

***PRO AMORE DEI: DIPLOMATIC EVIDENCE OF SOCIAL CONFLICT***  
**DURING THE REIGN OF KING JOHN**

by

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**Charter Chronology**

It is now clearly established that when William the Conqueror ascended the English throne in 1066 he introduced to the royal chancery the then-current Norman practice of issuing charters without dates. This custom continued until the reign of Richard I (1189-99), when, for the first time, dated charters were regularly issued from the royal chancery. It was not until the early years of the reign of Edward II (1307-27), however, that dates were commonly included in private charters. It is estimated that at least a million private charters have survived as originals, or as copies in cartularies, from that nearly 250-year period. Of these, approximately eight percent are dated within the charter, increasingly so with the passage of time, but even at the turn of the fourteenth century the percentage remains modest.

The primary objective of the DEEDS Project at the University of Toronto is to develop a computerized methodology for dating the undated medieval charter, and more specifically for dating English examples from the time of the Norman Conquest in 1066 to the end of the reign of Edward I in 1307. To this end, the Project is building a corpus of dated charters from the period which have been published. One hundred and fifteen printed collections containing over 58,000 entries have been searched, and over 7,000 charters have been extracted which either include dates, or to which dates have been

assigned by the editor. Charters given year dates by their editors increase the ratio of dated to undated examples from eight to approximately twelve percent. In terms of the overall makeup of the corpus, only three percent of the entries belong to the period before 1150. In contrast, the half century from 1151 to 1200 is represented by sixteen percent, the next half century to 1250 by thirty-seven percent, and the remaining period by forty-four percent.

The method developed at DEEDS for attributing dates to undated charters compares the vocabulary of a given document to the vocabulary of dated counterparts in the corpus. The dates of dated charters bearing similar vocabulary are later used to compute the date estimate of the charter under examination.

DEEDS research has led increasingly to the study of words and phrases in context as a means of analyzing the diplomatic of entries in the corpus, and of identifying therein indications of major historical change. The present discussion will be devoted to a consideration of the more than 500 private charters in the corpus issued during the reign of King John of England (27 May 1199 to 19 October 1216) (Fig. 1). In particular, it will attempt an initial response to the question raised by C.R. Cheney in 1948: “What was the effect of the Interdict on the religious life and practices of the people of England?”<sup>1</sup>

As anyone who has read even the briefest account of English medieval history knows, John had a very troubled reign. In what follows, we will consider first John’s relations with the Church and the barons, and then turn to an examination of how the political and social situation is reflected in the wording of private charters issued during his reign. This diplomatic evidence is given visual expression by the accompanying charts, all of which are based entirely on information derived from the DEEDS corpus.

With the exception of figure 1, which is based on actual numbers, all lines charted represent frequency counts of words and phrases for each charter relative to the total number of charters available for any given time. In order to place these words and phrases in a broader historical context, most charts reflect their occurrence from 1185 to 1241.

#### JOHN AND THE CHURCH

King John's relationship with the Church, and especially with Pope Innocent III, is best known for the Interdict placed on England from 1208 to 1214, which also resulted in John's excommunication from 1209 to 1213.<sup>2</sup> This controversy was but one aspect of the long struggle for power between the pope and the English king. The most evident point of contention was that of lay investiture, and the Interdict of 1208 was the direct result of the dispute over the appointment of the archbishop of Canterbury in 1205.<sup>3</sup> However, there had been confrontations between Innocent and John prior to the Canterbury election of 1205 over the prolongation of vacancies and royal appointments to ecclesiastical offices, both of which were continuations of Angevin practice. The threat of interdict was, therefore, a constant presence throughout John's reign.<sup>4</sup>

Without John's consent, Stephen Langton was consecrated as archbishop of Canterbury by Innocent on 17 June 1207. Consequently, John refused to accept Stephen into England, and by August 1207, Innocent first threatened an interdict.<sup>5</sup> On 21 January 1208, John initiated negotiations for peace, as he continued to do throughout the Interdict, by indicating to the bishops chosen by Innocent to act as executors that he was ready to accept the pope's terms, provided that his royal rights, dignities, and liberties were preserved.<sup>6</sup> These "royal rights" included the more specific preservation of royal appointment, or at least consent, to ecclesiastical offices. The election of his candidate

for archbishop of Canterbury, John de Gray, had been quashed as uncanonical by Innocent. Control of this appointment to the most important apostolic see in England was not something John was willing to lose. He and Simon Langton, brother of Stephen, probably met on or around 12 March 1208. In a letter to his barons dated 14 March, John wrote that Simon had insisted that the king should place himself at his mercy in order to preserve the royal rights and dignities.<sup>7</sup> Simon had asked John to do the unacceptable. John refused and the negotiations broke down. Aware that the Interdict would be published shortly, John then issued a mandate to his bishops stating that control of all ecclesiastical lands and materials would be seized by royal custodians from anyone who did not celebrate divine service on March 24.<sup>8</sup>

Historians well versed in the events of John's reign have argued that the king recognized an opportunity to increase the royal revenue through the confiscation of all ecclesiastical land in the weeks after the Interdict was published.<sup>9</sup> The monastic chroniclers and the Close Roll for 1208 support this suggestion, although there does not seem to be any evidence of fines paid to the king for land grants to ecclesiastics which took place in the weeks immediately after the Interdict was imposed, the time when the Close Roll offers most evidence of such grants.<sup>10</sup> C.R. Cheney has repeatedly stated that one cannot argue from silence, and he was undoubtedly aware of this lack of evidence. Despite this realization, he was still reluctant to suggest that the mass land confiscation of 1208 was not lucrative for John. However, A.L. Poole proposed that the first two years of the Interdict were not extortionate, and that the royal revenue was not abnormally swollen from ecclesiastical sources.<sup>11</sup> A renewed look at the surviving evidence, or lack

thereof, strengthens the argument that John did not receive the wealth from the land confiscations of 1208 that historians have previously suggested.

A closer inspection of entries on the Close Roll for 1208 reveals that many of the recipients of land which had been taken into the king's hand '*occasione interdicti*' were loyal to the king.<sup>12</sup> In other situations, the confiscated land was granted to a royal custodian,<sup>13</sup> or it remained in the hand of the king, as in the case of vacancies.<sup>14</sup>

However, the question of revenue from fines for these lands has still not been answered. Any evidence in the Pipe Rolls for fines due to the king in 1208 for the return of land appears to be concerned only with monastic properties in Normandy.<sup>15</sup> In fact, the record of wealth entering the royal coffers in later years, and the reward to his royal servants of the revenues from vacant sees, demonstrates that John's main source of income from land confiscated during the Interdict was from those bishops who fled or were exiled.<sup>16</sup>

According to the Pipe Roll for 1209, John fitz Hugh, a professional royal servant, accounted for the profits from the sale of stock from the newly-vacant bishopric of Salisbury.<sup>17</sup> On 17 May 1209, Ralph Parmentarius accounted for the profits of Lichfield, Ely, Durham, and London.<sup>18</sup> Accounts for London, Worcester, and York do not appear on the Pipe Roll until 1212.<sup>19</sup> These examples demonstrate that any money entering the royal coffers was received after 1208, and came primarily from the vacant bishoprics.

John's treatment of the monastic orders throughout the Interdict is often confusing and contradictory. When the Interdict was published in 1208, the entire Cistercian Order was apparently rewarded for its defiance of the papal mandate by the return of its lands on 4 April 1208.<sup>20</sup> It has been suggested that this grant was a reward for the order's initial non-compliance with the Interdict, a non-compliance which was based on the

claim that its privileges made it exempt. Not only did Innocent call the Cistercians to order in August 1208<sup>21</sup> and again in February 1209<sup>22</sup> for their defiance of the Interdict, but one chronicler writes that when Innocent mitigated its severity in January 1209, allowing conventual churches to observe mass once a week, the order was excluded as punishment for its earlier disobedience.<sup>23</sup> However, according to the Close Roll, the Cistercians were not the only order to receive back all their lands.<sup>24</sup> As Cheney has shown, these sweeping grants to a number of monastic orders produced contradictions within the Close Roll.<sup>25</sup> Furthermore, there is no evidence that these orders had also refused to obey the Interdict, which leads one to question whether or not the land grant to the Cistercians on 4 April 1208 was, in fact, a reward for their defiance.

Although the Benedictine Order did not recover all its possessions, some individual Benedictine monasteries are included as recipients of land grants.<sup>26</sup> Nevertheless, in November 1209, shortly after his excommunication, John became much more violent and hostile toward the orders, starting with the Benedictines.<sup>27</sup> It would appear that all monastic and ecclesiastical institutions suffered at the king's hands at one time or another throughout the Interdict. However, the evidence for any of these monasteries fining for their land, specifically on account of the mass confiscations of 1208, is still lacking. As a consequence, there is reason to doubt that the said confiscations enriched the royal treasury, especially since so much land was handed back to the Church within weeks of its having been taken into the king's hand.

Although John was unwilling to compromise the principle for which he was fighting, by 1212 the Interdict had begun to interfere seriously with his political ambitions. After his excommunication in the autumn of 1209, baronial resistance to his

military campaigns overseas increased significantly, and the rumored deposition and threatened French invasion of England compelled the king to initiate final peace negotiations. John's appeal to Innocent in 1212 resulted in the surrender of England and Ireland as papal fiefs, the raising of the excommunication in July 1213, and the removal of the Interdict in July 1214.

### **JOHN AND THE BARONS**

The reasons for John's submission to the pope in 1213 are inseparable from his relationship with both his barons and the king of France. The resistance to military service abroad and isolated petty rebellions by the English barons throughout John's reign played a significant role in his submission to Innocent in 1213, as well as his failure to recover Normandy in 1214. The Angevin kings of England had introduced measures which caused the gradual alienation of the barons from royal administration. The increased use of sheriffs and itinerant justices put the king in direct communication with knightly landholders, undermining the barons' old role as intermediaries between their men and the royal government.<sup>28</sup> None of John's great officials came from the old nobility; nor did his inner circle of royal servants. The king recognized the importance of surrounding himself with favored men who owed their positions to him. This dependence made them more easily manipulated than the old barons who had wealth, status, and power independent of the royal court.

The war of 1202-1204 with the king of France, which resulted in the loss of Normandy, had a significant impact on relations between John and his barons in England.<sup>29</sup> The lords who held fiefs in both England and France were obliged to join either John or Philip. However, William Marshal, earl of Pembroke, was able to hold his

Norman lands after 1204, having done homage to Philip Augustus in 1205 with John's permission.<sup>30</sup> Other barons appear to have shared the same privilege towards the end of John's reign.<sup>31</sup>

In 1205, and indeed throughout the rest of his reign, John sought to undertake military campaigns to regain the lost continental lands. Such overseas voyages were expensive, and John's methods of taxation in order to raise money were directed primarily at his barons.<sup>32</sup> Resistance by the magnates prevented John from proceeding with the campaign of 1205, and from 1207 to 1212 his controversy with the papacy, as well as his military forays into Ireland, Scotland, and Wales, forced him temporarily to abandon his continental plans. By 1212 the English baronage had grown restless under the Interdict. Their association with an excommunicate king, who had allied himself with the excommunicate Emperor Otto IV, posed a threat to their own spiritual status. That year witnessed the beginning both of organized resistance to John's policies and of his final crisis, which would only end with his death in October 1216.

