

NOTES ON AN EARLY CINQUE PORTS CHARTER.

BY F. F. GIRAUD.

THE Charter, of which a copy and translation is given below, is preserved amongst the Archives of the town and port of Faversham, a corporate member of the Cinque Port of Dover.

Its importance arises from the fact that, so far as is known, it is the earliest extant Charter granted to the Ports collectively. It is dated 28 May 44 Henry III. (1260), and thus antedates by eighteen years the Great Charter of Edward I. (1278),* and although noticed by the late Thomas

* Jeake's *Charters of the Cinque Ports, 1728*, consist solely of the Charter of Charles II. (with copious notes), which recites in full (inspeximus) all the Charters then produced. The Charter of 44 Henry III. was not then seen, but is expressly referred to (Jeake, p. 22) in the Charter exhibited of 28 April 26 Edward I.

Copies of the Charters of 2 James I. and 10 Charles I. (which are only briefly referred to in the Charter of Charles II.) are fully entered in the Charter Book of Faversham with the following note to the Charter of Charles I. appended thereto, and is of interest as an illustration of the important parts taken by Faversham in regard to Cinque Port Charters.

"This Charter of Kinge Charles was pro-sequuted and sued out by Boys Ower maior of this Towne of Faversham in the second yeere of his Maioratie, And Stephen Monyus one of the Juratts of the Towne and Porte of Dover beinge chosen Agents & Solicitors therein by the general Ports Townes & Members at their Assemblie or Court of Guestlinge. And beinge finished & exemplified under the great Seale of England, was by the saide Boys Owre on the xxth daie of Julie 1634 in the tenth yeere of his saide Mat's reigne brought & read, in the Guildhall heere at Faversham unto the Juratts of the same Towne and others then p'sent.

"And at a Guestlinge & Assemblie of all the Ports, Townes and Members holden at New Romney on the xxijth of the saide Julie 1634, The saide Charter was there also shewed & read & well approved of. And an Othe was then & there conceived & framed by the saide Assemblie by the devise of Samuel Shorte Esq^r one of the Councill of the ports then there p'sent to be taken by all the Maiors Bailifes & Juratts of the saide Cinq' Ports Ancient Townes and their

Riley in his Report for the Historical MSS. Commissioners,* and referred to by Professor Montagu Burrows in his well-known Monograph on the Ports,† it seems to have entirely escaped the notice of a recent writer on the Cinque Ports Charters, who says, "We shall be standing on sure ground in asserting that the Charter of Edward I. is the first that was granted to the Ports collectively."‡

The charter grants to the Barons of the Cinque Ports in return for their service in conveying the King over the sea to parts of France, and returning thence, freedom from summons before the King's Justices in Eyre. Henry III., in his ill-fated Gascon and French expeditions, had had occasion to cross the Channel at least four times, and in April 1260 returned to England after resigning all claim to Normandy. The unrest which followed the repudiation of the Provisions of Oxford was gathering to a head, and the King may have been anxious to enlist on the Royalist side the sympathies of the Portsmen in the impending struggle. If this should have been his object in granting the Charter his hopes were doomed to disappointment, for in the civil war which followed the Cinque Ports espoused the cause of the Barons.

Members for the execution of their Office of Justices of the Peace according to the exigencie of the saide Charter.

"Whiche othe afterwarde on the xxviiith daie of the saide Julie after the retourne from the saide Guestlinge, was solemnly taken by the saide Boys Owre Maior in the Guildehall in Faversham aforesaide before the Juratts of the same Towne then there p'ut viz' John Woodd, John Caslocke, Edward Hales, Will'm Thurston, Samuel Preston, John Trowts, Marke Trowts, Thomas Waterman, Henrie Wreight, Rob' Greenestreete, and John Knowler.

"And immediatlie after the saide othe so taken by the saide Boys Ower Maior All the said Juratts then & there p'sent likewise tooke the saide othe before the saide Boys Owre Maior accordinge to the forme & tenor of the saide Charter."

* *Historical MSS. Commissioners Report* 6, p. 500.

† *Historical Towns Cinque Ports*, p. 235.

‡ Mr. J. H. Round, *Cinque Ports Charters: Feudal England*, p. 570.

