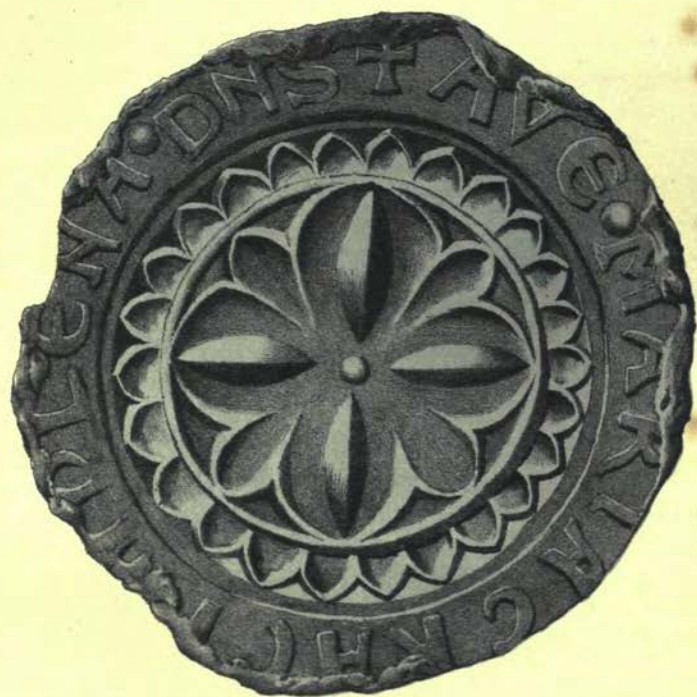




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F. G. Netheridge. lith.

R. C. Hussey. del.
29 August 1861.

LOWER SIDE OF HEART CASE,
LEYBOURNE CHURCH.

ON THE HEART-SHRINE IN LEYBOURNE CHURCH.

My dear Mr. Faussett,

Since my return home, I have been so beset with anxieties, and have undergone so much bodily suffering, that I have been unable to string together my notes on the Leybourne Niche. I cannot now hope to complete a regular paper on this most interesting relic of by-gone ages in time for the issue of our next volume. I have neither spirits nor energy for undertakings such as that which I had fully expected I should, long ere this, have completed for you. I resign the task therefore, and place in your hands a few *disjecta membra*, mere loose memoranda, in a very incomplete and unarranged state, yet sufficient, I trust, to enable you to work out an interesting paper for our forthcoming volume.*

I had intended (as promised in our first volume, page 2, note 1) to give a history of LEYBOURNE CASTLE and its Lords, for which I have been long collecting materials from the public records and other sources. These materials commence with a notice of PHILIP DE LEYBURN,[†] early in the twelfth century, of whose wife AMY, apparently daughter and heir of Robert Fitz-Gerold, we have afterwards a record on the Pipe Rolls, 5 Ric. I., as

* [I feel that I have but anticipated the unanimous wish of the Society, and have certainly best consulted the interests of our Volume, by obtaining the writer's leave to print this most interesting letter, and the notes which accompany it, without addition, diminution, or alteration of any sort.—T. G. F.]

† The notes will be found at p. 157, etc.

sharing in the inheritance of the FITZ-GEROLDS;² thus leading us in shadowy distance up to the earliest periods of Anglo-Norman history. A great charm to me in these biographical researches, has been the racy touches of character, and interesting bits of forgotten history, which, during the progress, have daily developed themselves. I have long dwelt with delight on the prospect of giving them to the world. I must now, however, leave it to other hands than mine, and, for the present, content myself with merely jotting down for your use, that ROBERT DE LEYBURN, son and heir³ of this PHILIP, was possessed of large estates in Kent, and, by his wife MARGARET, was father of Sir ROGER DE LEYBURN, who, when little more than a mere youth,⁴ was out with the Barons in arms against John, and among the prisoners taken in Rochester Castle, Nov. 30, 1215,⁵ not obtaining his liberty, with the Legate's absolution, until the following year, and that only by the payment of heavy fines.⁶ His son and heir was the renowned Sir ROGER DE LEYBURN, one of the most stirring and distinguished warriors of the day, whose whole life was passed between the tilting lists and the battle-field,—

“As seeming war some merry sport to hold.”

We have him one day, from pure revenge, killing purposely an old adversary in a mere tilting joust, “*ad rotundam tabulam;*”⁷ then, a few years later, out, like his father before him, with his fellow-barons, in open rebellion, and during that rebellion ever and anon *aventuras querens* in wild forays and wasting raids; but afterwards, when the French King had arbitrated between Henry and his rebellious Barons, in loyal compliance with the award of that arbitration, he unhesitatingly abandons the Provisions of Oxford, attaches himself to his lawful Sovereign, thenceforward with faithful allegiance ever strenuously fighting for the King, and at last ending his career, like

a true knight, while bearing part in PRINCE EDWARD'S crusade to the Holy Land. Indeed, had I completed my memoir of this reveller in war, I should have been tempted to adopt the song of Hybrias the Cretan, as an appropriate prefix to it:—

*Ἔστί μοι πλοῦτος μέγα δόρυ καὶ ξίφος,
καὶ τὸ καλὸν λαισῆιον πρόβλημα χρωτός.
τούτῳ γὰρ ἄρῳ, τούτῳ θερίζω, τούτῳ
πατέω τὸν ἄδδν οἶνον ἀπ' ἀμπέλω,
τούτῳ δεσπότης μοῖσας κέκλημαι· τοὶ δὲ
μὴ τολμῶντες ἔχειν δόρυ καὶ τὸ καλὸν λαισῆιον,
πάντες γόνυ πεπτηότες ἐμοὶ κυνέοντι
δεσπότην, καὶ βασιλέα μέγαν φωνέοντι.*

Of which I have picked up somewhere the following spirited translation:—

“My wealth's a burly spear and brand,
And a right good shield of hides-untann'd,
Which on my arm I buckle.
With these I plough, I reap, I sow,
With these I make the sweet vintage flow,
And all around me truckle:
But your wights that take no pride to wield
A massy spear and well-made shield,
Nor joy to draw the sword:
Oh, I bring those heartless, hapless drones
Down, in a trice, on their marrow-bones,
To call me king and lord.”