In the summer of 1212, with his northern and western borders secure, John began to plan another expedition across the Channel. On June 1 he ordered an inquest into feudal tenures and services,<sup>33</sup> followed by orders to his chief lords on June 15 to provide men ready to cross the sea with him.<sup>34</sup> These actions are indicative that the baronial conspiracy which developed at this time was in response to an awareness that exaction of feudal service was imminent.<sup>35</sup> The defection to Philip Augustus of John's son-in-law revealed a widespread conspiracy among the Northern English baronage, which led to the flight of Robert fitz Walter to Paris, and Eustace de Vesci to Scotland.<sup>36</sup>



Shaken not only by the baronial revolt and rumors that Innocent would depose him, but also by the imminent invasion of England by Philip Augustus, John was obliged to reopen negotiations with the pope in 1212. The king also changed his policy towards his barons, which included a confusing mixture of concessions to his magnates, coinciding with demands for hostages and money as security against another uprising.<sup>37</sup> Besides Robert fitz Walter and Eustace de Vesci, it is not easy to identify the other rebels. However, the fact that John marched north immediately after discovering the plot, and that his concessions and demands fell primarily on his northern barons, suggest that the region was the chief source of trouble for the king.<sup>38</sup>

By March 1213, John was planning another campaign into Poitou. Baronial resistance due to his excommunicate status forced him to abandon his mission once again.<sup>39</sup> However, by the end of July the terms of John's peace with the pope had been made official with Stephen Langton's entrance into England. Once the agreement was published, John's barons were ordered to stand by him against King Philip, and were threatened with excommunication if they supported the French invader.<sup>40</sup> With the excommunication lifted, the barons required a new reason to refuse military service overseas. Claiming that they were bound by feudal oath to serve only on campaigns in England, Normandy, or Brittany, they continued into the autumn of 1213 to resist John's Poitevin campaign. On 28 October 1213, Innocent intervened on behalf of his feudal tenant and ordered all John's subjects to remain faithful to their king and his heirs.<sup>41</sup> John marched north to confront his recalcitrant barons, but then on 1 November at Wallingford, he promised to restore their ancient rights.<sup>42</sup> This pledge, in combination with the renewal of concessions throughout 1213, as in the previous year, suggests that

the refusal of service by the barons in 1213, and again in 1214, had more to do with forcing concessions from the king than refusal of overseas service.<sup>43</sup> John's attempts at appeasement in 1213, unlike those in 1212, were directed primarily towards the magnates of the eastern counties.<sup>44</sup>

When John finally set sail for Poitou in February 1214, his army consisted largely of foreign mercenaries from the Low Countries. The rate of scutage demanded from his barons for this expedition was three marks per knight's fee, the highest in the history of the tax.<sup>45</sup> However, on July 27, the defeat of the allies at Bouvines ended John's hopes of regaining his Continental lands, and set the scene for civil war in England. When the king returned to England on 15 October 1214, baronial resistance was stronger than ever. There was a widespread refusal in September 1214 to pay the scutage that was due by the barons who had refused to send military aid to Poitou. Not unexpectedly, the eastern and northern counties were predominant in this boycott. There is no account whatsoever of the scutage for Yorkshire, Lancashire, Essex, and Hertfordshire, and very little for Norfolk or Suffolk.<sup>46</sup>

Negotiations were futile, and the barons renounced their fealty to John on 5 May 1215. On 12 May, the king ordered the seizure of their estates.<sup>47</sup> The war between John and the barons had begun. At the outset, John held the winning hand. He had the support of the pope and the law, and had spent much of his time since his return to England securing allies.<sup>48</sup> The barons captured London on 17 May, at which time many of John's allies deserted him and, having lost his advantage, the king was forced to capitulate. On Monday, 15 June 1215 the two parties met in the meadow at Runnymede. Four days later, the charter of liberties known as Magna Carta was signed.

The terms of the Charter were unsatisfactory to both John and the northern barons and civil war broke out by the end of the summer. This conflict seriously impeded Innocent's plans for a crusade so he threatened to excommunicate anyone opposing the king.<sup>49</sup> He then condemned the charter on 24 August 1215, arguing that it infringed upon John's God-given rights as king. Sometime in September or October, the rebel barons sent a delegation to Philip Augustus promising the English throne to his son, Louis, if he would come to their aid.<sup>50</sup> In response to this action, Innocent excommunicated many of the twenty five barons, along with their sons, in December 1215.<sup>51</sup>

Between December 1215 and April 1216, John regained the upper hand in the civil war.<sup>52</sup> By April, many of the twenty five barons of Magna Carta had either submitted to him, or were negotiating to do so.<sup>53</sup> John's main concern by late spring was the threat of invasion from France. The south-east coast of England was firmly in his control, while the strength of the rebels lay primarily in their occupation of London. The arrival of the French prince in Kent on 21 May 1216 upset the fragile balance. Louis reached London by June 2, and the subsequent weeks saw the defection of John's most powerful allies: the earls of Salisbury, Arundel, and Warren. The king's control of the south-east coast slipped away, and by the end of the summer, he held only the western counties. John finally succumbed to illness on 19 October 1216, having continued to fight the rebels until days before his death. Peace with the young King Henry III was made a year later, with the re-issue of the charter of liberties in 1217.

#### **THE EVIDENCE FROM DATED PRIVATE CHARTERS**

Prior to the loss of Normandy on 21 June 1204, it was not unusual for French and English barons to hold properties on both sides of the Channel. As a consequence, when

these lords or their king issued charters, they not infrequently addressed them to all their men “French and English” (“Francis et Anglicis”, or “Franc[igen]is quam Angl[ic]is”) (Fig. 2). Seventy of the seventy-three times the expression occurs in the DEEDS corpus are dated before 21 June 1204, the last being 1 May.<sup>54</sup> Two of the remaining three have been dated by their editor to 1214-16, based upon the appearance of the title of Geoffrey de Mandeville as earl of Essex and Gloucester,<sup>55</sup> while the third, issued by William, earl of Warenne, bears an internal date of 1218.<sup>56</sup> Another charter with a similar form of address was issued, according to its rubric, in 1211 by the king’s chamberlain, Warin fitz Gerold.<sup>57</sup> These post-1204 occurrences of the address strongly suggest that these members of England’s baronage controlled land on the Continent after the loss of Normandy. William Marshal certainly did.<sup>58</sup> Geoffrey de Mandeville is suspected of doing homage to Philip Augustus in 1215,<sup>59</sup> as William de Warenne did in 1216.<sup>60</sup> Generally speaking, John’s agreement with Philip Augustus over the division of lands held by their tenants in England and France was immediately reflected in charter diplomatic; exceptions, too, would seem to have been governed by the historical record. As additional occurrences of the address to “French and English” are found postdating the loss of Normandy in 1204, historians may discover that John’s agreement with Philip over the separation of lands held by their tenants in France and England was not as seamless as has previously been thought, and either that a number of magnates were able to retain their feudal ties in both territories despite England’s loss of control over Normandy, or that they were granted them back by doing fealty to Philip Augustus as John’s regime showed signs of collapse in 1215.

The effect of John's long-standing confrontation with the papacy over the election of the archbishop of Canterbury is similarly, if more subtly, obvious from the appearance or absence of numerous expressions in contemporary private charters. Scholars have long pondered why the Interdict, published on 23 March 1208, endured as it did for over six years, until 2 July 1214. Its purpose was to deprive lay society of all ecclesiastical sacraments, except the baptism of children, marriage, and the administration of last rites to the dying,<sup>61</sup> in the expectation that sufficient discontent would be engendered to oblige their king to submit to the will of the pope over his choice of a successor to the see of Canterbury. If documentary evidence provides little overt indication of the degree of such discontent, it is clear that there was no lack of awareness that the Interdict was in place, and that it was formally acknowledged and respected.

When first approaching the subject of the Interdict as revealed by charter terminology, it was anticipated that changes would be found in the vocabulary used to describe spiritual matters and the Church. Not surprisingly, these changes are visible in many so-called standard charter formulae, starting with forms of address in the protocol. The charters for the seventeen years of John's reign provided sixteen general forms of address with spiritual content and nineteen without; that is, a slight predilection for the non-ecclesiastical. While such preference might be expected during the course of a reign which experienced so much conflict between Church and State, the difference in number is not remarkable. What is noticeable is the relative occurrence of certain lay expressions at crucial periods during the reign. For example, the very common initial notification clause "Nouerit uniuersitas uestra" (Fig. 3), has a particularly high overall currency during John's reign. This choice is especially obvious in the years leading up to the

disputed election in 1205, followed by a marked decrease carrying it through the pronouncement of the Interdict and John's excommunication to 1211. Thereafter its percentage increase rises to an all-time high in the years 1215-17. This latter period witnessed the baronial rebellion, the promulgation of Magna Carta, the death of John, and the ascent to the throne of the boy-king, Henry III.

Not unlike this example is the case of "*Sciatis presentes et futuri*" (Fig. 3). It begins its rise in 1203, continuing to a high in 1211, descending rapidly in the years 1212-14 before regaining ground to reach its maximum for the century in the period 1215-17. The decline following 1211 may signal a degree of relief experienced by the population as a whole, translated into a freer use of pious expressions, when the king re-entered negotiations with the papacy over the ending of the Interdict and his excommunication. Regardless of the temporal variations in usage, these lay forms do consistently better than those bearing spiritual content during the period from 1205 to the end of John's reign.

Among the most common with religious content is "*Omnibus/Uniuersis Christi fidelibus*" (Fig. 3). Its use diminishes quickly from 1205, but picks up again from 1211, also apparently reflecting the renewed air of confidence which followed the re-opening of mediation between pope and king. Another address, "*Omnibus sancte matris ecclesie filiis*" (Fig. 3), experiences a general decline in popularity from c. 1175 to the end of the period under consideration, with the exception of the years 1197 to 1205, when, in a dramatic return, it comes close to its highest peak ever. A corresponding sharp decline is visible in 1206-08, and when the rebound occurs in 1215-17, it is brief. The percentage drop in the use of both expressions following the disputed election of the archbishop,

through the pronouncement of the Interdict and John's excommunication, would seem to reflect a reluctance by some to associate Christ and the Virgin Mary with their audience.

One of the many questions which arise over the Interdict is the extent, if any, to which it affected monastic institutions. According to the provisions of the Interdict as it was set out in 1207 and instituted in 1208, no ecclesiastical office was to be performed in England while it was in place, with the exception of those mentioned above. It was clearly intended to embrace the monastic arm of the Church, including the Cistercians who claimed that their privileges made them exempt.<sup>62</sup> By January 1209, however, the papacy mitigated the severity of this inclusion by allowing conventual churches which had observed the interdict to celebrate mass privately once weekly.<sup>63</sup> The essential objective was to deprive laymen of access to ecclesiastical offices, but not the cloistered communities who, in principle, had little to do with lay society. On the whole, it was understood that whatever went on in the monasteries was not considered to be done in God's service because one could not serve God when the country was under interdict. Grants made to religious institutions refer regularly to the house in question and to the brethren, canons, monks or nuns "serving God there" (*deo ibi(dem) seruientibus* or *ibi(dem) deo seruientibus*) (Fig. 4). The database contains 570 such references between the years 1088 to 1310, seventy-four of them belonging to the reign of King John. With but one exception, the references occur from 1138 with a gap of no more than one year to the end of the reign of Edward I. The exception is a very visible four-year hiatus between 15 April 1207 and 2 June 1211. One may surmise that the pronouncement of the Interdict and the events immediately preceding it led scribes throughout the realm to exclude the phrase "deo seruientibus" when drawing up grants to religious houses. While the Interdict

was issued formally on 23 March 1208, it was threatened as early as August 27<sup>th</sup> of the previous year and endured until 2 July 1214. Why then, according to the present argument, would the reference to monks and nuns serving God reappear as early as the middle of 1211? The answer seems to lie in the fact that John entered into serious negotiation with the papacy about the lifting of both the interdict and his excommunication in the summer of that year. Judging from the currency of related expressions, which disappear from our record around the time of the Interdict only to reappear during or after 1211, there seems reason to believe that there was a feeling of optimism in the air that God's work could soon once again be performed with papal approval. The fact that the papacy was itself becoming increasingly lenient in its interpretation of the Interdict's provisions, naturally encouraged this sense of reassurance.

