earl of Pembroke to keep Gaveston safe. But Pembroke handed him over to the Earl of Warwick and the Earl of Lancaster. After the earls had gotten their hands on the hated knight, they marched him into Lancaster's lands and beheaded him, without giving him a trial.<sup>201</sup> Most of the Marcher lords were eventually opposed to the return of Piers Gaveston in the kingdom of England, but they were not among the most vicious of the king's

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<sup>195</sup> W. Childs and N. Denholm-Young eds., *Vita Edwardi Secundi: the life of Edward II* (Oxford 2005) 17.

<sup>196</sup> M. Prestwich, *The three Edwards: War and State in England, 1272-1377* (Oxford 2003), 74.

<sup>197</sup> Childs and Denholm-Young eds., *Vita Edwardi Secundi*, 28-29.

<sup>198</sup> W. M. Omrod, 'The sexualities of Edward II', in: G. Dodd and A. Musson eds., *The reign of Edward II: New perspectives* (Woodbridge 2006) 22-47.

<sup>199</sup> Phillips, *Edward II*, 175-180.

<sup>200</sup> Idem, 159; Altschul, *A baronial family*, 159-164.

<sup>201</sup> D. Preest ed., *The chronicle of Geoffrey le Baker of Swinbrook* (Woodbridge 2012) 5.

opponents. In fact, they were for a long time neutral. The Earl of Gloucester had played a mediating role between the two factions, which is why his death was one of the heaviest losses in the battle of Bannockburn.

### **Scotland and Bannockburn**

The war in Scotland was not finished by the time Edward I passed away, and Edward II was expected to finish the conquest. But he had neglected the campaign for the first years of his reign. The first five years of his reign were all about internal struggles concerning the king and Piers Gaveston, all the while Robert the Bruce was getting stronger in Scotland and secured his place as King of Scots. Edward II has been described in the Lanercost chronicle as being '*chicken-bearded and luckless in war*' for fleeing battle in Scotland.<sup>202</sup> This is shown in the decision-making surrounding the war, as Edward only went north when he was forced to by Robert. Due to the English inaction and failure in Scotland, the Scots had taken town after town, like Perth and Edinburgh. In the aforementioned Lanercost chronicle is clearly visible how the Scots are making their way South and start raiding in England, while the English are occupied with a conflict between themselves.<sup>203</sup> The most important castle held by the English was Stirling castle, and holding that castle was vital if one wanted to control Scotland.<sup>204</sup> The Scots were not able to take the castle, but Robert's brother Edward made a deal with the English that if they were unable to send a relieve force by midsummer, the castle would be handed over to the Scots.<sup>205</sup> King Robert was furious, as he did not want to meet the English in a pitched battle. He had no choice now, and the English would do anything to come with an incredibly large force to defeat the Scots at Stirling. Unfortunately, there are no pay rolls left from the time of this army, but it is safe to assume that this was at least as big an army as Edward I had ever sent north.<sup>206</sup> The two armies clashed at Bannockburn, near Stirling on the 23<sup>rd</sup> and 24<sup>th</sup> of June 1314.

Around and during the battle it became clear that Edward was not the natural leader required for a medieval king. Two of his most important generals, the Earls of Gloucester and Hereford were arguing over who should lead the vanguard, and Edward seemed unable to resolve this. Gloucester would eventually lead it, even though the Earl of Hereford was the Constable of England and therefore had the hereditary right to lead the vanguard.<sup>207</sup> Both of these earls were very close to the king, and they were both Marcher lords. The first failure at Bannockburn during the battle was caused by the Earl of Hereford's cousin, Henry de Bohun. This young knight was sure to prove himself and bring glory to his family and his king by charging and killing King Robert. Unfortunately for him,

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<sup>202</sup> H. Maxwell ed., *The Lanercost Chronicle* (1913) 240.

<sup>203</sup> *Idem*, 195-207.

<sup>204</sup> Prestwich, *The three Edwards*, 48-70.

<sup>205</sup> *Ibidem*; Prestwich, *Plantagenet England*, 240-241.

<sup>206</sup> Prestwich, *The three Edwards*, 48-70.

<sup>207</sup> *Ibidem*.

The Bruce saw him coming and chopped his head in two.<sup>208</sup> The first day of battle did not go well for the English, but they were not defeated yet. The Earl of Gloucester advised the king to rest for a day, before engaging the Scots again. The king called that advice treacherous and deceitful, so he ignored it. The second day turned out to be a complete rout of the English and many great nobles were slain. The Earl of Gloucester was killed after an either 'gallant' or 'suicidal' charge on the Scots for example.<sup>209</sup> And others like the Earl of Hereford were captured.<sup>210</sup> The Scots were victorious and there would be a storm waiting for Edward once he got back to England. The defeat of the English was an obvious boost of confidence for the Scots and they did not hold back on raiding the North of England after Bannockburn.

The defeat at Bannockburn was not only a blow for English ambitions in Scotland, it also cemented the image of Edward II as a failing king. A proper medieval king was a warrior-king, who waged war successfully, but Edward was none of that. Another huge blow for England was the death of the Earl of Gloucester, who had been the leading moderate figure in the kingdom. He had acted as mediator between the earls and Gaveston. He was a young capable warrior and had a lot of respect from the king and the barons. Gloucester's position with the king was so good, that he was appointed keeper of the realm in 1311, when Edward II went north for the first time.<sup>211</sup> Gloucester's mediation between the king and the Earl of Lancaster had prevented civil war various times. The death of the Earl of Gloucester is without a doubt the most consequential of all the deaths of Bannockburn, for he had no male heirs. His death and the loss at Bannockburn opened the gates for Thomas of Lancaster and his supporters to force their wishes over the king, most of whom had refused to join the king on the Scottish campaign.<sup>212</sup> At parliament in York in September 1314, Lancaster and his supporters forced the king to accept and uphold a set of reforms, change up his royal council, and choose new sheriffs.<sup>213</sup> The 'new government' was not lucky in the next few years as a famine hit Britain and the royal finances were hit extremely hard, which made it very difficult to raise an army to fight the Scots.<sup>214</sup> It became clear that Thomas of Lancaster was not any better than Edward II was, so he quickly lost the little support he still had.

### **The rise of new favourites**

Edward started to gather support of a number of high nobles and newly created knights around him, with the eventual goal of taking on his cousin Lancaster. The Marcher Earls of Pembroke and Hereford joined the king's side, as did the three ambitious knights William de Montague, Hugh

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<sup>208</sup> Phillips, *Edward II*, 230.

<sup>209</sup> Prestwich, *Plantagenet England*, 240-241.

<sup>210</sup> Maxwell ed., *The Lanercost Chronicle*, 208-210.