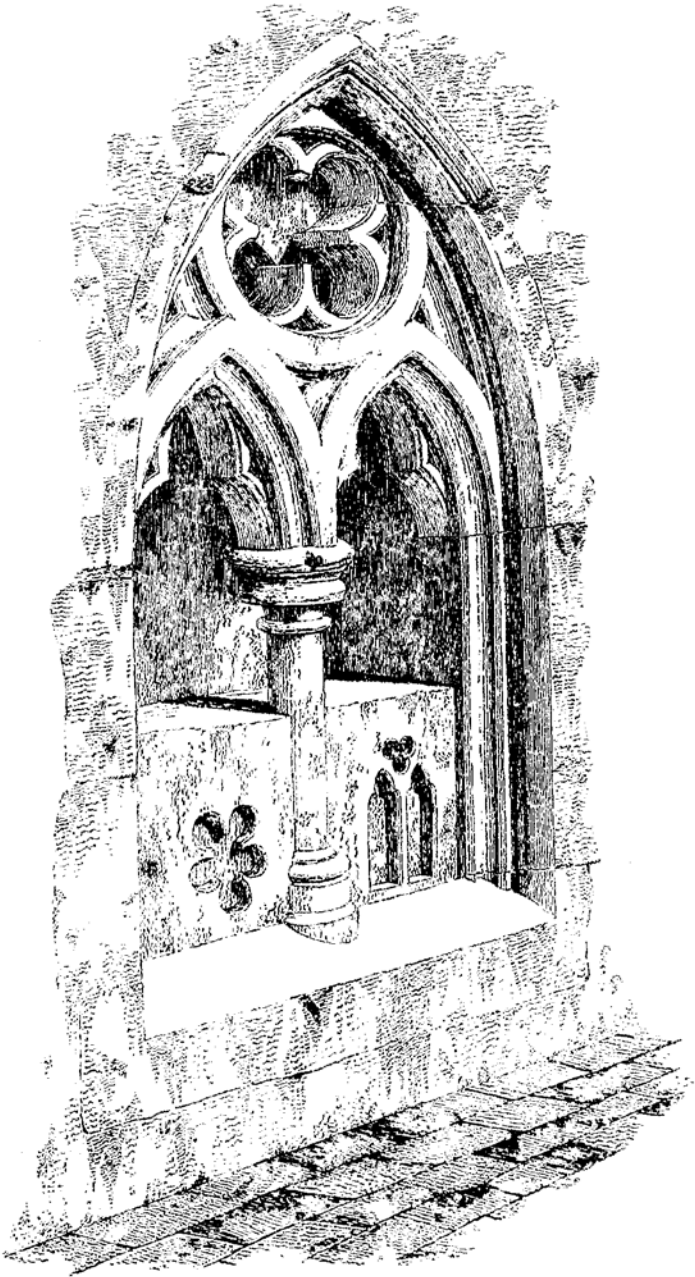
His son, Sir WILLIAM DE LEYBURN, enormously increased his patrimony by marriage with JULIANA, daughter and heir of Sir HENRY DE SANDWICO.⁴² In nowise degenerate, Sir WILLIAM was verily a “man of war,” chevalier “sans mes et sans si,” and seems to have transmitted the family spirit to his second son, Sir HENRY DE LEYBURN, one of the most violent and restless men of his day, whose name occurs again and again on the ‘Curia Regis’ and other Rolls as a turbulent ruffler, and at last, in 1329, as an outlawed felon.⁸ Sir THOMAS DE LEYBURN, however, the elder brother of this unruly knight, appears to have ended his days peaceably at LEYBOURNE, dying

before his father Sir WILLIAM, and leaving JULIANA, the celebrated Infanta of Kent, then a mere infant, the sole heiress to all the family honours and estates.

I had hoped to give biographical sketches of each of these in regular succession, through a period extending from *t. Hen. II.* to *t. Ed. III.*, and specially had I devoted myself, with all-absorbing interest, to a biography of the great Sir ROGER DE LEYBURN; but I am called upon to resign the task, and must not now attempt it.

Passing, therefore, from these biographical notices, I hope you will permit me to entrust to your editorial care the few notes which I have collected in elucidation of the curious Niche in LEYBOURNE Church.

This Niche is fixed in the north wall of the north aisle, which certainly could not have been its original position, inasmuch as this wall is a work of more than a century later than that of the Niche itself. Plate I. is a lithographic copy of an etching made by R. C. Hussey, Esq., F.S.A., from a drawing of W. Twopeny, Esq., in the year 1830, of the Niche as it then appeared. Archæologists had been long perplexed in their endeavours to ascertain the real nature and purport of this structure, until, a few years since, all was accidentally developed during the repairs of the church. The Rev. Charles Hawley, the Rector of the parish, to whom we are indebted for the discovery, was restoring the plaster and executing some repairs in the north aisle of the church, when, in the process thereof, the tops of the two little shrines, shaped like chapels, as seen in Plate II., were disclosed. On his kindly sending for me to join in the inspection of these relics, we at once discovered that these shrines were not cemented down to their platform, and that the square-topped superstructure with which they had been overlaid and concealed, consisted of mere chalk rubbish. Lifting that on the dexter side, we found that it formed the covering of a leaden cylindrical box containing an



HEART-NICHE IN LEYBOURNE CHURCH .

(before the discovery .)

Reproduced by kind permission from Huxsey's "Churches of Kent, Sussex and Surrey."

embalmed heart; there was no lid to close this heart-case itself, nor any signs that it had originally been so closed. The edges of the lead were perfectly smooth and even, so as to preclude the idea of any lid having ever been soldered on to it. If any had originally been there, it must have been a loose one, and removed when the Niche was re-erected in its present position. The bottom of this leaden case was much ornamented. We took a rubbing of it, of which Mr. Netherclift has made an exact facsimile, in Plate III., from a drawing by Mr. Hussey. The inscription is, "✠ AVE. MARIA GRACIA PLENA. DNS;" the sentence being left incomplete from want of space. The lower part of this case was sunk into the platform on which the shrine stood, the upper part was inserted into an octangular hole cut into the shrine itself for the purpose. After taking our drawings and measurements, we carefully replaced the leaden box, and covered it, as before, with the encasement of the shrine. On lifting the sinister shrine, we found it to be perfectly solid. Although evidently intended to be one day the depository of a heart-case, none had ever been inserted, nor had a hole been cut for its reception.