The absence of "deo seruientibus" in grants to religious houses under interdict has counterparts in related circumstances elsewhere. Grants made to the Hospitallers while the Order maintained its headquarters in Jerusalem, are frequently addressed to the "beatis pauperibus sancte domus hospitalis Ierusalem et fratribus in eadem domo deo seruientibus". Following the fall of Jerusalem in 1187, however, grants are simply made to the same "et fratribus eiusdem domus", there being no members of the Order left in the city to serve God. While there is evidence that the Order was able to re-establish its hospital for a short period following the crusade of Frederick II in 1229, "deo seruientibus" remains absent because Frederick was an excommunicate at the time he took the city.<sup>64</sup>

We have ample evidence that grants were being made to the Church during the four-year interval between 1207 and 1211, although as far as the DEEDS corpus is



concerned, they appear to be relatively few in comparison with earlier and later periods. There are no references in this context to brethren,<sup>65</sup> canons or nuns; all are to monks and in their case we find grants issued simply “monachis eiusdem loci” without the expected “deo seruientibus”<sup>66</sup> (Fig. 4). The absence of grants to regular or secular canons may be due either to the random nature of the corpus, or to a contemporary short-term tendency in light of the Interdict to give preference to cloistered monks when making donations to religious institutions.

There are a considerable number of expressions embodying God and the spiritual realm which largely disappear from the record in 1207-08 and do not recur until 1211-12, or later. Many of them experience a particular resurgence in 1215-17. They are cited in the Appendix, and are accompanied by chronological charts. They represent only a portion of the terms and expressions which would appear to reflect a consciousness on the part of scribes, and undoubtedly English society as a whole, of the on-going conflict between King John and Pope Innocent III, and particularly of the restrictions engendered by the papal pronouncement of the Interdict in 1208. Our documentation is by no means complete, and a good number of the expressions cited continue to find occasional usage in the years following the placement of the Interdict and John’s excommunication. Additional evidence might alter the proportions either way, but the general trend seems very clearly to indicate a widespread malaise and uncertainty about the propriety of incorporating the invocation of divine intervention into the legal language of the day.

The extent to which sacraments were, or were not, performed during the Interdict finds subtle suggestion in the database. References to the holy sacraments (*sacramentum ecclesie/religionis*) (Fig. 5) are not uncommon, but the expression does not appear

between 1205 and 1215 and even those sacraments which were permitted are not mentioned during John's reign.<sup>67</sup> The same period is equally devoid of any mention of burial (*sepultura*) (Fig. 5). The prohibition against the burial of the dead in consecrated ground, which extended even to bishops who died during the Interdict,<sup>68</sup> may also have placed a taboo on references to cemeteries as boundary points in property transfers. Of the 170 occurrences in the corpus, dating from 1088 to 1338, there are none for the period 1208-1218.

There can be no doubt that the population under Interdict felt its spiritual security to be at great risk and the English took what measures they could afford to protect the well-being of their souls. Those who had the means sought protection in the spiritual realm by making donations to the Church. Progressively, from 1206 to 1217, and especially from 1212 to 1217, patrons issued charters "pro salute anime mee/nostre" and in "elemosina" (Fig. 6), as though by making gifts to the Church they could compensate for the absence of the sacraments. After John's death, there is a remarkable decline in the use of these expressions.

At the same time that Pope Innocent was trying to distance the people from their king, he had no intention of weakening the administration of the Church in England. However, while the number of presentations (*presentacio*\*) (Fig. 7) of clerks, parsons, rectors and vicars increases steadily during the course of John's reign up to and including 1211, there is a very sharp drop for the period 1212-1217, as also in references to advowsons (*advoca(cio)*\*) (Fig. 7).<sup>69</sup> The relatively high number of advowsons transferred to religious houses between 1205 and 1211 points to the concern of benefactors for their own spiritual well-being while Church and State were at serious

odds with each other. As the situation seemed to improve after 1211, laymen holding advowsons tended to retain them for their obvious economic advantages.

Doubts about the administration of the country as a whole seem to have arisen at the very moment that relations between Church and State appeared to be on the mend. This concern may well have resulted from a growing sense of insecurity accompanying the increasingly tense relationship between the king and his barons. That confrontation began to exhibit itself in the language of the Curia Regis for, whereas it was customary in Final Concords to name the justices before whom cases were brought in the king's court "et aliis baronibus domini regis tunc ibidem presentibus",<sup>70</sup> after 1209 the reference to "baronibus" is replaced definitively by "fidelibus"<sup>71</sup> (Fig. 8). This change, which corresponded closely with John's closure of the Court of Common Pleas at Westminster,<sup>72</sup> was almost certainly prompted by John's excommunication in November 1209. That event provided the barons, and many others, with due cause to distance themselves from him. From then on, it would only be those who were unquestionably "faithful" to the king who would enjoy a place in the Curia Regis. These, presumably, were John's "new men"; those he could count on for support. John was not responsible for inventing the change of terms. "Et aliis fidelibus domini regis" had been an alternative for "et aliis baronibus domini regis" since both expressions appeared in the record in the early 1180s. He, or his Chancery, was, however, accountable for the ultimate disappearance of the latter from the language of the Final Concord.

The substitution of *fidelibus* for *baronibus* went hand in hand with other subtle changes in the protocol of the Final Concord, exemplified by the four following phrases (Fig. 9):

*Fidelibus domini regis ibi(dem) tunc pr(a)esentibus* (88 oc. 1185-1209)

*Fidelibus domini regis tunc ibi(dem) pr(a)esentibus* (85 oc. 1187-1284)

*Domini regis fidelibus ibi(dem) tunc pr(a)esentibus* (9 oc. 1193-1241)

*Domini regis fidelibus tunc ibi(dem) pr(a)esentibus* (423 oc. 1201-1307)

Whereas *fidelibus domini regis* appears in the earliest Final Concord in the database, dated 1177,<sup>73</sup> there is a growing tendency from 1193 to express the phrase as *domini regis fidelibus*. Simultaneously, *ibi(dem) tunc pr(a)esentibus* lost ground to *tunc ibi(dem) pr(a)esentibus*. The definitive preference for placing *fidelibus* after *domini regis*, and *tunc* before *ibi(dem)*, took place sometime between 1209 and 1219. The only obvious model for the post-positioning of *fidelibus* lies in the expression *Christi fidelibus* (Fig. 9), for which the corpus provides 1,112 contexts from 1139 to 1377. By way of comparison, *fidelibus Christi* occurs only twice, once each in 1119 and 1201.<sup>74</sup> It seems possible that after all the problems of King John's reign, the royal chancery, or at least the scribes of the Curia Regis, had adopted the custom long established by the Church of placing "fidelibus" after the reference to the lord king. In so doing there was an implied association of faith between the king of Heaven and the king of the English. The change would have taken place as the monarch or his advisors sought to improve his image as a leader of men.

The lack of reference to the barons in Final Concords notwithstanding, their confrontation with John during the last years of his reign seems to have brought some aspects of work of the Curia Regis almost to a standstill,<sup>75</sup> and when his opponents took London on 17 May 1215, the government virtually closed down.<sup>76</sup> Cases leading to Final Concords brought before the justices, itinerant or at Westminster, between the end of

Trinity Term 1214<sup>77</sup> and John's death on 19 October 1216 are rare.<sup>78</sup> In fact, it is not until the second year of the reign of King Henry III (beginning on 28 October 1217), that such cases were again heard on a more regular basis.<sup>79</sup>

Not only was the core of the royal administration awry, judging from dating by his regnal year the country appears to have felt that John was on the verge of losing his throne several years before his death. We have no charters dated according to John's regnal year in 1215 or 1216, and only one in 1214, dating from the month of June.<sup>80</sup> His defeat, together with the Emperor Otto IV, at the battle of Bouvines took place on 27 July 1214. The defeat brought to an end Otto's rule as emperor, while John's hold on the throne must have seemed so precarious that scribes were uncertain his reign would continue. Talk of electing a new king was in the air.<sup>81</sup> As a consequence, scribes chose to date rather by "anno (ab incarnatione) domini" than by "anno (regni) regis", for God's kingdom was considered to be a more secure source of chronological reference than the king's (Fig. 10). As far as John's capacity to raise funds for his military expeditions is concerned, we remember that at least some of the barons refused payment of scutage in 1214. The absence of references in the corpus to *scutagium*, *servicium forinsecum*, or *servicium (domini) regis*, in 1211, 1213 and 1214 suggests that the refusal was broadly based and began earlier. In fact, such references are sparse from 1208 through 1214 (Fig. 11).

Changes in charter diplomatic point both to events concerning Church and State, and to those of a singularly lay nature. Even though it may not be possible to identify the catalyst for change, change there always is and it can be associated with very distinct moments in history. The preceding is but a brief introduction to what may be ascertained

from a detailed examination of word-patterns in large numbers of charters over time, even over very short periods of time. It is clear from such examination that the way in which charters are composed provides a direct and immediate reflection of contemporary events. The foregoing remarks have concentrated on the reign of King John, but the method could be applied to any period for which the charter record is reasonably well represented. Charters provide the least broken source of documentation for the two and a half centuries of English history following the Conquest; by directing the right questions to them they can be used to reveal aspects of social change which are otherwise entirely undocumented.

# APPENDIX

*Christo, in.* (Fig. 12). This expression invariably appears in charters issued by bishops or abbots referring either to the addressee, or to themselves. The expression is not used, however, from 1207-13, except in a charter issued in 1208 by John de Grey, bishop of Norwich, to a prior in Normandy.<sup>82</sup> There would appear, therefore, to have been a proscription on its use in England during the Interdict. It is never interchangeable with “in Domino”, which in the period 1206-14 is preceded by one of the following: *eternam, petens, salutem, ualete*.

*Dei, pro amore* or *pro dei amore*. (Fig. 13). The phrase is not uncommon in the twelfth century, but for all intents and purposes it is abandoned after 1205. With few exceptions, the circumstances surrounding the disputed election of the archbishop of Canterbury and the Interdict appear to have rendered it incompatible with contemporary attitudes.

*Deus* (all forms). (Fig. 6). References to “God” experience a remarkable decline after 1205, and an equally remarkable increase after 1211. The term is the single most common indicator of popular feeling during John’s troubled reign.

*Diuin(us)* (all forms) (Fig. 6). During John’s reign, this term follows a course very similar to that of “Deus”.

*Domino, Salutem in.* (Fig. 14). The phrase experiences a sharp fall after 1205. Eighty-six percent of the occurrences in the period 1209-11 are in charters issued by John de Gray, bishop of Norwich, King John’s candidate for appointment to the disputed archbishopric of Canterbury. Without the charters of John de Gray, who as a faithful supporter of the king allowed himself the use of vocabulary otherwise

generally avoided during the Interdict, the salutation in God's name would have been negligible during this period.

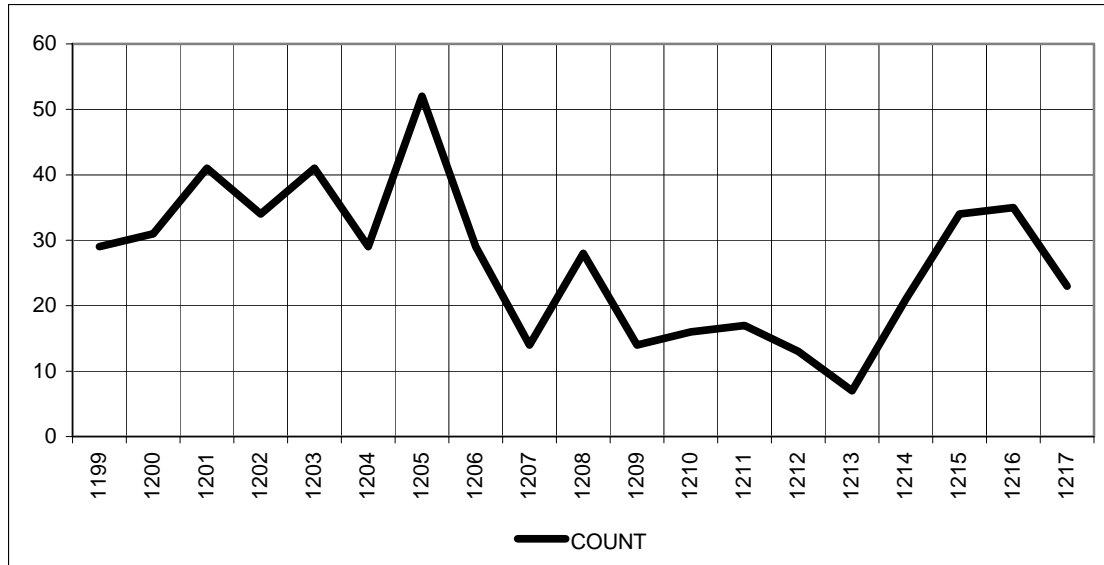
*intuitu, caritatis/diuvine pietatis*, and *intuitu dei* (Fig. 15). Charters issued "for the sake of God", "charity" or "divine piety", find meagre expression between 1205 and 1212, as also in the final years of John's reign.