<sup>211</sup> J. R. Maddicott, *Thomas of Lancaster 1307-1322: A study in the reign of Edward II* (Oxford 1970) 104-114.

<sup>212</sup> Prestwich, *Plantagenet England*, 190-191.

<sup>213</sup> PROME, September 1314, introduction, unfortunately no roll is left from the 1314 York parliament, this is an author's note; Maxwell ed., *The Lanercost Chronicle*, 211.

<sup>214</sup> Maxwell ed., *The Lanercost Chronicle*, 218-219; Prestwich, *Plantagenet England*, 192-193.

Audley and Roger Damory. But the most famous and infamous of this group were father and son Hugh Despenser, who would play a vital role as the king's new favourites.<sup>215</sup> But the king did not go out of his way to state his intentions, he played the long game. According to the chronicle of Geoffrey le Baker:

*'The king and the Earl of Lancaster were reconciled with kisses and many embraces of each other. They had been mutual enemies ever since the death of Piers Gaveston, to the great danger of the kingdom and the applause of the Scots.'*<sup>216</sup>

This brought peace back to England, and the king and his cousin seemed to be on the same page again. But the political intrigue continued, and it became clear that the king wanted revenge on Lancaster for the execution of Gaveston. And his new right-hand man Hugh Despenser the Younger was ambitious and ruthless. After the death of the Earl of Gloucester his lands were divided among his three sisters: Elizabeth, Piers Gaveston's widow Margaret, and Eleanor, the wife of Hugh Despenser the Younger. But it took a few years before the lands were partitioned, as Countess Maud claimed she was pregnant with her late husband's child, and they believed her for over a year.<sup>217</sup> The partition of the Clare lands was incredibly delicate, especially because only one of three sisters was married. This meant that the hands of the two unmarried sisters became highly sought after, as many lords were eager to get their hands on this great prize.<sup>218</sup> Hugh the Younger was not one to wait and raised this point at Parliament in Lincoln in 1316, but was denied without a clear explanation. He got into a fistfight with John de Ros at the same parliament, because the latter had arrested one of Despenser's knights, but it was undoubtedly a product of impatience and frustration.<sup>219</sup>

All of the animosity between the king and the Earl of Lancaster threatened to bring the kingdom into civil war, but efforts from mediating nobles like the Earl of Pembroke made sure that this would be averted, and the quote above shows that these talks were eventually effective. However, when Hugh Despenser the Younger had gotten his lands in the March of Wales, he did not stop and appreciate his new power. According to the chronicle of Lanercost after a group of Marcher lords had taken a number of Hugh's castles in the March:

*'These earls and barons were especially animated against the said Sir Hugh because he had married one of the three sisters among whom the noble earldom of Gloucester had been divided, and because, being a most avaricious man, he had contrived by different means and tricks that he alone should possess the lands and revenues, and for that reason had devised grave charges against those who had married the other two sisters, so that he might obtain the whole earldom for himself.'*<sup>220</sup>

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<sup>215</sup> Prestwich, *Plantagenet England*, 194-195.

<sup>216</sup> Preest ed., *The chronicle of Geoffrey le Baker of Swinbrook*, 10.

<sup>217</sup> Phillips, *Edward II*, 269-270.

<sup>218</sup> *Ibidem*.

<sup>219</sup> PROME, 351; Prestwich, *Plantagenet England*, 192.

<sup>220</sup> Maxwell ed., *The Lanercost Chronicle*, 230.

This shows both the ambition of the Younger Despenser and it shows the contempt in which he was held by the other lords of England, especially the lords of the March. The hold his father and he had over King Edward and his unbridled aggression in the March gave way to a civil war in England, with as result the exile of both the Elder and the Younger Hugh Despenser.

Many of the same charges which were levied against Piers Gaveston a decade earlier would be used against the Despensers. They were seen as too ambitious, people who used all sorts of trickery to convince the king to side with them, and against the other barons. This was unacceptable to a number of powerful barons, most importantly the Earl of Hereford, Roger Mortimer, Bartholomew Badlesmere and Roger Damory. They were supported by the Earl of Lancaster, and in secret by the Earl of Pembroke.<sup>221</sup> These nobles were now openly at war with the Edward and the Despensers. The barons claimed that Hugh the Younger acted as a 'second king', or even 'the ruler of the king'. Because if someone wanted to speak to the king, they had to go through Hugh Despenser, and many times he answered for the king.<sup>222</sup> This was outrageous behaviour, according to the barons. The Despensers saw the strength of the baronial force and fled from England, and in their absence in August 1321 a parliament was held. In this parliament father and son Despenser were banished from England for the charges explained above.<sup>223</sup> This decision would seem to have put an end to the civil war and the unrest in England, but we should not forget the character of King Edward II. He was not one to let go of his favourites easily.

The following year the king went after the barons. He started in the Welsh Marches and defeated two lords called Roger Mortimer. The most important one was Roger Mortimer of Wigmore, and the other one was his uncle. They were both imprisoned in the Tower of London.<sup>224</sup> After Edward defeated them, he went north for the great showdown between him, the Earl of Hereford and the Earl of Lancaster. Three weeks before the surrender of the Mortimers, a council led by the archbishop of Canterbury declared the banishment of the Despenser an error, and so this decision was undone.<sup>225</sup> There would be various skirmishes throughout the year, until the barons were defeated at Boroughbridge in 1322. Earl Humphrey de Bohun of Hereford was killed in this battle and the Earl of Lancaster was captured, along with a number of other nobles.<sup>226</sup> Thomas of Lancaster was found guilty of treason and sentenced to be hanged, drawn and quartered. And like Gaveston, Lancaster was not given an opportunity to defend himself. His sentence was commuted to beheading as a man of royal blood, and as historian Seymour Phillips wrote in his biography of Edward II:

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<sup>221</sup> Preest ed., *The chronicle of Geoffrey le Baker*, 11.

<sup>222</sup> *Idem*, 10

<sup>223</sup> *Calendar of Close Rolls preserved in the public record office (CCR)*, Edward II, 1318-1323, 494; PROME, 93.

<sup>224</sup> Preest ed., *The chronicle of Geoffrey le Baker*, 12.

<sup>225</sup> *Ibidem*.

<sup>226</sup> Phillips, *Edward II*, 408-409.