Henricus Dei gratia Rex Anglie Dominus Hibernie et Dux Aquitanie Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Justiciariis Vice Comitibus Prepositis Ministris et omnibus Ballivis et fidelibus suis salutem. Sciatis quod pro laudabili servicio quod Barones nostri quinque Portuum nuper in transfrectationem nostri ad partes Francie et redeundo de iisdem partibus et in aliis transfrectationibus nostris nobis devote impenderunt concessimus eis de consilio magnatum qui sunt de consilio nostro et hac carta nostra confirmamus pro nobis et heredibus nostris quod ipsi de omnibus terris quas in presenti possident quieti sint imperpetuum de communibus summonitionibus coram Justiciariis nostris ad quecumque placita itinerantibus in quibus cumque comitatibus terre ille existant. Ita quod occasione huius modi somunium summonitionum faciendarum de itineribus Justiciariorum nostrorum non teneantur dicti Barones venire coram eisdem Justiciariis itinerantibus nisi aliquis ipsorum aliquem specialiter implacuit. Et ab aliquo implacitetur. Quare volumus et firmiter precipimus pro nobis et heredibus nostris quod predicti Barones nostri quinque Portuum imperpetuum habeant libertatem prescriptam sunt predictum est. Hiis testibus Ricardo de Clare comite Gloucester et Hertford Rogero Bygod comite Norff. et marescallo Anglie Hugone le Bygod Justiciario nostre Anglie Johanne Maunsell Thesaurio Ebor. Rogero de Mortuo mare Philippo Basset Jacobo de Aldychley Roberto Waleraund et aliis Datum per manum nostram apud Westmonasterium vicesimo die maii anno regni nostri quadragesimo quarto.

A large fragment of the Great Seal
in green wax is appended.

TRANSLATION.

HENRY, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Provosts, Ministers, and to all Bailiffs and his faithful subjects, greeting. Know ye that for the laudable service which our Barons of the five Ports have devotedly

rendered to us in our late passage to parts of France and on our return from the same parts, and in our other passages, we have granted to them by the advice of the great men who are of our council, and in this our Charter we confirm for us and our heirs that they for all lands now in their possession may be quit for ever of common summonses before our Justices itinerant for all manner of pleas in whatsoever counties these lands may be, so that on an occasion of this sort on the summoning of summonses made in the itineraries of Justices, the said Barons shall not be bound to come before the same Justices itinerant unless one of them has specially impleaded another, and by another shall be impleaded. Wherefore we will and firmly ordain for us and our heirs that our aforesaid Barons of the five Ports for ever have the prescribed liberty as is aforesaid. These being witnesses, Richard de Clare, Earl of Gloucester and Hertford, Roger Bygod, Earl of Norfolk and Marshal of England, Hugh le Bygod, our Justiciar of England, John Maunsell, Treasurer of York, Roger Mortimer, Philip Basset, James de Aldychley, Robert Waleraund, and others. Given by our hand at Westminster, on the twentieth day of May in the forty-fourth year of our reign.

The following short notes to the witnesses are in part based upon the notices contained in the *Dictionary of National Biography* :—

RICHARD DE CLARE, 8th Earl of Clare, 6th Earl of Hertford, 7th Earl of Gloucester (1222—1262), son of Gilbert, 7th Earl of Clare, by Isabella, daughter of William Marshall, Earl of Pembroke, was born 4 August 1222. On 2 February 1238 he married Maud, daughter of John de Lacy, Earl of Lincoln, by whom he had several children, amongst others (1) his successor, Gilbert "the red"; (2) Thomas de Clare, the friend of Prince Edward; he died in 1287; (3) Boso or Bono "the good," a Canon of York. Of his daughters, Margaret married Edmund, a younger son of Richard, Duke of Cornwall, and Roesia married Roger Mowbray in 1270. Gloucester was the most powerful English Baron of his time. He possessed $12\frac{1}{2}$ Knights' fees in Kent and $304\frac{1}{2}$ in other counties.

The Corporate seal of Faversham, temp. Edward I., contains a ship with the representation of a banner thereon of three chevronels,

the arms of Clare. The Barons of Faversham perhaps served under Richard de Clare or his son Gilbert.

Richard de Clare died (it was supposed of poison) when on a visit to John de Criol at his manor of Ashenfield in Waltham, Kent, in 1262, and was buried at Tewkesbury. He is said to have introduced the Austin Friars into England.

ROGER BYGOD, 4th Earl of Norfolk, Marshal of England, was grandson of Roger, 2nd Earl, and son of Hugh, 3rd Earl, by his wife Matilda, daughter of William Marshall, Earl of Pembroke. He died in 1270 without issue, was buried at Thetford, and was succeeded by his nephew. He had put away his wife, Isabella of Scotland, on the pretext of consanguinity, but took her again in 1253.

HUGO LE BYGOD was younger son of Hugh, 3rd Earl of Norfolk. Being Justice of England, he became Warden of the Cinque Ports and Governor of Dover Castle on the displacement of Richard de Gray. His character as a Judge has been placed high by Matthew Paris. He was twice married, first to Joanna, daughter of Robert Burnet, 2ndly to Joanna, daughter of Nicolas de Stuteville and widow of Hugh Wake. He died in 1266.