*Necessitas* (all forms) (Fig. 16). The period 1212-17, and especially 1215-17 experiences a considerable increase in the issuing of charters "in magna necessitate mea". The trend dissipates immediately after John's death.

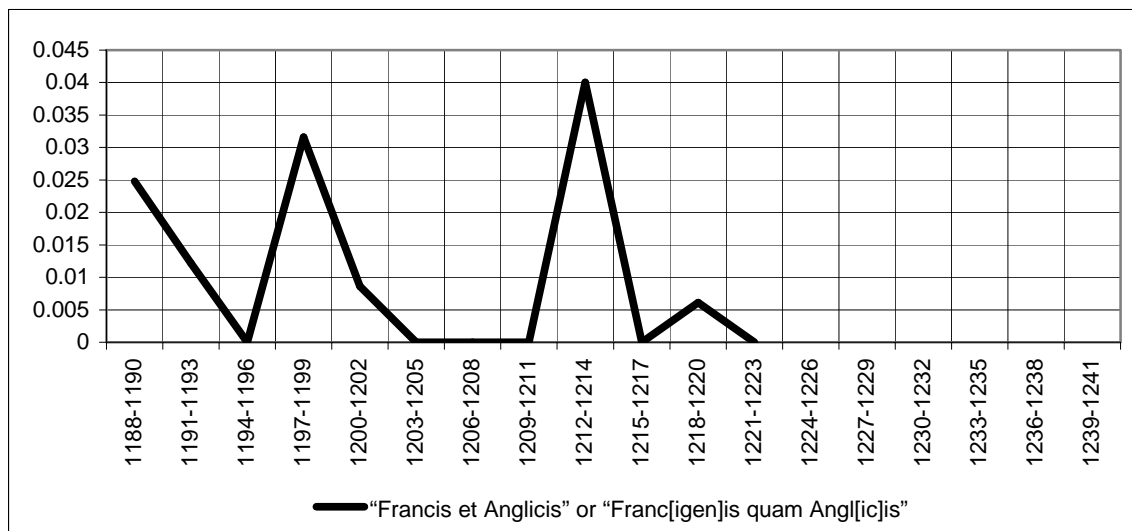
*Oratio* (all forms) (Fig. 7). Eighty-two percent of the occurrences of the term in the period 1189-1220 appear in Final Concords and eighty-six percent of these concern the transfer of advowsons to an abbey. In exchange, the abbot usually grants prayers to the benefactor. From 1215-17 at least, the absence of any occurrences is due to the fact that Final Concords were very rarely issued during those years. The lack of references from 1212-14 may reflect more the reduction in the number of advowsons granted to religious houses, than the absence of prayers offered as compensation for them (see above p. ???: "At the same time that Pope Innocent").

*Pietas* (all forms) (Fig. 6). The course followed by "pietas" during the reign of King John is very similar to that of "deus" and "diuinus".

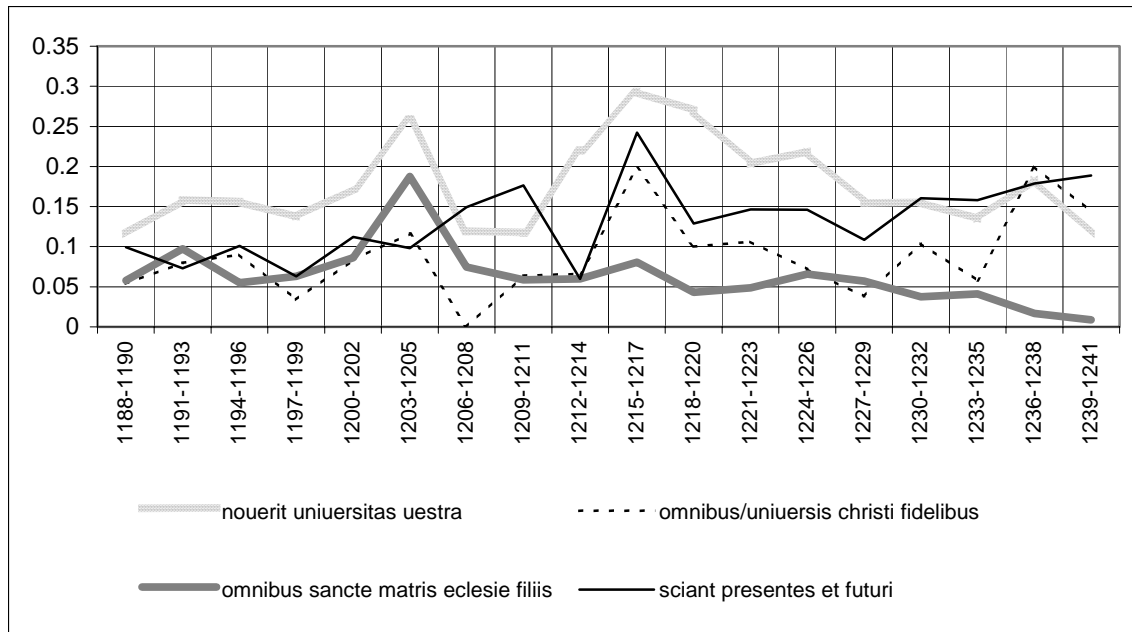




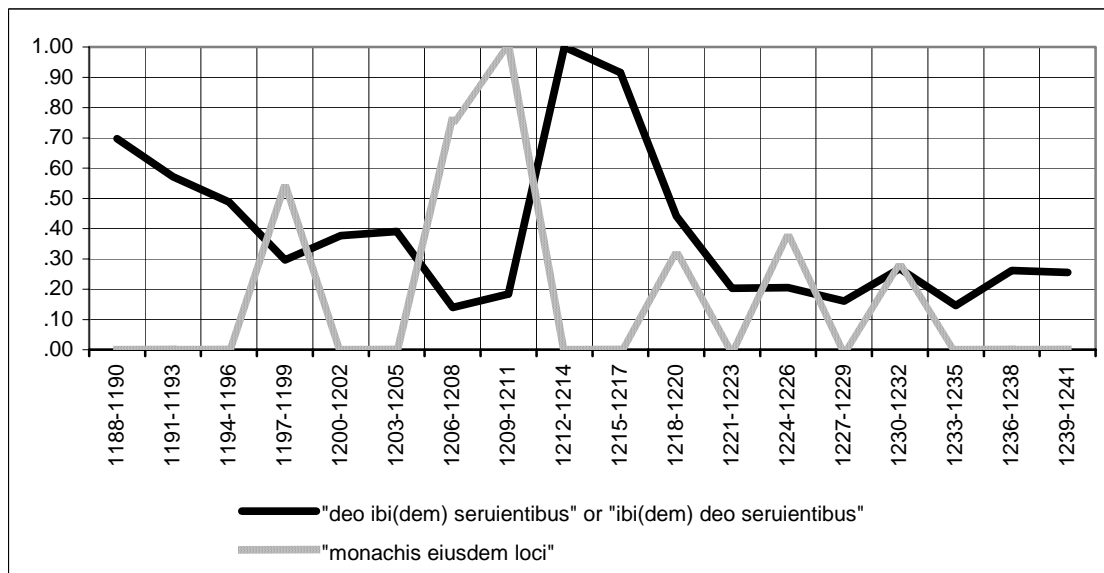
**Figure 1** Numbers of charters in the DEEDS Corpus for the reign of King John



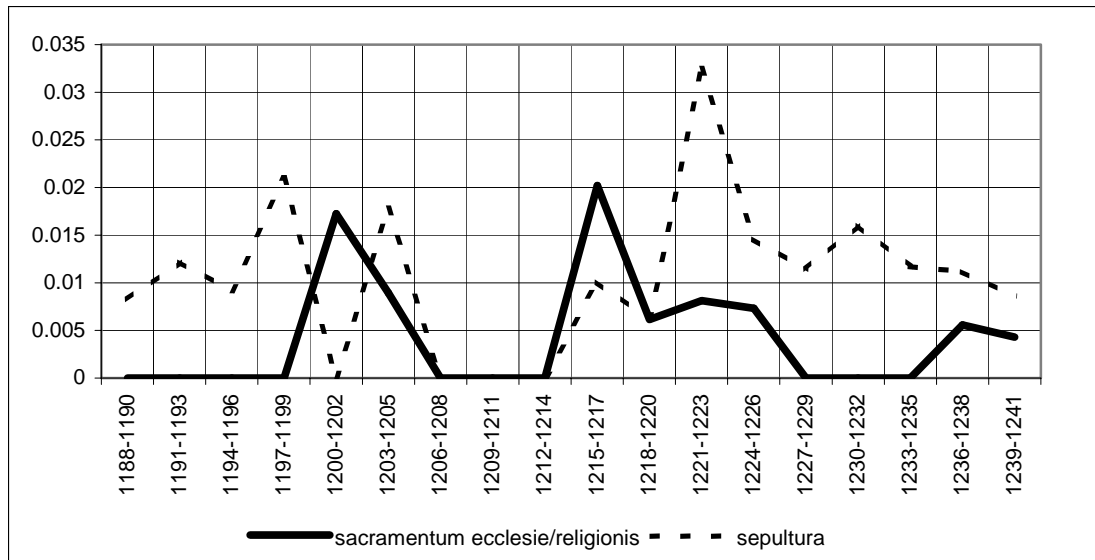
**Figure 2** Frequency of references to *French and English* in forms of address



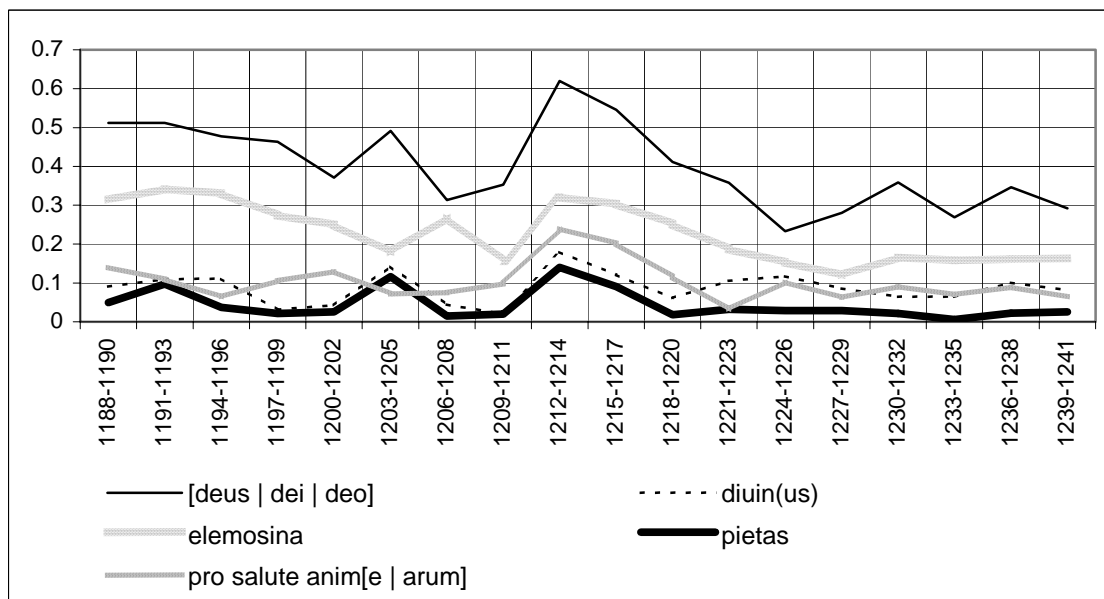
**Figure 3** Common forms of charter address under King John