*'Gaveston was not mentioned by name, but it was clear to everyone that Edward had at last avenged himself on Lancaster.'*<sup>227</sup>

The Despensers were back at the king's side during this trial, and they were now free again to do as they pleased. The most important rebellious nobles were now either dead, like Hereford and Lancaster, or imprisoned like Mortimer. But in this court we see another big difference between Edward II and his father, Edward I did not care for justice or the law. He did what he wanted, the Earl of Lancaster had been sentenced without having a possibility to defend himself for example. In the Lanercost chronicle the execution of Lancaster was described as:

*'And there, in revenge for the death of Piers de Gaveston, and at the instance of the earl's rivals, without holding a parliament or taking the advice of the majority, caused sentence to be pronounced that he should be drawn, hanged and beheaded.'*<sup>228</sup>

And Lancaster was not the only one to be executed, many nobles were executed. Men like Bartholomew Badlesmere or the Marcher lord John Giffard, the son of the John Giffard from previous chapters.<sup>229</sup> Not all nobles were executed however, Hugh Audley was spared, because of his marriage to Margaret de Clare, Gaveston's widow. And the Mortimers were sentenced to death, but this was commuted to life imprisonment, along with a number of other nobles. The older Mortimer would die in the Tower four years later, in 1326.<sup>230</sup>

### **Hugh Despenser rules**

*'Thus parliaments, consultations, and councils decide nothing these days. For the nobles of the realm, terrified by threats and the penalties inflicted on others, let the king's will have free rein. Thus today will conquers reason. For whatever pleases the king, though lacking in reason, has the force of law.'*<sup>231</sup>

With the extinction of the senior branch of the Clare family and with the Bohun's having a minor as earl, the influence of the Marcher lords on the goings on in England was greatly diminished. These two families were two of the three most important families in the March, and there was now only the Mortimer family left. The problem was that both Roger Mortimer of Wigmore and his uncle Roger Mortimer of Chirk were imprisoned in the Tower of London. On top of that was the personal vendetta of the Despensers against the Mortimers, which dated back to the reign of Henry III. The grandfather of Roger Mortimer of Wigmore had killed a previous Hugh Despenser on the battlefield

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<sup>227</sup> Phillips, *Edward II*, 408-409.

<sup>228</sup> Maxwell ed., *The Lanercost Chronicle*, 234.

<sup>229</sup> Phillips, *Edward II*, 408-409.

<sup>230</sup> R. M. Haines, *King Edward II: Edward of Caernarfon, his life, his reign and its aftermath 1284-1330* (Montréal 2004) 144-146.

<sup>231</sup> Childs and Denholm-Young eds., *Vita Edwardi Secundi*, 231.

of Evesham.<sup>232</sup>

The power of the Despensers increased massively in this period, as Hugh Despenser the Younger was the clear favourite of Edward II, and as chamberlain had the king's ear. He was as cruel as he was ambitious. Hugh the Younger's power was based on his newly acquired Marcher lordship of Glamorgan and he was even referred to as Earl of Gloucester by Geoffrey le Baker, even though he never got the title.<sup>233</sup> He clearly was the most powerful man in the kingdom. With Roger Mortimer locked up in the Tower of London, and with the other earls dead or side-lined, Despenser had free reign. Hugh Despenser the Younger had become a powerful lord in the March, and he went on to claim more and more land. Even though these lands were held by other respectable lords, like John Mowbray. With support of the king, Despenser took these lands, and when the Marcher lords claimed he was not allowed to do this, Despenser accused them for treason, as it is said in *Vita Edwardi Secundi*:

*'Others cited the law and customs of the March which could not be infringed. Hugh took no notice of the customs and laws of the March, and appeared to accuse the barons who cited such things of treason.'*<sup>234</sup>

After the baron's defeat at Boroughbridge and the death or capture of most baronial leaders, the king and his favourites kicked off a new reign of tyranny and their first objective was revenge against the rebellious barons. With a lot of success: Hereford was dead, Lancaster was dead, Mortimer and a number of other lords imprisoned, waiting for their deaths. These first few months saw the execution of English nobles by the famous punishment of traitors, a punishment usually reserved for Welshmen or Scots.<sup>235</sup> And among these nobles were some important names, John Giffard for example. Most of the Marcher lords had joined the rebellion and they made up a large chunk of the barons' forces, but they lost heavily with enormous consequences. The only nobleman left with a lot of power in the March was Hugh Despenser the Younger, who was the lord of Glamorgan and held most of the lands of the former Earl of Gloucester. Another theoretically influential Marcher lord was the Earl of Pembroke, who had chosen to support the Despensers in the March even though he had supported their exile first. The Hughs had not forgotten this and Pembroke was humiliated in the aftermath. He was imprisoned and forced to take an oath of loyalty to the king and pay a large sum of money, Pembroke was completely side-lined.<sup>236</sup> The Marcher lords as an influential group of nobles were done. The politics in Westminster aside, this complete draining of power from the March had some unforeseen consequences. Two brothers from the Irby family from the March had fought in the army of the Mortimers in 1321, and they were imprisoned. Fortunately for them, they were soon released. These brothers proceeded to raid the lands in the March and they harassed royal men visiting the March, as they wanted to profit from the chaotic situation in the border region. The

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<sup>232</sup> Maddicott, *Simon de Montfort*, 342.

<sup>233</sup> Preest ed., *The chronicle of Geoffrey le Baker*, 16.

<sup>234</sup> Childs and Denholm-Young eds., *Vita Edwardi Secundi*, 185.

<sup>235</sup> Haines, *King Edward II: Edward of Caernarfon*, 144-146.

<sup>236</sup> Idem, 157.

bishops tried to punish these men, but failed, and the king grew more frustrated by the day.<sup>237</sup>

Mortimer's imprisonment in the Tower did pose some problems. There were various plots going around to free him from the day he was captured onwards, and a year later they were successful in a more interesting way than any storyteller could come up with. With the aid of the constable of the Tower, the literal drugging of guards and a rope ladder, Roger Mortimer was able to escape the Tower and flee to France.<sup>238</sup> And even though many other nobles were still incarcerated, Mortimer did pose a threat to the king. But the king was not the only man who was in trouble, the bishop of Hereford as well. The king believed that this bishop had been plotting the release of Mortimer for a while. This in combination with the failure of the punishment of Mortimer's former men, who were now harassing royal men in the March, meant the bishop was in enormous trouble. The bishop would be charged with treason but claimed that he could only be tried by ecclesiastical law, as he was a bishop. But according to the chronicle of Le Baker, he was stripped of all his temporal power.<sup>239</sup> This matter would remain unresolved until 1327.<sup>240</sup>

The Despensers ruled England in the last years of Edward's reign. Especially Hugh the Younger, acting as the chamberlain of Edward II. They were hated throughout the kingdom, even more so than Piers Gaveston was. Gaveston was arrogant and loudmouthed, but the Despensers were utterly cruel. For example, they pardoned certain nobles who were sentenced to death, in change for their most profitable lands. This put a lot of nobles in financial difficulties or disinherited their sons.<sup>241</sup> Or as Geoffrey le Baker wrote:

*'So they made the two Earl Hughs hated by everybody, not only because the king loved them more than all the others but because, being driven on by their proud, ambitious spirits, they were pauperising high-born knights by demanding cruel ransoms, and were disinheriting their sons by knocking down their fathers' estates for nothing.'*<sup>242</sup>

But the biggest mistake the Despensers made was not the angering of the barons. They had angered Queen Isabella beyond repair. The queen had gotten strict rations dictated by the Despensers and she was not allowed to travel without the consent of the two Hughs. A number of her estates were given to the Despenser, and her husband chose the side of the Despensers every time, which angered the queen even further.<sup>243</sup> She had been humiliated time after time by Edward, and she was determined to get rid of the Despensers, whatever the cost. The character of Isabella is a very interesting one, and she has been described in nearly every way possible. She is probably most famous for her epithet 'She-wolf of France', and has been the focal point of various scholarly discussions. When the king needed an envoy to go to France in 1324, the queen was a willing candidate. The

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<sup>237</sup> Haines, *King Edward II: Edward of Caernarfon*, 153-154.

<sup>238</sup> Phillips, *Edward II*, 438-441.

<sup>239</sup> Preest ed., *The chronicle of Geoffrey le Baker*, 15-16.

<sup>240</sup> Haines, *King Edward II*, 153-155.

<sup>241</sup> Idem, 155-158.

<sup>242</sup> Preest ed., *The chronicle of Geoffrey le Baker*, 16.

<sup>243</sup> Idem, 16-17.

Despensers would rather have someone else, but they did not want the king to leave their grasp, so he could not go himself. And they were afraid of the French king and Roger Mortimer, so they would not go themselves. Isabella and her son Edward seemed to be better suited to speak to the king of France and negotiate.<sup>244</sup>

### **Isabella and Mortimer victorious**

Edward did feel the heat of Isabella and Mortimer. He repeatedly demanded Isabella to come back to England, but she refused. She also went as far as donning her widow's robes, as she exclaimed that her marriage was dead until the Despensers would leave Edwards side.<sup>245</sup> Isabella and Mortimer got a small army together and invaded England. While travelling through the countryside, they gathered a lot of support from the local lords, as Edward and the Despensers were hated throughout the land for their tyrannical rule. In 1326 the Despensers were caught and Hugh the Younger was put on trial for treason. He was sentenced to be hanged, drawn and quartered as a traitor.<sup>246</sup> There are various accounts of the gruesome way Hugh the Younger was tortured and in the chronicles of Froissart is an illustration of the execution. There are various theories on the execution of Hugh Despenser, especially on the symbolic value of it. Many have used the chronicle of Froissart to paint Despenser as the lover of Edward II, or at least someone who had sexual relations with the king. This is based on the fact that Froissart used words like sodomite, which were used to describe homosexuals many times. Claire Sponsler argues in her article 'The king's boyfriend', that Froissart's chronicle is a story about the triumphant Queen Isabella as the prevailing heterosexual society, which is an interesting argument, but I think she overlooks a few key elements of Froissart's chronicle. She states that Froissart's chronicle was written a few decades after these events during the reign of Edward III.<sup>247</sup> Queen Isabella was allowed to stay alive after Edward had taken the throne from his mother and Mortimer, while Roger Mortimer was executed for treason. So it was in the interest of the king and his mother to justify Isabella's role in the invasion and vilify the role of Mortimer. The sexual viewpoint of Froissart can be seen in the same vein, as justification after the fact. Isabella had effectively deposed an anointed king, and this sexual anomaly could be this justification. And one should not forget that the charge of sodomy was used a few times in the same period to blacken an enemy, for example by French king Philip IV against Pope Boniface VIII and the Templars.<sup>248</sup> Like I have argued earlier on, I think it is nearly impossible to prove that Edward had any sexual relationship with Hugh Despenser, because all the information we have is based on Edward's

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<sup>244</sup> Haines, *King Edward II*, 168-169.

<sup>245</sup> Childs and Denholm-Young eds., *Vita Edwardi Secundi*, 243.

<sup>246</sup> D. Westerhof, 'Deconstructing identities on the Scaffold: The execution of Hugh Despenser the Younger, 1326', *Journal of Medieval history* 33 (2007) 87-106.

<sup>247</sup> C. Sponsler, 'The King's boyfriend: Froissart's political theatre of 1326', in: G. Burger and S. Kruger eds., *Queering the Middle Ages* (Minneapolis 2001) 143-167.

<sup>248</sup> Phillips, *Edward II*, 520-525.

reputation. The argument of Danielle Westerhof, who looks more broadly at aristocratic executions, is therefore much more plausible. She argues that these executions are highly symbolic, but in different ways than other historians have said.<sup>249</sup> Westerhof shows that executions like Hugh Despenser's were rare, even in the thirteenth and fourteenth century, but they were not unique. There are more aristocratic traitors that have been executed in a similar fashion, and Westerhof explains in detail how these executions desecrate the person's body to symbolise the crime he committed against the body politic.<sup>250</sup>

The following parliament in January 1327 was mostly concerned with undoing the damage the King and the Despensers had done, many officials were relieved of their duties, excommunications were repealed and the supporters of Queen Isabella were pardoned for their use of force during her invasion.<sup>251</sup> Edward was deposed in the same parliament, and replaced by son Edward, the Earl of Chester, who was now Edward III.<sup>252</sup> But the real power was in the hands of Queen Isabella and Roger Mortimer. The deposition of a king was unprecedented in post-conquest England, even the tyrannical King John or the hapless Henry III were not deposed. This issue has been discussed a lot among historians. I use the term deposition instead of abdication, because Edward II did not abdicate out of his own free will. Many chroniclers would have you believe Edward II left his office out of his own free will for the good of the realm, but Claire Valente explains in her article on the deposition or abdication of Edward II how this is practically impossible. She looks at the accounts of eye witnesses like Jean le Bel, a clerk from Hainault who had joined John of Hainault in his aid to Isabella and Mortimer. And she compares these accounts to the sources we have on the practical information concerning parliament, when it was convened etc. On top of that she looks at the accusations from a number of the highest bishops in the land.<sup>253</sup> She argues that the deposition was agreed upon in parliament before Edward II himself had accepted and resigned under threat of violent deposition. It is quite interesting to note that the parliament which deposed the king has no existing parliament roll, because the king had not summoned it and he was not attending, which made it illegitimate.<sup>254</sup> Seymour Phillips calls this a concerted effort by Roger Mortimer and a few other leading magnates to '*airbrush Edward II out of history*'. And that Mortimer had used the anger of the London crowds to his advantage, and made sure the members of parliament knew of it, so that they would surely agree with his proposal.<sup>255</sup>

The power of a single Marcher lord had now reached its highest point, as Roger Mortimer was now effectively the ruler of England, out of Edward III's name. That said, the regime that was put in place to rule the kingdom during Edward III's minority was made up of twelve lords: four bishops, four

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<sup>249</sup> Westerhof, 'Deconstructing identities on the Scaffold', 87-106.