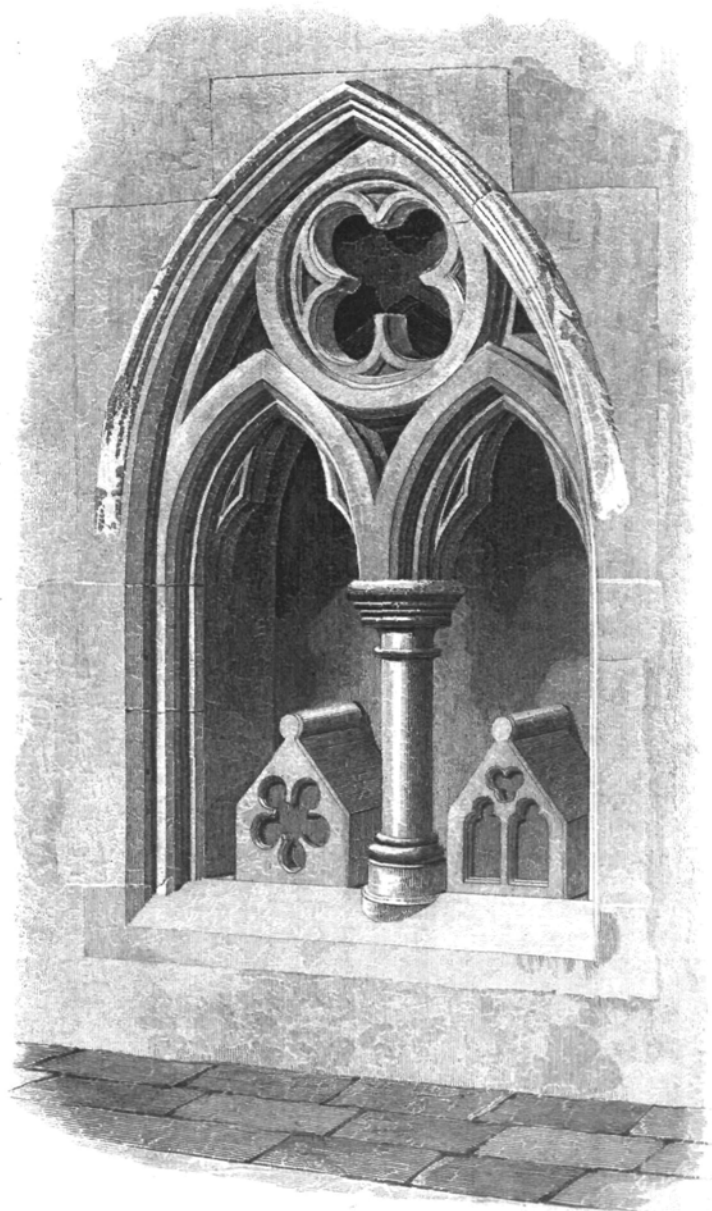
While writing, I am reminded by Mr. Hussey, who was also an eye-witness of our proceedings, that there was an indentation at the bottom of the shrine, where a flake of stone had been roughly chiselled away, with the evident intention of marking the spot where the hole for the second heart ought to be cut when the time should arrive for its deposit there, so as to make it correspond exactly with that of the dexter shrine, which, of course, would then be beyond the reach of inspection, except by a complete dismantling of the structure.

Our examination completed, we cemented the two shrines to the platform on which they stood, and embedded them nearly two inches into the wall at the back, to secure them from being displaced; and, re-

moving all the chalk rubbish which had hitherto concealed them, we left them, as seen in Plate II., in order to show their form and structure, as nearly as might be, in their original position.

There are two small holes in the stonework on each side of the Niche, showing that there had formerly been an iron grating across the front to protect it. The characteristics of the masonry indicate that the Niche was first erected very early in the reign of Edward I., and the ornamentation of the heart-case seems to point to the same period.⁹

But, in all conjectural dates founded on architectural indications, a certain latitude must always be allowed. Old workmen will not readily change their style, and are slow in adopting new patterns. In all these calculations, therefore, allowance must be made for the chances of the hands into which the preparation of the design, and the working it out, may have fallen. Although, therefore, I have a strong conviction that this Niche is to be assigned to the early part of the reign of Edward I.,—say about A.D. 1272,—I cannot shut my eyes to the possibility that it may, though improbably, be the work of some thirty years later,—say even as late as the beginning of Edward II., about A.D. 1309. I name these two dates, not only because they are possible ones, but also, because within those periods lived the only individuals to whom, by any imaginable conjecture, these heart-shrines could have been devoted. Still, I repeat my strong conviction, that the characteristics of the work, ordinarily speaking, will not allow us to ascribe to it a later date than the early part of the reign of Edward I. If this be a correct opinion, the deposit here enshrined must necessarily be the heart of Sir ROGER DE LEYBURN, who died A.D. 1271; and I will now proceed to adduce a few arguments by which I hope to convince you that we really have here the “reliquiæ” of our great Kent Baron.



R.C. Hussey del.

J. Basire sc.

NICHE in LEYBOURNE CHURCH.

I will commence by reminding you that within the period I have named, there were three Lords of Leybourne, viz. :—

Sir ROGER DE LEYBURN, who died A.D. 1271.

Sir WILLIAM DE LEYBURN, his son, who died A.D. 1309.

Sir THOMAS DE LEYBURN, his son, who died before his father, A.D. 1307.

Juliana de Leyburn, daughter of this Sir Thomas, the last representative of the name, died A.D. 1367, bequeathing her body to be buried in the Monastery of St. Augustine, Canterbury; no mention being made of her heart, which was therefore, doubtless, buried with her body. (See 'Archæologia Cantiana,' Vol. I. p. 8.) Beside which, the architecture and work is of too early a period to allow of our assigning the shrine to her; and further, its position in the Niche proves it to be the heart of a married man who died before his wife. JULIANA, therefore, must be excluded from our calculations.

Next, let us turn to the first on our Roll, Sir ROGER DE LEYBURN.

We may lay it down for certain, that the body from which the heart was taken was buried elsewhere than at LEYBOURNE, otherwise there would have been no separation of its parts.

Where, then, was buried the body once animated by this heart?