JOHN MAUNSELL, the son of a country Priest, was at the same time Treasurer of the Church of York, Parson of Maidstone in this county, and of Wigan in the county of Lancaster, Chancellor of St. Paul's, Provost of Beverley, Chief Justice of England, a Privy Councillor, the King's Chaplain, and Ambassador to Spain, a Keeper of the Great Seal, besides which he acquired great reputation for bravery as a soldier, for Matthew Paris says that at the great battle of Zanton, between the French and English, anno 1242, among many others of the French made prisoners was the High Steward of the Earl of Bologne, taken by this John Maunsell, who was not the last for his valiant behaviour on this occasion. As an instance of his wealth, the same chronicler says that he entertained at dinner the Kings of England and Scotland, a multitude of nobles and prelates, and such a number of guests that 700 dishes were scarcely sufficient for the first course (see Matthew Paris, pp. 590, 616, 859, and 931). He died anno 49 Henry III., 1264 (Hasted's *Kent*). Hasted also relates that the King heaped such continual preferments and offices on him besides, that at last his income amounted to more than 4000 marks per annum, insomuch that there was not a clerk found so wealthy as himself. He founded in 1253—1258 a religious house for Canons regular of the Order of St. Augustine, at Bilsington in Kent,

on the height of the clay hills among the woods, which lasted until 1535; he is said to have also founded an alien Priory at Romney in 1257. When in 1262 open war broke out, Maunsell was one of the chief objects of the Barons' wrath. After sheltering for some time in the Tower, he proceeded stealthily with the King's son Edmund to Dover, and thence, on 29 June, crossed over to Boulogne. All his lands in England were bestowed on Simon de Montford's son Simon. He never returned to England, but died in France 1265 in great poverty. He is said to have been a capable and diligent administrator, unswerving in loyalty to his master, and a true friend to many of his colleagues.

ROGER DE MORTIMER, 6th Baron of Wigmore (1231—1282), was eldest son of Ralf de Mortimer, the 5th Baron, and of his Welsh wife Gwladys Ddu, daughter of Lywelyn ab Iorwerth. In 1247 Roger contracted a rich marriage with Matilda de Braose, eldest daughter of William de Braose, by whom he had a numerous family. Having with Roger Bygod in 1263 declared in favour of the Royal Cause, his lands were ravaged in that year by Lywelyn and the Earl of Leicester. Roger de Mortimer was also witness to the Charter to the Ports of 17 June 6 Edward I. (1278).

PHILIP BASSET (died 1271), Justiciar and royalist Baron, third son and heir of Alan Basset, Lord of Wycomb, Bucks. After a public career of forty years, he died a man "*bonæ memoriæ*," and was buried at Stanley, Wilts. The chroniclers speak of him with enthusiasm, "as noble, discreet, and liberal," "mighty in counsel, zealous in war, noble, and exceeding faithful, a man who greatly loved the English and the Commonalty of the land." His daughter and sole heiress Alina, widow of Hugh le Despenser, Chief Justiciar of the Barons, was remarried to Roger Bygod, afterwards 5th Earl of Norfolk, Marshal of England.

ROBERT WALERAUND (died 1273), Justiciar, son of William Waleraund and Isabella, eldest daughter and coheiress of Hugh of Kilpeck. Throughout this reign he was one of the King's "*familiars*." In 1261 discord between Henry and the Barons was renewed, when he, with John Maunsell and Peter of Savoy, were regarded as the chief advisers of Henry. The chronicler describes him as "*vir strenuus*." He had, throughout his career, been hated as royal favourite, though respected for his ability and strength. In the forty-fifth year of Henry III., the King took into his hands from Robert Bygod the Constablership of Dover Castle, the Chamberlainship of Sandwich, and the Wardenship of the Ports, and con-

ferred them on Robert Waleraund. He married in 1257, Matilda, eldest daughter and heiress of Ralf Russell, but left no issue, and his estates passed to his sister's son Alan Plugenet.

JAMES ALDITHELEGE. His name occurs as one of the Council of fifteen chosen to advise the King on all points under the Provisions of Oxford (1258).—Stubbs' *Select Charters*.

In addition to the above the following Cinque Ports Charters are preserved amongst the Faversham Archives:—

17 June 6 Edward I., with Great Seal.

(See Jeake, pp. 6 to 38.)

28 April 26 Edward I., with Great Seal.

(See Jeake, pp. 38 to 40.)

28 Edward I., with Great Seal.

(See Jeake, p. 41.)

A careful search amongst the records of other Ports and their members might possibly lead to the discovery of other early Cinque Ports Charters.