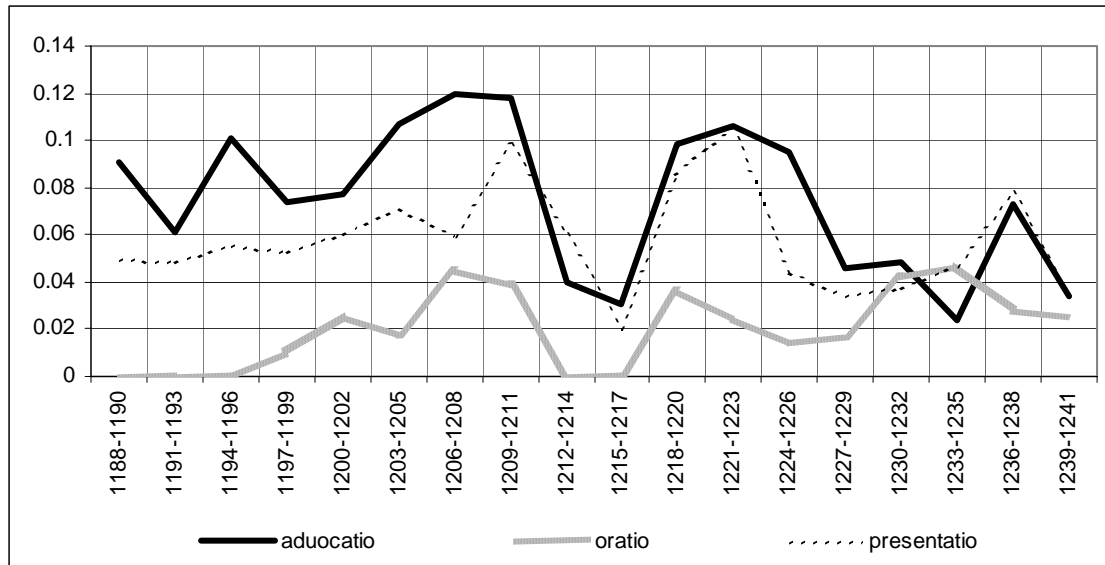
**Figure 4** References to monks *of the same place* compared to those *serving God there*



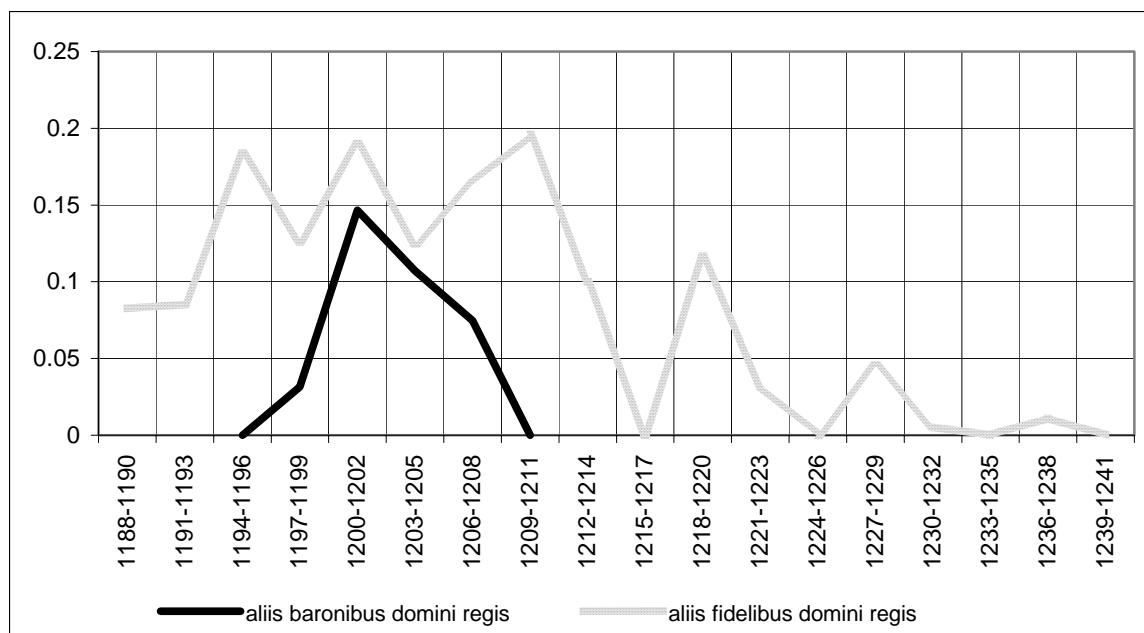
**Figure 5** References to the *Holy Sacraments* and to *burial*



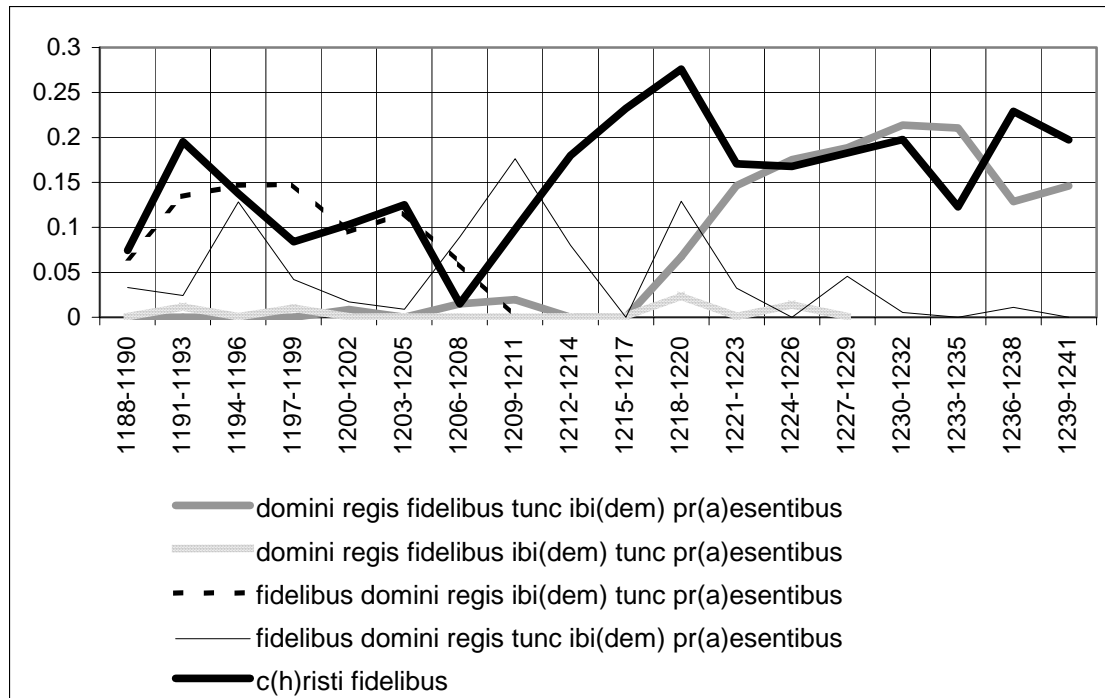
**Figure 6** References to *God*, *alms*, *salvation of the soul*, the *divine* and *piety*



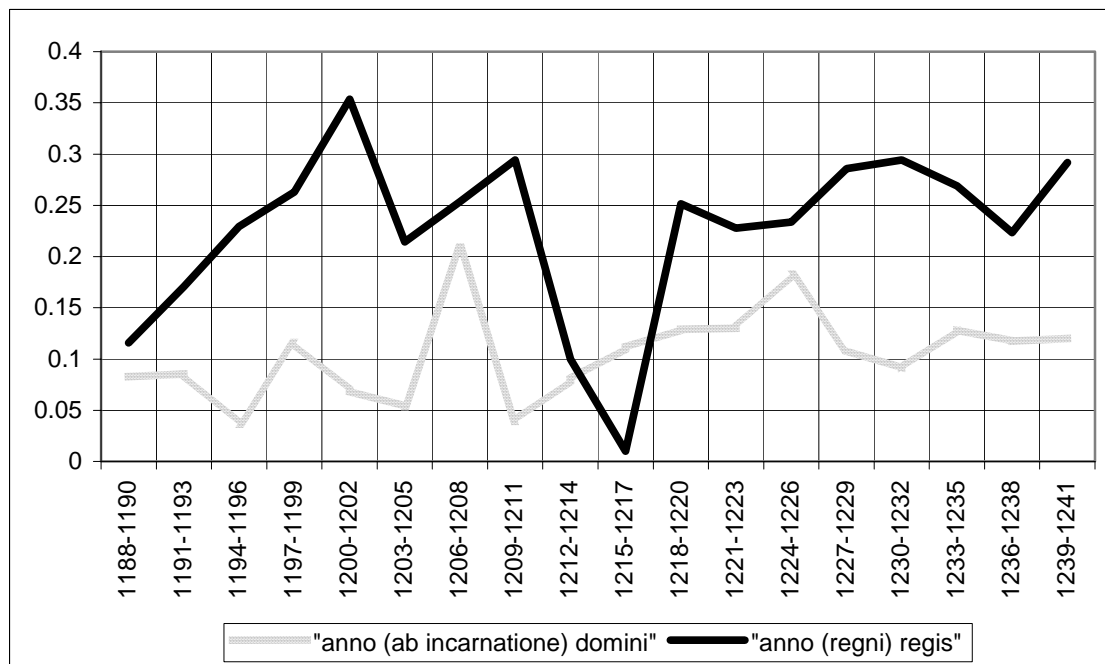
**Figure 7** References to *advowson*, *prayer*, and *presentation* to ecclesiastical office



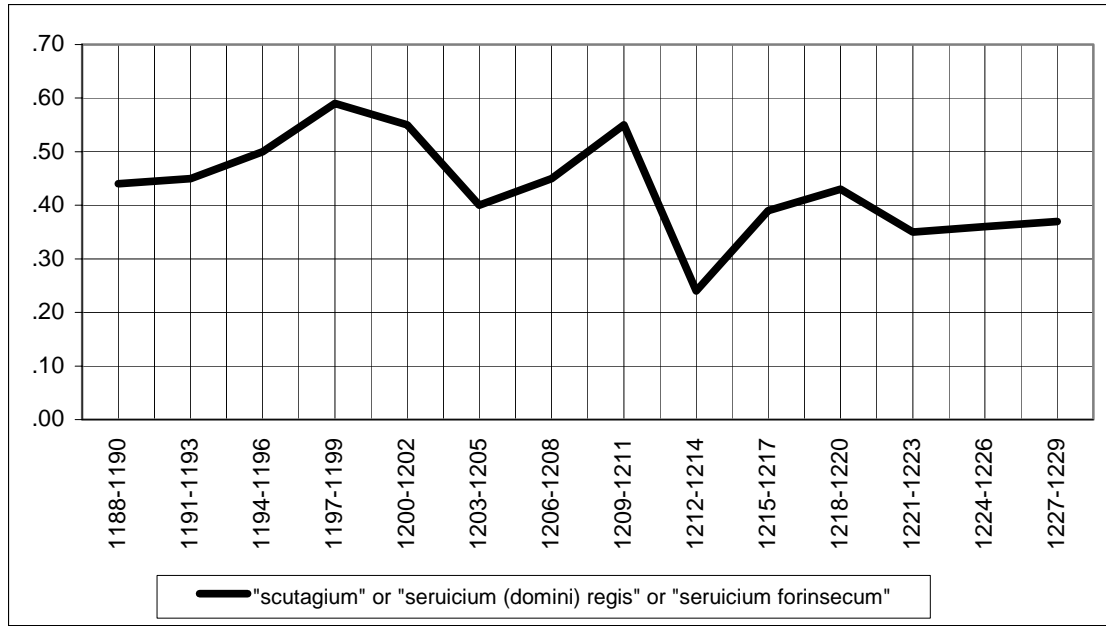
**Figure 8** References to *other [barons / faithful] of the Lord King*