In reply to this query, we instinctively turn to the Holy Land, for thence, in the days of the Holy Wars, the hearts of the most distinguished Crusaders were frequently sent home to be enshrined in their own manorial church, or in some monastery which they had founded or endowed.¹⁰ Let us see, then, if we can connect Sir ROGER DE LEYBURN with the Crusades.

Among the records of the Exchequer is the Copy of a Convention, dated 27 August, 1269, 53 Hen. III., between the King of France and Prince Edward, eldest son and

heir-apparent of King Henry III., concerning their joint Crusade to the Holy Land. To this Convention ROGER DE LEYBURN is a party, binding himself (with four others) to the Prince's faithful observance of the contract; and it would seem that he was to be one of the Prince's personal attendants and counsellors in the expedition.¹¹

And, by reference to the Patent Rolls, 54 Hen. III., 12 May, A.D. 1270, it will be seen that Sir ROGER DE LEYBURN was one of the Crusaders to whom the Crown issued Letters of Protection during their absence, with privilege and exemption from all suits for four years, while attending in the suite of his son Prince Edward in the Holy Land, "crucesignati."¹²

"It was a wonder," says quaint old Fuller, speaking of this chivalrous prince, thus starting on this Crusade, that "he would now adventure his head, when he was to receive a crown, his father being full ripe to drop down without gathering, having reigned longer than most men live, fifty and five years. But thirsty was this Edward of honour: LONG-SHANKS was he called; and as his strides were large, so vast and wide was the extent of his desire."

The expedition left Dover on the 19th August, A.D. 1270.¹³ They arrived at Aiguemorte about Michaelmas, and embarked thence for Tunis, which they reached in ten days. St. Louis had died shortly before their arrival, viz. on 25 August, 1270.¹⁴

On the taking of Tunis, Edward forbade the English to seize any of the spoils. "It troubled not, however, the consciences of other Princes," says Fuller, "to enrich themselves herewith, but they gluttled themselves with the stolen honey which they found in this hive of drones; and, which was worse, now their bellies were full, they would go to bed, return home, and go no further.¹⁵ Yea, the young King of France, called Philip the Bold, was fearfull to prosecute his journey to Palestine;

whereas Prince Edward struck his breast, and swore that though all his friends forsook him, yet he would enter Ptolemais, though but onely with Fowin his horse-keeper. By which speech he incensed the English to go on with him,"¹⁶ while the French and the rest, having signed a truce with the Tunisiens, started for Sicily, on their way home, pretending it was only to winter there. In the evening a sudden tempest arose, and demolished the entire fleet of these recreants. "Their ships being wracked, and the goods therein cast into the sea, with which the waves played a little, and then chopped them up at a morsel." The weather, however, "smiled on the English. Prince Edward, no whit damnified, either in his men or ships, with Elenor his tender consort, then young with child, safely arrived at Ptolemais, to the great solace and comfort of the Christians there." (Fuller's 'Holy Wars,' book iv. chap. 28.)

He reached Acre (*i.e.* Ptolemais) in the quindain of Easter, A.D. 1271.¹⁷

Whether Sir ROGER DE LEYBURN died before reaching the Holy Land, or was among those who landed with the Prince at Acre, we have no record; but we cannot doubt that until death he remained true to his master. One who had been trusty and faithful for so many years, "*per varios casus, per tot discrimina rerum;*" one who, even after the disasters of Lewes, had not quailed in the cause, was little likely now, with the Holy Land itself in sight, to have been untrue to his vows.

Wherever he may have died, we know for certain that his death had actually occurred before 7th November, A.D. 1271, 56 Hen. III., because, on the Fine Roll of that year, there is entered the homage of his son and heir, WILLIAM DE LEYBURN, and security taken for the payment of relief, as "son and heir of ROGER DE LEYBURN deceased," and the appointment of dower to the widow, ALYANORE, Countess of Winchester.¹⁸

The Prince was not then returned from the Holy Land, for he was still absent from England when he succeeded to the Crown in 1272;¹⁹ and, I repeat, we cannot imagine that Sir ROGER DE LEYBURN would have so soon deserted him and have returned alone within the few months that had elapsed since his starting on that Crusade.

The expedition left England, as we have seen, in August, A.D. 1270; and Sir ROGER DE LEYBURN died before November, 1271, as the homage of his son, just cited, testifies. What more likely than that at the time of his death he was with the Prince, and that EDWARD sent home the heart of his trusty friend and aged counselor to be honourably enshrined at LEYBOURNE?²⁰

It is true that, in the early days of the rebellion, Sir ROGER DE LEYBURN sided with the King's enemies, and was excommunicated for having shared in framing the "Provisions of Oxford."²¹ Among the rebellious Barons, however, he was, from the first, one of the most conspicuous of those who seem to have associated themselves as special partisans of Prince EDWARD.

Contrary²² to the wishes of the general body, he beguiled the Prince to leave England, without the King's permission, for a round of tournaments in France. In these he greatly distinguished himself; but, in the midst of his joyous revelries, the artifices of the Queen contrived to poison the Prince's mind against the favourite, and to effect, for a time, a complete rupture between them.²³

On his return to England, Sir ROGER gathered round him the old associates of his party, and betook himself to raids and forays in Kent, in Wales, indeed, in every part of England. The circumstances of the times—every feudal lord in arms—were peculiarly favourable to the full enjoyment of this his favourite pastime; wherever there was a private wrong to avenge, or aid to be given

there was a private wrong to avenge, or aid to be given to his party, there was he foremost in the field. And the state of Kent²⁴ at this particular period offered more than ordinary facilities for these practices. The King, on leaving England towards the end of A.D. 1262, had provided against his active hostility, by issuing mandates, peremptorily forbidding either Sir ROGER himself, or his party, to attend any tournaments, or to be in any way, on any pretext whatever, under arms during his absence from England, without his own special license, on pain of forfeiting their estates.²⁵ Yet the Chronicle tells us, and actual records confirm the account, that they spent the early part of 1263 in constant forays. Among others, the mesne Lord of the manor of Detling, Sir William de Detlinge, having committed a homicide, the Archbishop of Canterbury, being chief lord, had, in due course, seized the manor into his own hands. Sir William forthwith applies to his neighbour Sir ROGER DE LEIBURN for aid, the two together gather their retainers, and forcibly ejecting the Archbishop's officers, invest Sir ROGER's son in the manor,²⁶ and, as the Chronicler asserts, the Sheriff could no longer attempt to hold his county without a special force of armed men.