<sup>250</sup> Ibidem.

<sup>251</sup> PROME, II, 7-12, 110-179.

<sup>252</sup> CCR, Edward III, 1327-1330, 1.

<sup>253</sup> C. Valente, 'The deposition and abdication of Edward II', *English Historical review* 113:453 (1998) 852-881.

<sup>254</sup> Ibidem.

<sup>255</sup> Phillips, *Edward II*, 536-539.

earls and four barons. Interestingly enough, Mortimer was not one of them.<sup>256</sup> But it is clear from various official documents that Mortimer ran the show. As soon as Edward II was deposed people were trying to free him and return him back on the throne, but none of them were successful. Soon after a conspiracy was discovered and taken care of by the Welsh allies of Roger Mortimer, the former king died of unexplained reasons.<sup>257</sup> And according to Seymour Phillips there are no real mysteries around the death of Edward, as the news of the plot to free Edward was delivered directly to Mortimer and not to Edward III's government. This allowed Mortimer to take swift action.<sup>258</sup> In October 1328 Roger Mortimer was granted the title Earl of March, which made his family the most powerful in the March and even England after the royal family itself. This was even more ambitious than anything the Despensers had ever done and Roger Mortimer quickly lost favour among the English barons. This feud with the barons and Edward III himself would be his undoing and he would be executed as traitor and as the murderer of Edward II on the 29<sup>th</sup> of November 1330.<sup>259</sup>

The reign of Edward II saw a massive shake up of the lords in the March of Wales. At first they seemed to have recovered from Edward I's attempts to limit their power with young, athletic and ambitious lords like Gilbert de Clare, Roger Mortimer, Humphrey de Bohun, John Giffard and more. But the battle of Bannockburn and death of the last male heir of the Clare Earls of Gloucester changed everything. The inheritance would be highly sought after, and with clever scheming and ruthless ambition the biggest part came into the possession of Hugh Despenser the Younger and he was now one of the most influential lords in the March. His relationship with Edward II has been debated for decades, but is probably not sexual. But the fact that Hugh was very close to Edward made him not only a powerful Marcher lord, but even chamberlain of the king and the most powerful man in the kingdom. Together they ruled England to their own liking and the kingdom transformed into a tyranny. The surviving Marcher lords rebelled unsuccessfully against the king and his favourites and that seemed the end of the Marcher influence in England. But Roger Mortimer escaped his imprisonment and assumed the title of Earl of March, which brought the influence of the group of Marcher lords under one single earl. The Bohun family would be influential in decades to come, but the unique judicial position of the Marcher lords is as good as over by 1330. Wales was no longer a foreign land, and the March was no longer a frontier. This had slowly decreased the need for the autonomous lordships of the March.

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<sup>256</sup> Phillips, *Edward II*, 540.

<sup>257</sup> *Idem*, 547-549.

<sup>258</sup> Phillips, *Edward II*, 547-549.

<sup>259</sup> *Idem*, 570-571.

## Conclusion

In this research I have looked at the changing role of the lords of the Welsh Marches in English politics and what part they played in the massive changes in the kingdom. During the reign of King Henry III they were able to enforce their unique laws and privileges, and many of these lords were leading figures in the parliamentary changes and political upheaval of this period. During the 1260s a group of influential barons rose up against the king under the leadership of Simon de Montfort. The years leading up to this rebellion King Henry was trying to get the power back he had lost due to the Provisions of Oxford in 1258. While these provisions were put in place because Henry had shown a lack of ability to lead his kingdom in a decent way. The nobles had therefore in parliament forced the king to sign a document which put a council of nobles in place to advise the king on the most important matters. But even though the barons lost this war, many of the reforms survived the aftermath. This is mostly because Gilbert de Clare, the Earl of Gloucester, had forced the king to do so. And even though many historians have pointed to Simon de Montfort as champion of parliamentary change, the same can be said of the Earl of Gloucester and some other Marcher lords. If they had not left the baronial side, De Montfort would not have needed to call upon a broader parliament. If the Earl of Gloucester had not defended the rights of the defeated barons, the king would have resumed the role he had before the Provisions of Oxford. The second barons' war was started in the March, and the royalists had won it due to their links in the March. The lord who made sure the changes would remain was also a Marcher lord. It is fair to say that the Marcher lords were vital in this incredibly important period of English history.

King Henry's son Edward was a different kind of king. Edward wanted to bring justice to his people, and he wanted to show that the king was the highest authority in the kingdom, and all justice would be done in name of the king. He felt that the Marcher laws and customs were inferior to the king's law and justice. King Edward argued that these rights themselves were derived from the crown. Edward went out of his way to enforce his authority over his nobles, especially the Marcher lord. After the English had conquered Wales, these legal proceedings became even more prevalent. This meant that large parts of Wales were now directly under the crown, and the statute of Rhuddlan streamlined parts of Welsh law to be more in line with English law. This decision was met with resistance in Wales, as Welsh law was seen as the key feature of Welsh national identity. And by placing English laws and customs on Wales, Edward tried to control the indigenous population and make them more like their English neighbours. King Edward I also went after his lords personally, because of the rights they had claimed in years before, he did this by using the law as well. Edward was largely successful and forced the barons, like the Earl of Gloucester or the Earl of Hereford, to pay large sums of money to the crown or to give up certain lands. The barons were obviously unhappy with these measures, especially because the king was also waging a lot of wars. He waged expensive wars in Wales, Scotland and France. This brought Edward in further conflict with the barons, but a

civil war would be averted thanks to concessions in parliament. King Edward was not popular by any stretch, but he was a strong, capable warrior-king and he had the respect of his subjects and enemies alike. His personality and kingship could overcome the horrendous financial shape of the crown in the last decade of his reign, but his successor would have much more difficulty to overcome such odds.<sup>260</sup> Edward II was not able to avert civil war on multiple occasions. At the end of Edward I's reign, the Marcher lords were much less influential than they were at the start of his reign, mainly due to the judicial reforms of the king. So even though many Marcher lords played a vital role in the conquest of Wales and the death of Llywelyn ap Gruffydd, the last Prince of Wales, and there were a large number of nobles from both the Scottish and Welsh Marches in parliament, their power was now reduced.<sup>261</sup>