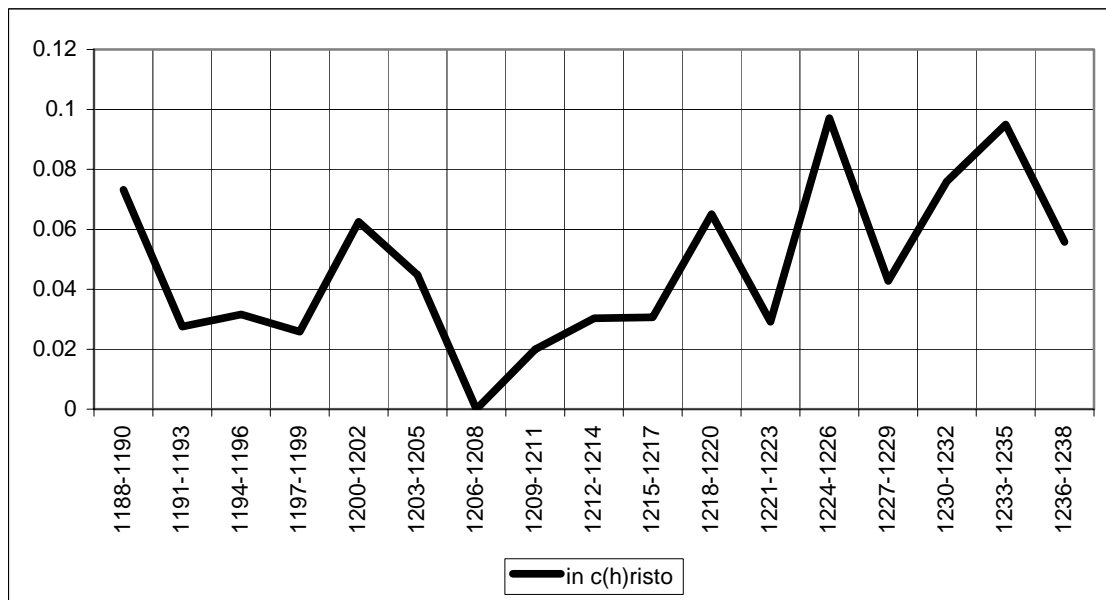
**Figure 9** Chronological changes in word order referring to the King's faithful in Final Concords and including the overall frequency of references *to the faithful of Christ*



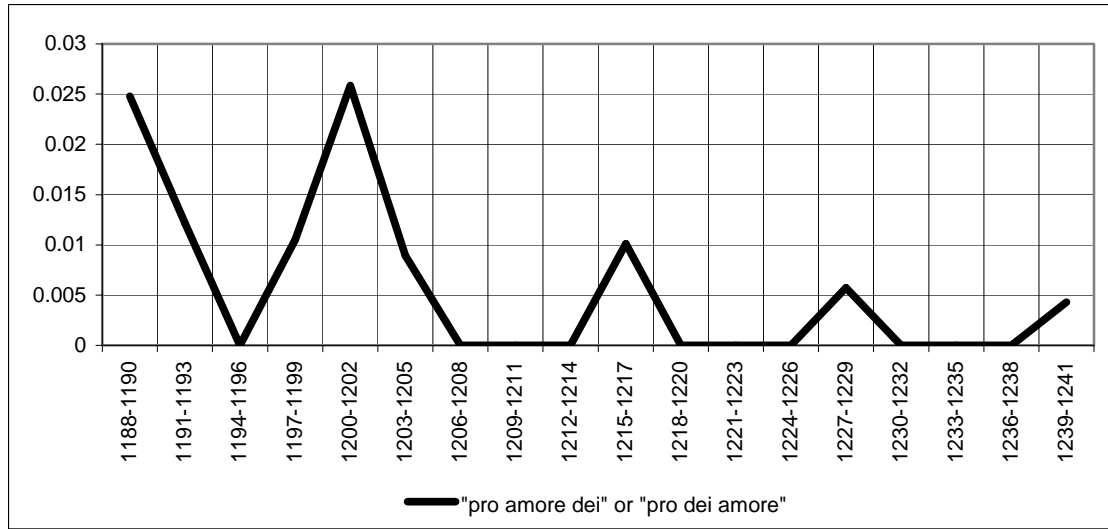
**Figure 10** Dating by *anno Domini* and *anno regis*



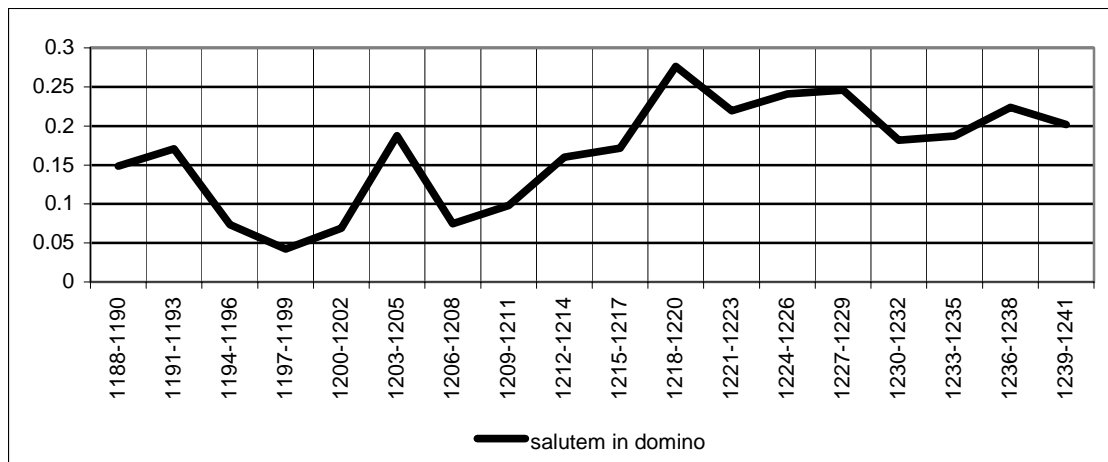
**Figure 11** References to *scutage* and *foreign service*



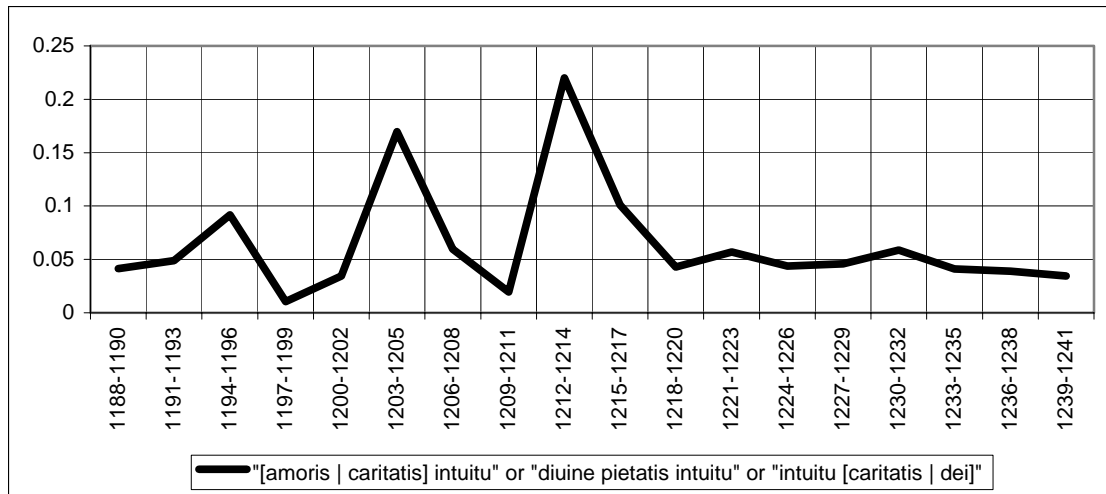
**Figure 12** References to the honorific *in Christo*



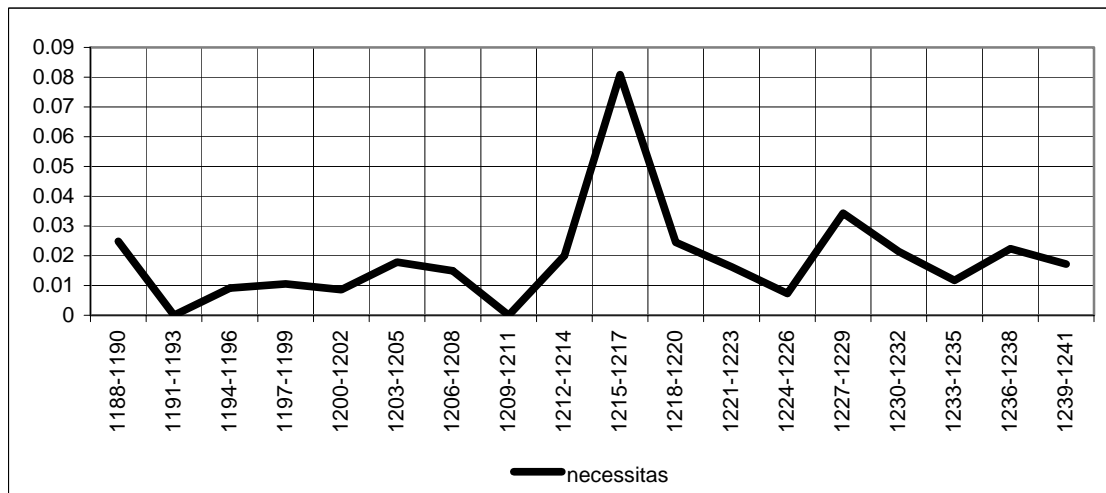
**Figure 13** References to transactions made for the *love of God*



**Figure 14** References to the salutation *in Domino*



**Figure 15** Use of the terms *for the sake of God, charity or divine piety*



**Figure 16** Use of the word *necessitas* in terms of personal need



## NOTES

The authors would like to acknowledge the work of Michael Margolin and Rodolfo Fiallos in the development of the DEEDS dating methodology, and thank Dr. Livia Varga and Gillian Long for their many useful suggestions in the preparation of this paper.

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<sup>1</sup> Christopher R. Cheney, “King John and the Papal Interdict”, *Bulletin of the John Rylands Library*, vol. 31 (1948), pp. 295-317 (rpt. in C.R. Cheney, *The Papacy and England 12<sup>th</sup>-14<sup>th</sup> Centuries*, London: Variorum Reprints, 1982 , ch. 9) (hereafter: Cheney, “King John & the Papal Interdict”), p. 313.

<sup>2</sup> Innocent threatened John in January 1209, and the excommunication was published in November 1209. See J.P. Migne, ed., *[P]atrologiae [L]atinae cursus completus*, Paris, 1844-64, vol. 215, col. 1526; Christopher R. Cheney and Mary Cheney, eds., *The Letters of Pope Innocent III (1198-1216) concerning England and Wales*, Oxford, 1967 (hereafter: Cheney & Cheney), no. 823; Christopher R. Cheney, *Pope Innocent III and England*, Stuttgart, 1976 (hereafter: Cheney, *Innocent III*), p. 320. On the lifting of the excommunication on 20 July 1213, see Matthew of Paris, *Chronica Majora*, 7 vols., Henry Richards Luard, ed., Rolls Series, no. 57, London: HMSO, 1874 (Kraus rpt., 1964) (hereafter: Matthew of Paris, *Chronica Majora*), vol. 2, p. 550; Austin Lane Poole, *From Domesday Book to Magna Carta, 1087-1216*, 2<sup>nd</sup> ed., Oxford, 1955 (rpt. 1964) (hereafter: Poole, *Domesday Book to Magna Carta*), p. 461.

<sup>3</sup>For the best account of the dispute over the election, see Dom D. Knowles, “The Canterbury Election of 1205-6,” *English Historical Review*, vol. 53 (1938), pp. 211-220.

<sup>4</sup>John's possessions were under interdict in 1200; see Augustus Potthast, ed., *Regesta Pontificum Romanorum*, 2vols., 1874-5, vol. 1, no. 997; see also Edward B. Krehbiel, *The Interdict: Its History and Operation with special attention to the time of Pope Innocent III 1198-1216*, Washington, 1909, p. 99. The archbishopric of York was threatened with an interdict in 1199 (*PL*, vol. 214, cols. 595, 597; Cheney & Cheney, nos. 107, 109), as was the bishopric of Seez in Normandy in 1203, and the archbishopric of Dublin in 1204-05 (*PL*, vol. 215, cols. 61, 483).