A century before this period, scenes such as these were of frequent occurrence, and, in very self-defence, these feudal lords were necessitated to live in fortified dwellings; hence the numerous ruined castles which we see scattered over the country. The law was not then very scrupulously respected.

"For why? the good old rule
Sufficed them,—the simple plan
That they should take who have the power,
And they should keep who can."

Sometimes a contiguous piece of land was a desirable acquisition to their demesne, and their title to it not very clearly defined; sometimes there was a private

wrong to avenge, or a neighbour to assist in some such transaction. Whatever might be the moving cause, if the law were too tedious for them in its operations, or, perhaps, actually against them, they would take it into their own hands, and, not unfrequently, it might be said of them:—

“The robber chief upheld his armed halls
Doing his evil will.”

But even in the thirteenth century, and especially during the troubled period which we are discussing, these lawless proceedings were far from uncommon. The Curia Regis Rolls bear convincing testimony to this mode of doing business, still ever and anon adopted by these fiery chieftains, and assuredly Sir ROGER DE LEYBURN was not slower than his brother lords.

From Kent Sir ROGER DE LEYBURN and his party proceed to the Marches of Wales, seize upon Hereford, and imprison the Bishop; take Gloucester and Bristol, and, after numerous other violent proceedings, return to Windsor, of which they had not yet succeeded in gaining possession.

Later in the year, De Montfort joins them in harrying the goods of the foreign mercenaries wherever they could be found. In Kent, and specially about Romney and the five ports, they were most active in gathering assistance to eject these hated foreigners, which they at last fully accomplished, and the Castle of Windsor itself was cleared of them, and made over to the Barons.²⁷

I have gone more particularly into these events than I otherwise should have done, because they have an important bearing upon the part which Sir ROGER DE LEYBURN took in leaving the Barons, and passing over to the King's side. By an entry on the Patent Rolls and other original documents, we can prove that the reconciliation of Sir ROGER and his party with the King and Prince must have taken place about the middle of August, 1263;

thus confirming the Chronicles, which fix the date of their finally joining the King, as being shortly before November 1st in that year.^{28 and 31} It must have been, then, just at the time when the ejection of the foreigners was accomplished, and all ground of difference between the Prince and his former friends was at an end.

Rishanger asserts that they were brought over by bribes. I cannot believe them guilty of such baseness. As to Sir ROGER DE LEYBURN, the very idea seems all alien to his determined character. A mercenary recreant he never could have been. The large number of those who came over with him, would of itself almost preclude the possibility of the charge being true,—it was the reconciliation of a party, not the base purchase of individual support,—to say nothing of the fact recorded on the Patent Roll, and confirmed by the acts of homage,²⁸ that this secession from the Barons was the result of negotiations conducted by Richard, King of the Germans, with mediators regularly selected for the purpose by the King on one side, and the Barons on the other. It is far more likely that Sir ROGER and the others who had long acted with him, the formerly attached followers of the Prince, now that the expulsion of the foreigners was completed, and themselves thereby reconciled to him, were anxious for an honourable compromise, and failing to induce the other Barons to acquiesce therein, brought matters to a crisis by joining the King's party in a body, and thus, by their united influence, secured the long-desired arbitration of the King of France in this internecine struggle; for, after many previous futile attempts, it was now at last agreed that all points in dispute between them should be referred to Louis, and that both parties should be bound by his award.²⁹

King Henry, with Prince Edward and other nobles, including Sir ROGER DE LEYBURN and those who were charged by Rishanger with infidelity, sign their part of

the covenant at Windsor, 16th December, 1263. The Barons had signed their part at London, three days previously, viz. 13th December, 1263.³⁰

Rich rewards, it is true, were accumulated fast upon Sir ROGER DE LEYBURN, but not until he had honourably earned them.³¹ I cannot believe them to have been mere bribes to desert his party.

The French King made his award at the Council at Amiens, 23 January, 1263-64. It annulled the Provisions of Oxford, and the majority of the dissatisfied Barons unhesitatingly refused to abide by it.

Sir ROGER DE LEYBURN, however, stood, as he was pledged to do, to the award, and remained thenceforth a firm adherent to the King. All recollection of former wrongs was cast for ever to the winds,—and his fidelity was never again shaken,—his whole life was henceforth entirely devoted to the Crown, and in this service his activity was almost beyond belief. His was indeed a quenchless energy. Early in April (1264)³² he was fighting at the King's side at Northampton;—within a few days afterwards, still in the same month of April, he is found bearing a conspicuous part in the gallant and successful defence of Rochester Castle against the Barons. Here he was severely wounded;³³—yet, a few days later, on the memorable 14th of May, in the same year, he was in close attendance upon the King, as one of the most trusted of his council,³⁴ at the battle of Lewes, and after that fatal day he proceeded to the Marches of Wales.³⁵ Even in that hour of despondency for his party, he fought on sturdily for the King, and continued unflinchingly to combat on that side up to the crowning victory of Evesham, 4th August, 1265.³⁶ Immediately after this success, he was dispatched by the King to treat with the Londoners, and reduce them to complete subjection, a service which he most effectually performed.³⁷ Indeed, till the close of the year 1267,

when the ashes of the rebellion were finally trodden out, he was never a day at rest. At Kenilworth, in Kent, in the Fens, in Essex, wherever the rebels attempted to make a stand, there was he actively employed in suppressing them. High offices of trust, moreover, were assigned to him without limit. In almost every public act, mission, or convention, for many years, he appears prominent as the most confidential and active servant of the Crown,—

“ Sage counsel in cumber,
Red hand in the foray.”

During all this time, rewards were deservedly showered upon him,³⁸ and he was indeed one that Prince Edward might well delight to honour after death.