Edward II's reign saw certain Marcher lords return at the centre of power, with the Earl of Gloucester, Earl of Hereford and lord Mortimer of Wigmore all being very close to the king. These lords played a large role in the first decade of Edward's reign. The relationship between the king and Piers Gaveston was criticized heavily as the king lauded the French knight with gifts, but he had the support of many of the Marcher lords during this period. The Earl of Gloucester used his skill in diplomacy to avert civil war between the king and his cousin Thomas of Lancaster over this issue. But Gaveston fell in the hands of Lancaster eventually, which meant the end of him. The campaign in Scotland was a complete failure, and a huge blow to the Marcher lords, as the Earl of Gloucester lost his life on the battlefield of Bannockburn. Without a moderating voice, the king would go out to make the same mistakes as before, but now even worse. Father and son Hugh Despenser became the new favourites for the king and he lauded them with gifts and titles. Especially because the huge estates of the Clare family were now up for grabs, as the last earl died childless. Much has been said about the nature of the king's relationship with his advisors, especially between Edward and Hugh Despenser the Younger. It is impossible to know the full truth, whether they were in some sort of sexual relationship or not. Many have compared the relationship between Edward and Hugh the Younger to the earlier relationship between Edward and Piers Gaveston, which has some merit. But one should not forget that Edward grew up with Piers at his side, he even referred to Piers in official documents as his brother. This would explain why he would give him the title of Earl of Cornwall, which was usually reserved for men of royal blood. There is no evidence that the relationship between the king and Hugh the Younger was like that.

Edward's reliance on the ambitious and cruel Despenser would be his end. Queen Isabella was not happy with the fact that Hugh the Younger controlled her husband and her marriage. When she was allowed to leave England for France, she teamed up with Marcher lord Roger Mortimer. Together they gathered an army and invaded England successfully. Father and son Despenser were tried and executed, the Younger more harshly than the Elder. And the symbolic nature of this execution has

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<sup>260</sup> Prestwich, *The three Edwards*, 37.

<sup>261</sup> Prestwich, *Edward I*, 447

been the topic of wide research, especially in light of the possible sexual relations between the king and his former chamberlain. As I explained in that chapter, I think the evidence is not clear enough to get to that conclusion. Many of the symbolic parts of the execution have been used on other aristocratic traitors, and the charge of sodomy was serious, but it was used more often against political opponents in that period.

King Edward was then deposed by parliament and the *de facto* power now rested in the hands of Roger Mortimer, who now assumed the title of 'Earl of March', which did not exist before. This was an unprecedented power-grab, as Mortimer was now the first earl of a region instead of a town or shire. This combined with the extinction of the earls of Gloucester changed the March of Wales forever. Most of the power of the Marcher Lords was now in the hands of a single man, the Earl of March. There were still some lords with individual titles, which would grant them certain powers. An example of this is the Earl of Hereford, who was the hereditary constable of England. Hereford lacked an earl during the last years of Edward II's reign, because Humphrey de Bohun died in the civil war against the king. His son John was still a minor during this time. The Bohuns would play a big role in later reigns, and so would the Mortimer with their new title. But the heyday of strong independent Marcher lords was as good as over.

The Marcher lords were perhaps not a unified institution, but their power and influence were clearly recognized in thirteenth and fourteenth century England. The kings build their power on alliances with them, or tried to contain them. In this period of important parliamentary change the lords in the Welsh border region were incredibly influential through military action, manipulation, parliamentary action and use of the law in their favour. They had a clear sense of traditional Marcher laws and customs and they tried to protect those in any way possible. The struggle between the power of the nobility and the power of the king is clearly visible in the case of the Marcher lords, because they are among the most powerful nobles in the kingdom. It is therefore no coincidence that many kings have targeted their autonomous position, as they could be seen as a threat to the king's power and authority. The lords in the Welsh Marches changed a lot in the period 1258-1330, as their position was no longer essential to control the border region with Wales, after it was conquered. The power that had been enjoyed by these lords was now centralised in a single office, the Earl of March. We could therefore see the late thirteenth and early fourteenth century as the last stand of this unique lordship within English politics. The Marcher law would remain intact until it was abolished during the reign of Henry VIII, but the influence of the Marcher lords on English politics was largely over at that point.<sup>262</sup>

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<sup>262</sup> R. R. Davies, 'Law of the March', *Welsh history review* 5:29 (1970) 1-30.

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## Appendix: The most influential families of the March of Wales

### De Clare of Gloucester

The first and perhaps most important noble family in the March were the family of Clare, who held the title Earl of Gloucester. Clare was already a prominent family before they got their hands on the earldom of Gloucester. The first member of this family to hold this title was Gilbert de Clare in 1225.<sup>263</sup> Gilbert fought alongside his father Richard, Earl of Hertford, in the rebellion against King John. And he was one of the twenty-five barons that forced the king to sign and keep Magna Carta.<sup>264</sup> Gilbert and his father would reconcile with the royalists a few years later, thanks to the hard work of regent William Marshal. When Gilbert's cousin the Countess of Gloucester died, Gilbert inherited the earldom, and when his father died shortly after he also inherited the Clare estates of Hertford. This immediately made him one of the most important men in the kingdom.<sup>265</sup>

Gilbert de Clare died in October 1230 in Brittany in France, and left behind his eight year old son and heir Richard.<sup>266</sup> This was a dangerous situation for such an important earldom and family in the middle ages, because this would mean that their lands would be ruled for ten years by someone else, appointed by the king. The minority of Earl Richard is full of interesting stories of potential marriages and various nobles competing for the guardianship over the young boy, and it is a perfect example why nobles in the middle ages were terrified of the idea of leaving behind an heir who was a minor. After he was knighted in 1245 Richard quickly became an important player within the circles of English nobility. He went on pilgrimages to famous shrines in Spain and France, and he participated in tournaments on the continent, alongside members of the royal family. Over the following years, Earl Richard would be preoccupied with Marcher politics and waged various small wars against neighbouring Welsh lords. He managed to increase the power of the Clare family substantially, and when the Marshal lands were partitioned after the death of the last male heir, his family got a decent chunk of it.<sup>267</sup> But when in 1258 the Welsh seemed to unite under the banners of Llywelyn ap Gruffydd, the leader of the Welsh principality of Gwynedd, all Richard had secured seemed in jeopardy. There were however, more important things going on at that moment in the kingdom of England, which demanded his attention. The forming of a baronial movement, which culminated in the Provisions of Oxford.<sup>268</sup> Richard was central to many events in the years after the Provisions. And his difficult relationship with Prince Edward was well-

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<sup>263</sup> Altschul, *A baronial family in Medieval England*, 53-65.

<sup>264</sup> *Ibidem*.

<sup>265</sup> *Ibidem*.