<sup>5</sup>*PL*, vol. 215, col. 1208; Cheney & Cheney, no. 763.

<sup>6</sup>T.D. Hardy, ed., *[Rot]uli [Lit]terarum [Pat]entium 1201-1216*, Record Commission, London, 1835, p. 78b.

<sup>7</sup>*Rot. Lit. Pat.*, p. 80a. '...nisi toto poneremus nos in manuum suam.'

<sup>8</sup>*Rot. Lit. Pat.*, p. 80b.

<sup>9</sup>"The eagerness of King John in exploiting the situation for his financial profit does not admit of doubt." Christopher R. Cheney, "King John's Reaction to the Interdict on England," *Transactions of the Royal Historical Society*, 4<sup>th</sup> series, vol. 31 (1949) pp. 129-150 (rpt. in C.R. Cheney, *The Papacy and England 12<sup>th</sup>-14<sup>th</sup> Centuries*, London: Variorum Reprints, 1982, ch. X) (hereafter: Cheney, "King John's Reaction") p.129. Doris Stenton speculates that all the fines due from ecclesiastical persons and institutions for farming their own lands were never entered on the Pipe Rolls (Doris Stenton, ed., *Pipe Roll 10 John*, PRS, n.s. xxiii, 1947 (hereafter: Stenton, *Pipe 10*), p. xii).

<sup>10</sup>T.D Hardy, ed., *[Rot]uli [Lit]terarum [Claus]arum*, 2 vols. London: Record Commission, 1833-34, vol. 1, pp. 108-115.

<sup>11</sup> Poole, *Domesday Book to Magna Carta*, p. 441.

<sup>12</sup>For example the abbot at St. Edmund's, where John had celebrated Easter, received his lands by April 7 (*Rot. Lit. Claus.*, vol.1, p. 110a); John de Gray, bishop of Norwich, and Peter des Roches, bishop of Winchester, received their lands back on April 5. Both of these men can be described as loyal servants to King John (*Rot. Lit. Claus.*, vol. 1, p. 108b).

<sup>13</sup> For example, Geoffrey fitz Peter obtained custody of three monasteries, as well as of the property of the Order of the Temple throughout England (*Rot. Lit. Claus.*, vol 1., pp. 107b, 110a; see also Cheney, "King John's Reaction", p. 135).

<sup>14</sup> The vacant bishoprics at the beginning of the Interdict were Chichester, Exeter, and Lincoln. Within a few months, Durham and Lichfield fell vacant. The bishops of Hereford, Worcester, Ely, and London fled England in 1208, while the bishops of Bath, Rochester, and Salisbury fled after John's excommunication in 1209. The actions of the bishop of Carlisle are unknown. York was already in the hands of royal custodians, and the bishops of Winchester and Norwich remained faithful to John throughout the entire Interdict (see Cheney, "King John's Reaction", pp. 140-41).

<sup>15</sup> The lands of foreign houses were confiscated in 1204. These foreign lands include Grestain, Préaux, St George de Boscherville, and St Wandrille (Stenton, *Pipe 10*, pp. xi, 74, 110, 199, 156).

<sup>16</sup>Reginal of Cornhill received £90 from Exeter (T.D. Hardy, ed., *Rotuli de Liberate ac de Misis et Praestitis*, London: Record Commission, 1844 (hereafter: *Rotuli de Liberate*), p. 115; Cheney "King John's Reaction", 142.); Gerard de Aties received the castles and all other property of the see of Hereford on 23 May (*Rot. Lit. Pat.*, p. 83b; Cheney, "King John's Reaction", p. 140 n. 4).

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<sup>17</sup> Doris Stenton, ed., *Pipe Roll 11 John*, PRS, n.s. 24 (1949), p. 144.

<sup>18</sup> *Rotuli de Liberate*, p. 110; Cheney, “King John’s Reaction”, p. 141.

<sup>19</sup> Cheney, “King John’s Reaction”, p. 141.

<sup>20</sup> *Rot. Lit. Claus.*, vol. 1, p. 108b.

<sup>21</sup> *PL*, vol. 215, col. 1455; Cheney & Cheney, no. 800.

<sup>22</sup> *PL*, vol. 215, cols. 1563, 1547; Cheney & Cheney, nos. 839, 842.

<sup>23</sup> For mitigation of the interdict, see *PL*, vol. 215, col. 1529; Cheney & Cheney, no. 835.

For exclusion of the Cistercians, see Johannes de Oxenedes, *Chronica*, Henry Ellis, ed., Rolls Series, no. 13, London: HMSO, 1859, p. 124. “Anno gratiae MCCIX, indultum est ecclesiis conventualibus semel in ebdomada celebrare divina. Albi Monachi hac privabantur indulgentia, quia in principio interdicti, papa inconsulto, celebrare praesumpserunt.” A letter from Innocent III dated 6 March supports this suggestion; see *PL*, vol. 216, col. 21; Cheney & Cheney, no. 845.

<sup>24</sup> The Hospitallers received their properties back on April 1, the Gilbertines and the Order of Sempringham on April 13, and on April 9 the property of the Order of the Temple was committed to the royal custody of Geoffrey Fitz Peter (see *Rot. Lit. Claus.*, vol. 1, pp. 108a, 112a, 110a; Cheney, “King John’s Reaction”, p. 135).

<sup>25</sup> One of the monasteries granted to Geoffrey fitz Peter was the Gilbertine priory of Shouldham, which would have been included in the grant of April 13 (*Rot. Lit. Claus.*, vol. 1, p. 107b); Cheney, “King John’s Reaction”, p. 135.

<sup>26</sup> St. Edmunds on April 7, and Worcester Cathedral about April 12 (*Rot. Lit. Claus.*, vol. 1, pp. 110a, 111b).

<sup>27</sup> On 2 November 1209, he ordered the seizure of all the lands of the black monks (Benedictines) in Sussex in order to evaluate them. In 1210, he heavily taxed the Cistercians to finance his expeditions to Scotland, Ireland, and Wales between 1210 and 1212. See H.R. Luard, ed., *Annales Monastici*, 5 vols., Rolls Series, no. 36, 1864-9 (hereafter: *Annales Monastici*), vol. 2, p. 264; Walter of Coventry, *Memoriale*, 2 vols., W. Stubbs, ed., Rolls Series, no. 58, 1872-3 (hereafter: Coventry, *Memoriale*), vol. 1, p. 200. See also Patricia M. Barnes and W. Raymond Powell, eds., *Interdict Documents*, PRS, n.s., vol. 34 (1960), p. 6.

<sup>28</sup>For a good, but general account of the rise of the “new men” under the Angevins, see Ralph V. Turner, *Men Raised From the Dust*, Philadelphia, 1988, pp. 1-19.

<sup>29</sup>Ralph Turner attributes the mass defection of many Norman nobles to Philip Augustus to differences between Angevin and Capetian policy towards their vassals’ castles. Angevin tradition had seen a reduction in the number of baronial fortresses through confiscation or destruction, while Philip Augustus’s fortress policy was less despotic. His reputation as a good lord contrasted with Angevin tyranny. Ralph V. Turner, *King John*, London - New York, 1994 (hereafter: Turner, *King John*), p. 125.

<sup>30</sup> Maurice Powicke, *The Loss of Normandy 1198-1204*, 2<sup>nd</sup> ed., Manchester, 1961 (hereafter: Powicke, *Loss of Normandy*), p. 294.

<sup>31</sup> See below p. ???

<sup>32</sup> Issued on 3 April 1205, each shire was to send one knight in ten to the king’s army. The other nine knights were to pay two shillings a day for that knight’s expenses (*Rot. Lit. Pat.*, p. 55).

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<sup>33</sup>*Annales Monastici*, vol. 2, p. 267. For a copy of the original writ sent to the sheriff of Nottingham and Derby, see *The Book of fees commonly called Testa de Nevill*, 3 vols., By the Deputy Keeper of the Records, London: PRO, 1920-31, vol. 1, 52.

<sup>34</sup>*Rot. Lit. Claus.*, vol. 1, pp. 130b-131.

<sup>35</sup>J.C. Holt, *The Northerners*, Oxford, 1961 (hereafter: Holt, *The Northerners*), p. 81.

<sup>36</sup>The terms of King John's peace with Innocent III in 1213 included allowing the two barons back into England (C.R. Cheney and W.H. Semple, eds., *Selected Letters of Pope Innocent III*, London, 1953 (hereafter: Cheney and Semple, *Selected Letters*), no. 45; *Rot. Lit. Pat.*, p. 99a).

<sup>37</sup>For these concessions, see *Rot. Lit. Claus.*, vol. 1, pp. 96b, 122b, 123a, 192b; *Rot. Lit. Pat.*, pp. 94b, 97a bis, 101b; see also Holt, *The Northerners*, p. 83.

<sup>38</sup>Holt, *The Northerners*, p. 86.

<sup>39</sup>Matthew of Paris, *Chronica Majora*, vol. 2, p. 549: "Magnates enim Angliae ipsum sequi noluerunt, nisi prius a sententia excommunicationis absolveretur."

<sup>40</sup>A. Clarke et al., eds., *Foedera, Conventiones, Litterae, etc.* 4 vols., London: Record Commission, 1816-69, vol. 1, pt. 1, p. 112.

<sup>41</sup>*PL*, vol. 16, cols. 926, 927; vol. 17, col. 224; Cheney & Cheney, nos. 930, 931, 932.

<sup>42</sup>*Annales Monastici*, vol. 3, p. 40.

<sup>43</sup>John Holt, *The Northerners*, p. 91.

<sup>44</sup>Geoffrey de Mandeville was instated in his heritance (T.D. Hardy, ed., *Rotuli de Oblatis et Finibus*, London: Record Commision, 1835, pp. 502-3). John then ordered an investigation into the losses suffered by Robert fitz Walter while he had been in exile (*Rot. Lit. Claus.*, vol. 1, pp. 154b, 164b).

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<sup>45</sup>S.K. Mitchell, *Studies in Taxation Under John and Henry III*, New Haven, 1914

(hereafter: Mitchell, *Studies in Taxation*), p. 93.

<sup>46</sup>Mitchell, *Studies in Taxation*, pp. 112-113 n.

<sup>47</sup>*Rot. Lit. Claus.*, vol. 1, p. 204b.

<sup>48</sup>Robert de Ros received three manors in Cumberland, and the fee farm of the manor of Aldwark in Yorkshire (*Rot. Lit. Pat.*, p. 128; *Rot. Lit. Claus.*, vol. 1, p. 183). John de Lacy took the cross with John, then received a pardon for all his debts, and those of his father (*Rot. Lit. Pat.*, p. 129b).

<sup>49</sup>Cheney & Semple, *Selected Letters*, no. 80.

<sup>50</sup>F. Michel, ed., *Histoire des ducs de Normandie et des rois d'Angleterre*, Paris, 1840, p. 160; Ralph de Coggeshall, *Chronicon Anglicanum*, Joseph Stevenson, ed., Rolls Series, vol. 66, London: HMSO, 1875 (rpt. Kraus, 1965) (hereafter Coggeshall, *Chronicon Anglicanum*), p.177; Sidney Painter, *The Reign of King John*, Baltimore, 1949 (hereafter: Painter, *King John*), p. 367.

<sup>51</sup>Cheney & Cheney, no. 1029. Many of the excommunicated barons were sons of the twenty five barons of Magna Carta.

<sup>52</sup>For a detailed account of these months, see Painter, *King John*, pp. 367-372.

<sup>53</sup>John de Lacy (*Rot. Lit. Pat.*, p. 162); Roger de Montbegon (*Rot. Lit. Claus.*, vol. 1, pp. 244-45), and Robert de Vere had already submitted. Robert de Ros entered peace negotiations, followed by Roger Bigod and Richard de Clare. See Painter, *King John*, pp. 371-72.