It is important to notice that the tabernacle, or shrine, in which this heart is encased, is on the dexter side of the column which divides the Niche into two compartments;—the proper position for a husband, that for the wife being on the sinister side. This last, however, has never been occupied. It was prepared, evidently, during her lifetime, to receive her heart when dead; but the intention was not fulfilled. There is the shrine, indeed, but it is solid, still without its occupant; *not even a hole cut for the insertion of a heart-case.*

I repeat this circumstance because, to a certain extent, it is a confirmation of my conjecture, that we have here the heart of Sir ROGER DE LEYBURN. His second wife survived him; she was ALIANORE, daughter of WILLIAM DE FERRERS, Earl of Derby. She herself had had two husbands before she married Sir ROGER DE LEYBURN, viz. for her first husband, WILLIAM DE VAUX; and for her second, ROGER DE QUINCI, Earl of Winchester. We may well suppose that, if the choice of place where her heart was to be enshrined had been left to herself, she would have been sore perplexed to decide by which of her three husbands she would have it placed. In this perplexity,

she was not likely to turn to her last husband. She could not have been his wife for more than four years, and the probability is, that the rank of her second husband, the Earl of Winchester, would have formed the principal attraction, both for herself and her surviving relatives. First love, albeit of the very essence of true chivalry, must, I fear, be discarded from our calculations in these early days, when wardships and marriages were matters of sale. The son, Sir WILLIAM DE LEYBURN, would have troubled himself little about the resting-place of his mother-in-law, in the absence of any special injunction imposed upon him by his father; and so there was no one to care what became of her heart, and the tabernacle originally destined to receive it remained unoccupied. Indeed, the son would probably be more inclined to send her remains to rest near her noble husband the Earl, than to any other quarter.

The above evidences seem to me so decisive in favour of assigning the heart to Sir ROGER DE LEYBURN, the servant of Henry III., the trusty friend of Prince Edward, and one of the most distinguished warriors of his day, that I might hardly deem it necessary to enter upon the claims of his son or grandson; yet, as we are rigidly searching for the truth, I cannot forget that I have advanced, after all, only conjectural evidence, and that something may be said of the other two who died within the possible, though not probable, period when the shrine was built. With regard to the grandson, indeed, Sir THOMAS DE LEYBURN, the arguments in favour of the heart being his, have certainly some strength, though, to my mind, they must give way to those which we have produced on behalf of his grandfather.

Turn we first to Sir WILLIAM DE LEYBURN, son and heir of Sir ROGER. Long before his death, he had given up all interest in LEYBOURNE. He had resigned it, as a residence, to his son Sir THOMAS,—had alienated it to

him and his wife Alice, and their heirs in fee;³⁹ and having also alienated Leeds to the King,⁴⁰ he had himself migrated to PRESTON, near WINGHAM, where he had become owner of large possessions and a grand residence, through his wife JULIANA, the daughter and heir of Sir HENRY DE SANDWICO.⁴¹ All connection with Leybourne was comparatively gone. So far, it seems little likely that the heart here enshrined was his. He was, undoubtedly a man of great eminence, wealthy and distinguished. He was at the siege of Carlaverock, 28 Edw. I., A.D. 1300, and his decision of character is thus strongly marked by his description on the Roll:—

“GUILLEMES DE LEYBOURNE ainsi,
Vaillans homs, sans mes e sans si.”

A pretty determined knight this, without “but” or “if.” His place of sepulture would probably have been PRESTON. He had evidently given up all attachment to LEYBOURNE, or he would not have alienated it to his son. On his death, in 1309, there was no one to care that his heart should be taken to LEYBOURNE. His heir was his grandchild JULIANA, an infant of five years old, and all the attachments of his widow would be naturally centred in her own paternal estate, PRESTON.

The architectural evidences also, and the ornamentation of the heart-case, point, as I have said, to an earlier period than the date of his death (1309) would fairly allow us to assign to this structure. A certain time must have elapsed between his death and the completion of the shrine, which will carry us to a later date than the nature of the work would seem to indicate; though I would not venture to assert that old workmen may not have continued down to 1311, or thereabouts, the style that prevailed thirty years previously.

These remarks on the date of the structure will also apply to the claims of his son Sir THOMAS DE LEYBURN, who died two years before his father, viz. in 1307.

In other respects, too, the evidences are against our assigning the heart to him. He had seated himself at Leybourne during his father's lifetime, and, under ordinary circumstances, would have been buried there; and if so, it is not likely that the heart would have been separated from the body. Still we must acknowledge that his father Sir WILLIAM might possibly have removed the body to PRESTON, leaving the heart to be enshrined at LEYBOURNE; and supposing it to have been the heart of Sir THOMAS, we might readily account for the absence of his wife's. This lady was sister and coheir of Robert de Toni, and after the death of Sir THOMAS DE LEYBURN, she married GUY BEAUCHAMP, EARL of WARWICK, and afterwards had a third husband, WILLIAM DE LA ZOUCH: her living heart was gone for ever from LEYBOURNE, and it is not to be expected that after her death it would have returned thither. In *her* case, then, we should expect to find the tabernacle unoccupied, and thus to many it may appear a very probable conjecture that the heart is that of Sir THOMAS DE LEYBURN, the last of the family resident at Leybourne Castle.

Weighing, however, impartially all the arguments which I have adduced, the decision, I think, must rest between the claims of this Sir THOMAS and his grandfather Sir ROGER; but the evidences in favour of this being the heart-shrine of the latter immeasurably outweigh any that can be advanced in behalf of any other individual.

For myself, I am as convinced that the heart of the Crusader, the friend and companion of PRINCE EDWARD, the great Sir ROGER DE LEYBURN, is deposited here, as though the fact were actually declared by an inscription carved upon the shrine.

Always, my dear Mr. Faussett,

Yours very sincerely,

Ryarsh Vicarage, Oct. 1, 1863.

L. B. L.

POSTSCRIPT.

Since jotting down these notes, it has occurred to me that we ought to be careful in marking strongly the distinction between ROGER DE LEYBURN who married IDONEA DE VIPONT, and Sir ROGER DE LEYBURN, Lord of Leybourne, in Kent. They have frequently been mistaken for one and the same individual, and Dugdale himself gives but a very confused account. I have therefore educed the genealogical evidences relating to Sir Roger de Leyburn from the public records, step by step, noting them down in this Postscript, and for the convenience of reference have embodied the results in a pedigree at page 193.