<sup>266</sup> Altschul, *A baronial family in Medieval England*, 59-60.

<sup>267</sup> *Idem*, 66-80.

<sup>268</sup> Altschul, *A baronial family in Medieval England*, 79-80.

known.<sup>269</sup> Earl Richard and his successor Gilbert the Red would be significant players in the events that unfolded after the provisions. Richard had been a moderate voice during his later years in English politics, but his son would be none of that.

Gilbert the Red was Earl of Gloucester during the final decade of King Henry III's reign and the first few decades of Edward I's reign. He was instrumental in the defeat of Simon de Montfort and the baronial party, even though he forced the king to keep certain reforms.<sup>270</sup> In 1295 the Red Earl died and left behind a four year old son, also named Gilbert. This Gilbert was the last Earl of Gloucester from the senior branch of the Clare family. He held significant influence over King Edward II and he is credited with averting civil war a few times, which speaks to his political and diplomatic abilities.<sup>271</sup> Unfortunately, he was outdone by the same king. Edward ignored the advice of the young Gilbert and ordered him to march on the Scots without having rested from a previous battle. Gilbert de Clare was slain in the following skirmish at Bannockburn.<sup>272</sup> After the death of the last earl the lands of De Clare would be partitioned among the sisters of the last earl. The biggest part went to Eleanor, the wife of Hugh Despenser the younger.<sup>273</sup> And that would be complicate a lot of things for the other Marcher lords.

### **De Bohun of Hereford**

Another well-established family in the March was De Bohun. They were the earls of Hereford and hereditary constables of England. De Bohuns were already among the important nobles of the realm, before they were granted the title of earl. As Humphrey III de Bohun had served Henry II as constable of England, and that would be the hereditary title for the family thereafter.<sup>274</sup> His son Henry was created Earl of Hereford in 1199 by King John, but as with most English nobles during Lackland's reign, he fell out of favour. Henry joined the rebels and was one of the twenty-five 'enforcers' of the Magna Carta.<sup>275</sup> Along with the title of constable of England, this earldom would remain in the Bohun family for the next two centuries.

Humphrey de Bohun played a key role in the drafting of the Provisions of Oxford, during the reign of Henry III. There was a council of eleven laymen, led by four of the most influential earls in the land: Roger Bigod, Earl of Norfolk, Simon de Montfort, Earl of Leicester, Richard

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<sup>269</sup> Carpenter, *The reign of Henry III*, 243-245.

<sup>270</sup> Walker, *Medieval Wales*, 111-138.

<sup>271</sup> Phillips, *Edward II*, 125-191.

<sup>272</sup> Idem, 228-237.

<sup>273</sup> Altschul, *A baronial family in Medieval England*, 165-174.

<sup>274</sup> G. White, 'Bohun, Humphrey de', *Oxford dictionary of national biography* (Oxford 2004) Online:

<http://www.oxforddnb.com.ezproxy.leidenuniv.nl:2048/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-2774?rskey=fNCHAf&result=3> last viewed on 14-4-2018.

<sup>275</sup> D. Walker, 'Bohun, Henry de', *Oxford dictionary of national biography* (Oxford 2004) Online:

<http://www.oxforddnb.com.ezproxy.leidenuniv.nl:2048/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-2773?rskey=mMm0Vr&result=1> last viewed on 14-4-2018.

de Clare, Earl of Hertford and Gloucester, and Humphrey de Bohun, Earl of Hereford and Essex.<sup>276</sup> He was also one of the main royalist leaders in the second barons' war.<sup>277</sup>

His successors kept fulfilling important jobs for the king. Humphrey VI de Bohun was among the lords leading the English troops into Wales during the conquest. And the Earl of Hereford was also present at the disaster at Bannockburn. According to established hereditary rights, Humphrey should have been the one leading the English vanguard as constable of England, but after a lot of arguing the king appointed Gilbert de Clare as leader of the vanguard.<sup>278</sup> In this same battle Humphrey's cousin Henry, hungry for glory and eternal fame, charged at Robert the Bruce. The king of Scots acted quickly, stepped aside and split the helmet and head from the young knight in two.<sup>279</sup> This thesis is adorned with an immortalization of this moment.

When King Edward II found new favourites in the Despensers, the Earl of Hereford was among the most vocal critics of this move. During a battle against a royal party Humphrey VII de Bohun died and his lands were forfeited by the crown. His son John would not be able to inherit these lands until after the fall of the Despensers.<sup>280</sup> During the reign of Edward III the Bohuns would again be playing a major role, but after the death of Humphrey VII their role in the reign of Edward II was as good as over.

### **Mortimer of Wigmore**

The Mortimers were not as established as the Clares or Bohuns were at the start of Henry III's reign, but through their efforts and loyalty to the crown they were able to build a significant presence in the March, and later in Ireland as well. Unlike the families discussed above, the Mortimers did not have the title of earl in the twelfth or thirteenth century.<sup>281</sup> There were multiple branches of the family, but the main branch were the lords of Wigmore castle. The Mortimers were granted this castle after William I gave it to one of his men, Ralph de Mortimer in the eleventh century.

During the second barons' war, the Mortimers firmly sided with the king against de Montfort. And Roger Mortimer was personally at the centre of most of the military action in this war. He had taken some castles belonging to Simon de Montfort, while De Montfort's men had temporarily taken Wigmore castle.<sup>282</sup> As a symbol for the loyalty of the Mortimers and the amount of suffering De Montfort had put upon them, the chopped-off head from the Earl of Leicester was presented to the wife of Roger Mortimer at Wigmore castle.<sup>283</sup> He is also credited by some with killing De Montfort

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<sup>276</sup> Carpenter, *The reign of Henry III*, 88-93.

<sup>277</sup> J. R. Maddicott, *Simon de Montfort* (Cambridge 1994) 248.

<sup>278</sup> Phillips, *Edward II*, 226-230.

<sup>279</sup> *Idem*, 230.

<sup>280</sup> Phillips, *Edward II*, 517 and 532.

<sup>281</sup> They would become earls in 1328, but that is long after Henry III.

<sup>282</sup> Maddicott, *Simon de Montfort*, 261-265.