<sup>54</sup>Robert Bearman, ed., *Charters of the Redvers Family and the Earldom of Devon, 1090-1217*, Devon and Cornwall Record Society, n.s. vol. 37 (1994), no. 37. The

Waltham Cartulary includes another containing the address “Francis et Anglicis”, which bears the date “anno domini ccxj” (Rosalind Ransford, ed., *The Early Charters of the Augustinian Canons of Waltham Abbey, Essex 1062-1230*, Woodbridge, Sf. and Wolfeboro, NH, 1989 (hereafter: Ransford, *Waltham*), no. 626).

<sup>55</sup> R.B. Patterson, ed., *Earldom of Gloucester Charters: The Charters and Scribes of the Earls and Countesses of Gloucester to A.D. 1217*, Oxford, 1973, nos. 64, 93. Geoffrey de Mandeville, earl of Essex, paid King John 20,000 marks for the hand of John’s former wife, Isabel, heiress of the earldom of Gloucester. The marriage is thought to have taken place between 16 and 26 January 1214. Geoffrey died of a tournament wound on 23 February 1216 (*ibid.*, pp. 7-9; Ralph V. Turner, *The English Judiciary in the Age of Glanvill and Bracton, c. 1176 – 1239*, Cambridge, 1985 (hereafter: Turner, *English Judiciary*), p. 183 ). The earldom held extensive lands in Normandy before John’s loss thereof in 1204.

<sup>56</sup> Ransford, *Waltham*, no. 632. William of Warenne's charter is dated by its rubric to 1218. His father, earl Hamelin, also addressed his men “French and English”. Earl Hamelin was the illegitimate son of Count Geoffrey of Anjou and obviously held lands on the Continent (see Ransford, *Waltham*, nos. 600, 601; George E. Cokayne, *The Complete Peerage, or a history of the House of Lords and all its members from the earliest times*, 13 vols., ed. G.H. White, London, 1910 – c. 1998 (hereafter: Cokayne, *Complete Peerage*), vol. 12, pt. 1, London, 1953, pp. 499-501. Earl William apparently died on 27 May 1240.

<sup>57</sup> Ransford, *Waltham*, no. 626. Warin died in 1216 (I.J. Sanders, *English Baronies, A Study of their Origin and Descent 1086-1327*, Oxford, p. 143).



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<sup>58</sup> Poole, *Domesday Book to Magna Carta*, p. 441 and n.2; Powicke, *Loss of Normandy*, pp. 296-97; Sidney Painter, *William Marshal, knight-errant, baron, and regent of England*, Baltimore, The Johns Hopkins Press, 1933, pp. 138-43.

<sup>59</sup> Geoffrey is recorded as having participated in a delegation to Philip Augustus at some point between September and October 1215, and in 1216 his castle at Pleshey, Essex, was besieged by John's man, Savary de Mauleon (Coggeshall, *Chronicon Anglicanum*, p.177; Sidney Painter, *The Reign of King John*, p. 367, and n. 54). Geoffrey's use of the address to all his men "French and English" during this period strongly suggests that he had done fealty to Philip and received, or had his lands confirmed, in exchange.

<sup>60</sup> Cokayne, *Complete Peerage*, vol. 12, pt. 1 (1953), p. 501; Matthew of Paris, *Chronica Majora*, vol. 2, p. 654; Roger of Wendover, *The Flowers of History*, 3 vols., Henry G. Hewlett, ed., Rolls Series, no. 84, London: HMSO, 1887 (Kraus rpt. 1965), vol. 2, p. 181; Coventry, *Memoriale*, p. 231. His doing homage may well explain why the address to "French and English" occurs in his charter of 1218.

<sup>61</sup> Christopher R. Cheney, "A recent view of the General Interdict on England, 1208-1214, *Studies in Church History III*, ed. G.J. Cuming, Leiden: E.J. Brill, 1966, pp. 159-68 (rpt. in C.R. Cheney, *The Papacy and England 12<sup>th</sup>-14<sup>th</sup> Centuries*, London: Variorum Reprints, 1982, ch. XI) (hereafter: Cheney, "A recent view"), p. 162.

<sup>62</sup> Cheney & Cheney, nos. 770 (19 November 1207); 839 (3 February 1209); 842 (19 X 21 February 1209).

<sup>63</sup> Cheney & Cheney, no. 835 (? 13 January 1209).

<sup>64</sup> M. Gervers, "Changing forms of Hospitaller address in English private charters of the twelfth and thirteenth centuries", in *The Crusades and the Military Orders: Expanding*

*the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky, Budapest: CEU, 2001, pp. 395-405 (esp. pp. 397-98).

<sup>65</sup> All references to “fratribus” during the period occur in grants to the Templars. Unlike the Hospitallers, their forms of address never include the expression “deo seruientibus”.

<sup>66</sup> See, for example, Stuart A. Moore, ed., *Cartularium Monasterii Sancti Johannis Baptiste de Colecestria*, 2 vols., Roxburghe Club, 1897, vol. 2, p. 360 (1208); G.R. Elvey, ed., *Luffield Priory Charters*, joint publ. by the Buckinghamshire Record Society and the Northamptonshire Record Society, 1968 (hereafter: Elvey, *Luffield*), pt. 1, no. 59. A charter from 1208 is addressed to “Deo et Beate Marie et monachis de Stratmarchell ibidem inperpetuum seruientibus”. To this text the editor has inserted “[Deo]” before “ibidem” in order to conform to the accepted formula, but in disregard for the contemporary observance of the interdict (Graham C.G. Thomas, ed., *The Charters of the Abbey of Ystrad Marchell*, Aberystwyth: National Library of Wales, 1997, no. 56).

<sup>67</sup> The database includes six references to baptism, in 1185 (William Henry Hart, ed., *Historia et Cartularium Monasterii Sancti Petri Gloucestriae*, 3 vols., Rolls Series, no. 33, London: HMSO, 1863, vol. 2, no. 488); 1240 (William Dunn Macray, ed., *Charters and Documents Illustrating the History of the Cathedral, City and Diocese of Salisbury in the Twelfth and Thirteenth Centuries*, Rolls Series, no. 97, London: HMSO, 1891 (Kraus rpt. 1965), no. 223); 1242 and 1253 (C.W. Foster, ed., *The Registrum Antiquissimum of the Cathedral Church of Lincoln*, vol. 2, Lincoln Record Society, vol. 28, Hereford, 1933, no. 395, and vol. 3, Lincoln Record Society, vol. 29, Hereford, 1935, no. 726); 1256/7 (H.E. Salter, ed., *Cartulary of Oseney Abbey*, 3 vols., Oxford Historical Society, vols. 89-91 (Oxford, 1929), vol. 2, no. 910); and 1270 (Aelred Watkin, ed., *The Great*

*Chartulary of Glastonbury*, 3 vols., Frome, 1947-1956, vol. 1, no. 54), and eighty-three to penance, but none to last rites. The one reference to *penitentia* in John's reign occurs in 1201 (B.R. Kemp, ed., *Reading Abbey Cartularies*, 2 vols., Camden Fourth Series, vols. 31 and 33 (London: Royal Historical Society, 1986-87) (hereafter: Kemp, *Reading*), vol. 1, no. 210). Marriage right (*maritagium*) is once referred to in 1209 as an exclusion (R.R. Darlington, ed., *The Cartulary of Worcester Cathedral Priory (Register I)*, PRS, n.s. no. 38 (London, 1968), no. 291).

<sup>68</sup> Cheney, "A recent view", pp. 163-64.; Cheney, "King John and the Papal Interdict", pp. 299-300.

<sup>69</sup> The database provides 568 contexts (all forms of *aduocare* and *aduocatus* having been excluded).

<sup>70</sup> According to the occurrences in the database, from 1180 to 1184 the usage was "baronibus domini regis qui tunc ibi aderant".

<sup>71</sup> The last reference in this context to "baronibus" in the corpus occurs on 8 July 1209 (J.M. Kaye, ed., *The Cartulary of God's House, Southampton*, 2 vols., Southampton Record Society, vol. 19, Southampton University Press, 1976, vol. 1, no. 140). The use of "fidelibus" first occurs in Final Concords in the database in 1181 (Barbara Dodwell, ed., *The Charters of Norwich Cathedral Priory*, 2 pts., PRS, Publications, n.s., vols. 40 and 46 (1974-85) (hereafter: Dodwell, *Norwich*), pt. 1, no. 319) and continues to 1284 (James Tait, ed., *The Chartulary or Register of The Abbey of St. Werburgh Chester*, 2 pts., Chetham Society, n.s., vols. 79 and 82 (1920-23), pt. 2, no. 893). The first example after 1209 is from 4 March 1210 (William T. Reedy, ed., *Basset Charters c. 1120-1250*, PRS,

n.s., vol. 50 (1995), no. 106). The two forms, “baronibus” and “fidelibus”, thus ran concurrently until 1209.

<sup>72</sup> Turner, *English Judiciary*, pp. 135, 146, 170.

<sup>73</sup> Trevor Foulds, ed., *The Thurgarton Cartulary*, Stamford, UK (1994), no. 1054.

<sup>74</sup> 1119: Kemp, *Reading*, no. 210; 1201: Dodwell, *Norwich*, pt. 2, no. 496.

<sup>75</sup> Christopher Cheney, “The Eve of Magna Carta”, *Bulletin of the John Rylands Library*, vol. 38 (1955-56), pp. 311-41 (rpt. in C.R. Cheney, *The Papacy and England 12<sup>th</sup>-14<sup>th</sup> Centuries*, London: Variorum Reprints, 1982, ch. XIII), p. 313 and n. 54: “The business of the law courts diminished and the enrolment of charters in chancery ceased entirely for ten weeks” (9 February - 22 April 1215).

<sup>76</sup> Poole, *Domesday Book to Magna Carta*, p. 456 and n. 2; Turner, *English Judiciary*, p. 136.

<sup>77</sup> Turner, *English Judiciary*, p. 137; Elvey, *Luffield*, pt. 1, no. 14, dated 25 June - 2 July 1214. See also Margaret S. Walker, ed., *Feet of Fines for the County of Lincoln for the Reign of King John 1199-1216*, PRS, Publications, vol. 67 (n.s. vol. 29), 1954 for 1953, p. 173, no. 336, dated 1 July 1214; and Barbara Dodwell, ed., *Feet of Fines for the County of Norfolk for the Reign of King John 1201-1215*, PRS, vol. 70 (n.s. vol. 32), 1958 for 1956, p. 138 no. 277, dated 8 July 1214.

<sup>78</sup> For 1215, see PRS, n.s. vol. 29, p. 174 no. 337 (3 May 1215), and n.s. vol. 32, p. 138 no. 278 (2 March 1215) and p. 139 no. 279 (3 May 1215). Interestingly, of the two final concords dated 3 May 1215, the former was done before Peter des Roches, bishop of Winchester, at Westminster and the latter before the king at the New Temple (see Turner,

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*English Judiciary*, p. 137). Common to the justices named in both documents are the bishop and Roger Housecarl.

<sup>79</sup> The situation in the Exchequer was similar: “The audit in the autumn of 1214 was the last to be held before the Treaty of Lambeth, and when the Exchequer re-assembled on 12 November, 1217, three years’ accounts required auditing ...” (S.B. Chrimes, *An Introduction to the Administrative History of Mediaeval England*, Oxford, 1966, p. 74). The earliest Final Concord for Henry’s reign in the DEEDS corpus is dated 6 May 1218 (M.T. Martin, ed., *The Percy Chartulary*, Surtees Society, vol. 117 (1911), no. 6).

<sup>80</sup> Elvey, *Luffield*, pt. 1, no. 14 and Herbert Edward Salter, ed., *Eynsham Cartulary*, 2 vols., Oxford Historical Society, vols. 49 and 51 (1907-08), vol. 1, no. 230 (these are the same charter, but from different sources).

<sup>81</sup> Poole, *Domesday Book to Magna Carta*, p. 478 and n. 2.

<sup>82</sup> H.E. Salter, ed., *Newington Longeville Charters*, Oxford Record Society, vol. 3 (Oxford, 1921), no. 125.