In the preceding sketch of Sir Roger de Leyburn's career, it is evident that our great Kent Baron was the inseparable friend of Prince Edward, and with the exception of the temporary estrangement contrived by the Queen's intrigues, his constant companion in feats of arms,—never absent from his side. I cannot persuade myself that a royal patent or charter would have been issued relative to a ROGER DE LEYBURN other than the one already thus well known and distinguished among the Barons, without particularly specifying some manor or place of which he was Lord, to mark the distinction between them. Still, it is well to note that there were two of the name living at the same time. I subjoin the genealogical evidences, leaving the conclusion to your own and your readers' judgment.

The earliest allusion to any Sir ROGER DE LEYBURN that I have as yet found among the Public Records, is an entry on the Curia Regis Rolls, anno 3 Jo., *i. e.* A.D. 1201. It occurs in a Plea of Thomas de Canvill against Robert de Sudton concerning a piece of marsh-land.

The said plaintiff calls to warranty ROGER son of ROBERT DE LEYBURNE, which ROGER is in ward of STEPHEN DE TURNEHAM. The actual words are these⁴²:—

“Profert cartam ROBERTI DE LEYBURNE, in qua continetur, quod idem ROBERTUS dedit eidem predictum mariscum, cujus filium ROGERUM nomine vocavit ad warrantandum, qui est in custodia STEPHANI DE TURNEHAM.” (Rot. Cur. Regis, anno tertio Regis Johannis de termino Michaelis, Rot. 4, in dorso.)

This ROGER, son of ROBERT, was therefore a minor at Michael-

mas, A.D. 1201. And so again, on the same Rolls, in the quindain of Easter, 4 Jo., *i.e.* Easter, A.D. 1203, he is stated to be still a minor "infra etatem, et in custodia Regis."

The next notice that I find of his genealogy is on the Fine Rolls. It is an entry concerning the payment of five palfreys as a fine to the King by the coheirs of STEPHEN DE TURNHAM, on inheriting their estates, in the time of King John. It is as follows:—

(A.D. 121 $\frac{8}{8}$.)

"Mandatum est Vicecomiti Surrie, quod Thomas de Bauelingham et Mabilia uxor ejus, Adam de Bendenge et Alicia uxor ejus, ROGERUS DE LAYBURNE et ALIENORA uxor ejus, Radulphus filius Bernardi et Alienora uxor ejus, Radulphus de Fay et Beatrix uxor ejus, finem fecerunt cum domino J. Rege, patre domini H. Regis, per v palefridos, pro habenda tota terra que fuit STEPHANI DE TURNHAM, que predictas Mabilia, Aliciam, ALIENORAM, Alienoram, et Beatriciam jure contingit hereditario, et mandatum est eidem Vicecomiti quod, accepta a predictis Thoma et Mabilia, Adam et Alicia, ROGERO et ALIENORA, Radulpho et Alienora, Radulpho et Beatrice, securitate de predictis v palefridis domino Regi reddendis, plenam eis seisinam habere faciat de tota terra que fuit ipsius Stephani, cum omnibus pertinentiis suis in Ertinden. T. Comite apud Westmonasterium xxvj die Januarii." "Finis iste irrotulatus est in rotulo Finium tempore domini J. Regis." (Rot. Fin. 3 Hen. III. m. 9.)

N.B. The "Comes" by whom the Letters Patent are tested was the Regent, William Marshall, Earl of Pembroke.

This ROGER DE LEYBURN, then, married Alienore de Thurnham, and seisin being given to him, he must have been of full age before 1219. Indeed, we know that he must have been so before 1216, for, in the previous year, he was taken prisoner in Rochester Castle, and had pardon and reseisin given him in his estates A.D. 1216. (See notes 4 and 5.)

In tracing downwards the genealogy of the Lords of Leybourne, we now meet with much perplexity. The Inquisition on the death of this the first Sir ROGER DE LEYBURN is not extant, and having been succeeded by a son of the same name, genealogists and biographers have confounded the two together. Dugdale makes the rebel Baron of 1215, the slayer of Ernulph de Muntney, the active warrior in the national struggles *t. H. III.*, and the Crusader of 1270, one and the same individual. The evidence of records in this case is very scanty, and may

easily have been overlooked even by the indefatigable research of our great antiquary; yet, such evidence as there is, is resistless in proving that the great Sir ROGER DE LEYBURN, he that slew De Muntney, and bore so conspicuous a part in the Barons' Wars, t. H. III., was the son and heir of the first Sir ROGER, who, in early youth, had been in the Barons' rebellion of John's time. The reverence due to the authority of Dugdale naturally suggests great diffidence in introducing into the pedigree a generation unnoticed by him; but, with these records before us, it is impossible to shrink from a conviction that he is in error.

In proof of this assertion, I would adduce the following abstracts from the Pipe and Fine Rolls:—

1. Rot. Pip. Kent, 31 H. III. (A.D. 1246-7):—

“Rogerus de Leyburn reddit comptum de cc^{li} de prestito, per Vicecomitem Essexie.”

N.B.—This was a loan of £200 granted by the King to Sir ROGER DE LEYBURN, out of the issues of the Pleas of the King's Forest in Essex. (See Rot. Fin. 31 H. III. m. 13.)

In every year from 31 to 37 H. III. (1246 to 1252) the name of Sir ROGER DE LEYBURN is regularly entered on the Pipe Roll of Kent as debtor for this loan, “reddit comptum de cc^{li} prestito;” nothing ever being paid, but the debt carried on from Roll to Roll.

2. Now, on the Fine Roll 35 H. III. (1251) there is this entry:—

“*Pro Rogero de Leyburn.* Mandatum est Baronibus de Scaccario quod demandam ccc marcarum que a ROGERO DE LEYBURN exiguntur, per summonitionem scaccarii, pro prestito patri suo facto, quod non recognoscit, ponant in respectum, usque ad Quindenam Sancti Michaelis proximo futuram. Et interim scrutentur rotulos scaccarii, ut tunc Regi certificare possint, unde debitum illud oriatur, et ob quam causam. Teste ut supra (*i. e.* Rege apud Clarendon x die Junii) per J. Mansel.”