<sup>283</sup> *Idem*, 344.

himself, as well as one of his most important allies, Hugh Despenser.<sup>284</sup> And the killing of the latter would come back to bite the Mortimers, half a century later. Roger and his son Edmund were also vital players in the conquest of Wales. The activities of Roger Mortimer and other lords in the March in the 1270s was a reason for Llywelyn ap Gruffydd to complain to the English king.<sup>285</sup> Roger Mortimer was also made captain of the English army at Montgomery, before they went into Wales.<sup>286</sup> A few years later, in the middle of the struggle against the Prince of Wales, Roger Mortimer died in October 1282. The loss of such an important lord in these times would be a serious setback for the English, and they tried to convince the king to hand over the lands to Edmund Mortimer as quickly as possible.<sup>287</sup> And as he was vital to the plans of invading Wales, Roger was to lead the central part of the army in a three-pronged attack on Llywelyn's holdings. Edward took swift action as he put Roger Lestrage, another well-connected Marcher Lord, in charge of Mortimer's armies.<sup>288</sup>

Edmund Mortimer played a vital part in the fall of Llywelyn ap Gruffydd. Together with his brother Roger and the Marcher lords John Giffard and Roger Lestrage, he devised a trap to kill Llywelyn. They were successful and the Prince of Wales was killed.<sup>289</sup> After the conquest of Wales, the Mortimers were well rewarded for their effort in the war. Interestingly, the Earl of Gloucester and the Earl of Hereford were not rewarded with land at all.<sup>290</sup>

The most famous member of this family is the son of Edmund Mortimer, another Roger Mortimer. This is the man who would be put in charge to bring peace to Ireland, and repel the invasion from the Scots under the leadership of Edward Bruce, the brother of the king of Scots.<sup>291</sup> But he is probably most famous for his coup and alleged murder of Edward II. Especially because he did this together with Edward's wife and queen, Isabella. During his short stint in power from 1327 to 1330 he was styled Earl of March. This title stayed in the Mortimer family for the next century and this was a unique title, as it was no longer an earl named after a county, town or castle, but after a whole region.<sup>292</sup> Eventually, Roger Mortimer would exceed his limits and the new king Edward III could not accept his role any longer, Mortimer would be tried for treason and executed.<sup>293</sup>

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<sup>284</sup> Maddicott, *Simon de Montfort*, 342. I. Mortimer, *The greatest traitor: The life of Sir Roger Mortimer, ruler of England 1327-1330* (London 2003) 8.

<sup>285</sup> Prestwich, *Edward I*, 175-176.

<sup>286</sup> Prestwich, *Edward I*, 175-176.

<sup>287</sup> Idem, 190-191.

<sup>288</sup> Lieberman, *The medieval March of Wales*, 133-134.

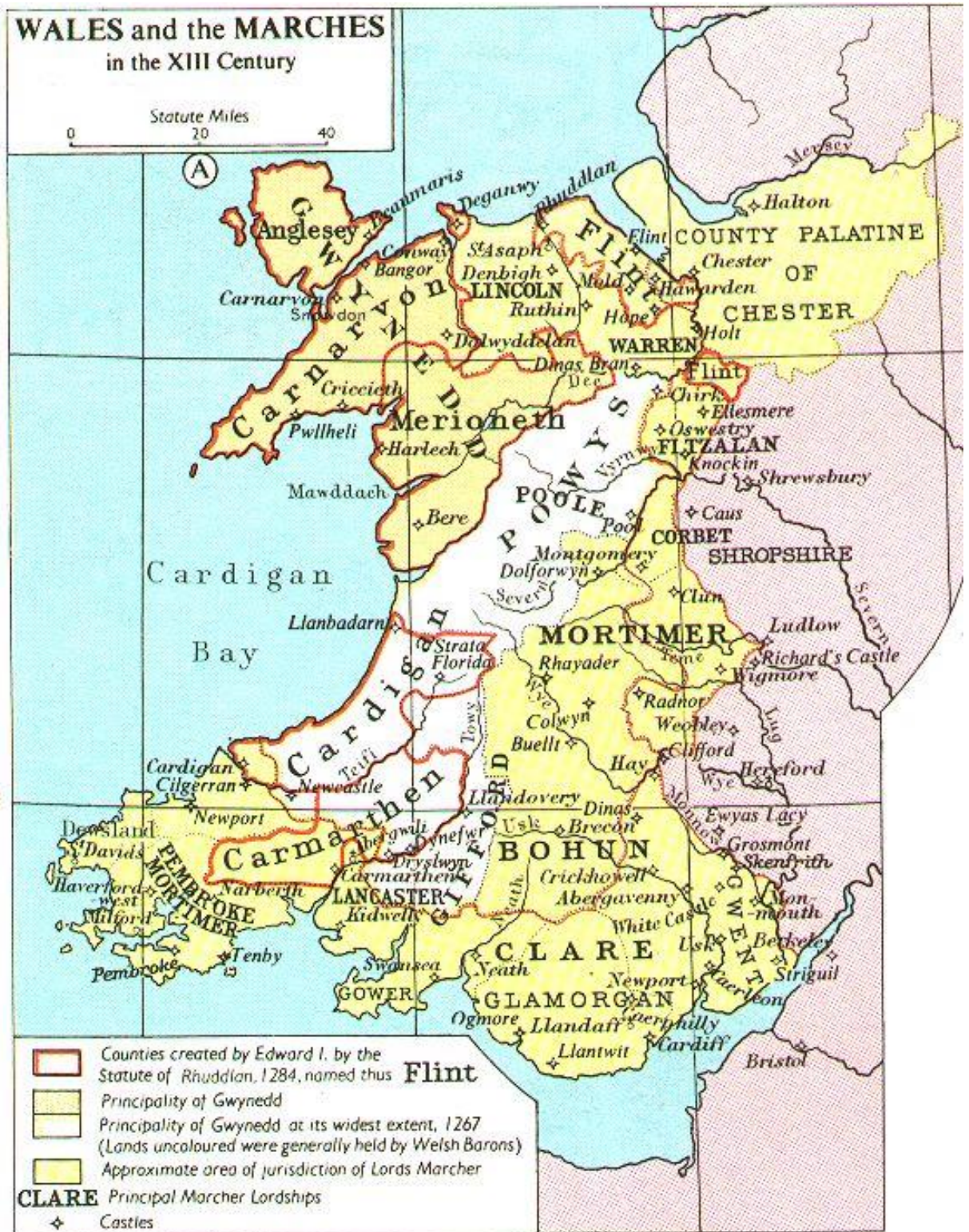
<sup>289</sup> Cavell, 'Intelligence and intrigue in the March of Wales', 1-19.

<sup>290</sup> Prestwich, *Edward I*, 204.

<sup>291</sup> J. Lydon, 'Ireland: Politics, government and law', in: S. H. Rigby, *A companion to Britain in the Later Middle Ages* (Oxford 2003) 335-356.

<sup>292</sup> Mortimer, *The greatest traitor*, 214-215.

<sup>293</sup> M. Prestwich, *The three Edwards: War and State in England, 1272-1377* (Oxford 2003) 192.



Source: R. Muir and R. F. Treharne ed., *Muir's Historical Atlas* (London 1964).