N.B.—By an error of the Clerk it was originally written “pro prestito ei facto.” Subsequently *ei* was erased, and “patri suo” overwritten; and on the Fine Roll, 36 H. III. (1251-2) it is thus written:—

“*Pro Rogero de Leyburn.* Rex dedit respectum ROGERO DE LEYBURN de ccc marcis que ab eo exiguntur, per summonitionem scac-

carii, de prestito facto *Rogero de Leyburn patri suo*, usque a die Sancti Michaelis in xv dies. Et mandatum est Baronibus de Scaccario quod eundem respectum ei habere faciant. Teste Rege apud Faversham primo die Marci per J. Maunsell."

3. On the Pipe Roll, 37 H. III. (1253) the following is the form of the entry:—

"ROGERUS DE LEYBUN reddit comptum de co^{li} de prestito, sicut continetur in Rotulo xxxi. In thesauro nichil.

"Et in perdonis ROGERO filio et heredi dicti Rogeri ccc marce, per breve Regis.⁴³ Et quietus est."

Putting together all the above evidence, it would seem that Sir ROGER DE LEYBURN had died shortly before 35 H. III.; that his son had refused to acknowledge his father's debt of co^{li} (the clerk, meanwhile, as it was still unpaid, "*in thesauro nichil*," regularly carrying it on each year from the preceding Roll); but, eventually, in 37 H. III., the King releases him the debt—"et quietus est;" and observe, he is actually called "heres," *i. e.* he has succeeded to his inheritance, according to the maxim "nemo est hæres viventis."⁴⁴

Following on the genealogical history of this second Sir ROGER, we find him, in 1267, the husband of Alianore de Quincey (widow of Roger de Quincey, Earl of Winchester). He could not have been married to her before 1264, because the Earl, her first husband, only died in that year (see Esc. 48 H. III. n. 27); but, on 7 Sept., 51 H. III., 1267, there is a mandate from the King to the Sheriff of Oxon and Berks, to give seisin to the right heirs of the said Roger de Quency in the manor of Chinnour, which had been committed to "*Alianore, que fuit uxor ejusdem Comitis, nunc uxor dilecti et fidelis nostri Rogeri de Leyburn,*" until satisfaction was made to her for dower (see Rot. Claus. 51 H. III. m. 2).

And now again we are at fault with the Inquisitions, for there is none extant on the death of this second Sir Roger de Leyburn, but we learn by an entry on the Fine Roll that it had occurred before 7th November, 1271, and that WILLIAM DE LEYBURN was his son and heir (see note 18), who could not have been born after 1242, because we find him pleading in an assise of novel disseisin in 1263 (see note 26), when, of course, he must have been of full age, and therefore son of Sir ROGER, not by Alianore de Quency, but by a former wife; and,

if not born till after 1242, we are furnished also with a proof that his father, Sir ROGER, could not well have been born after 1220.

The Inquisition on the death of a ROGER DE LEYBURN, A.D. 1283-84, (see Esc. 12 Edw. I. No. 17) gives extents of all his manors, etc., every one of them held by him "de hereditate IDONEE filie et unius heredum Roberti de Veteri Ponte defuncti, uxoris sue," who survives, and is twenty-five years old. In one of the returns she is represented as twenty-two years of age.

The jury certify that his son JOHN, aged four years, is his next heir. In one of the returns the heir is called Robert. I have been unable to obtain authentic genealogical information on this part of the pedigree. Among the "Summonitiones" printed in the "Reports of the Lords Committees touching the dignity of a Peer of the Realm," vol. iv., 1829, JOHN DE LEYBURN'S name appears as regularly receiving summons to Parliament among the Barons, from 11th to 22nd Ed. III. There are also numerous entries on the Records between 4 and 17 Edw. II. of ROBERT DE LEYBURN in high offices and commands in Lancashire, Cumberland, and Westmoreland, and this ROBERT was also frequently during that period Knight of the Shire for Cumberland. I conjecture, therefore, that he may have been the second son of ROGER DE LEYBURN by IDONEA DE VIPONT.

Be this as it may, it is palpable that this Roger de Leyburn, who leaves a widow, Idonea, and a son and heir, John, must be a different individual from the Lord of Leybourne, in Kent, who died A.D. 1271, leaving his widow Alianore, Countess of Winchester, surviving him, and a son and heir, William. In fact, this ROGER was evidently the younger son of Sir ROGER DE LEYBURN, of Kent, the grantee of the wardship and marriage of the said Idonea de Vipont, as cited in note 38.

On the Charter Roll, 49 H. III. is a grant made to ROGER DE LEYBURN ("*dilecto et fideli nostro* ROGERO DE LEYBURN, *pro fideli et servicio suo*"), of various manors, etc., that had been forfeited by Adam le Despenser and others, dated at Canterbury, 26th October (1265); and on the very same day is another grant made to ROGER, son of ROGER DE LEYBURN ("*Sciatis nos dedisse, concessisse, et hac carta nostra confirmasse* ROGERO DE LEYBURN *filio* ROGERI DE LEYBURN") of the manor of Loseham, and other

lands of Henry son of Thomas Archer and other rebels (v. Rot. Cart. 49 H. III. m. 2).

We have here, then, undoubted evidence that Sir ROGER DE LEYBURN, of Kent, had a son named ROGER. William was the name of his elder son and heir, as we know by the homage cited note 18. ROGER, then, must have been his younger son, to whom he married his ward with her rich inheritance. She could only have been twelve years old at the time of her guardian's death.

A question might perhaps be raised as to the correctness of our always identifying the Roger de Leyburn of the Records with our Kent Baron. I believe that there is no error in doing so. Without enumerating all the means of identification which we possess, I will merely note that the grant made to him of the manor of Elham, by the Prince, without the King's consent, at Paris, in 1260, and his daughter-in-law Juliana, pleading the grant,³³ proves that the Prince's companion was our Kent Baron. That he was the Roger de Leyburn appointed Lord Warden in 1263, we know, because in the Roll of Accounts delivered into the Exchequer, for expenses incurred by him in the King's service,⁴⁰ many of them during the execution of that office, he speaks of "domo sua de la Mote," and "pernoctavit apud Ledes;" and at this period Leeds and the Mote were manors belonging to the Lord of Leyburne in Kent, the former apparently being his principal place of residence.

Even so, it may not be amiss to remark here, that even should further investigation prove that he was prevented, at the last moment, from fulfilling his vows to accompany the Prince on the Crusade, and that he was carried off by sickness while lingering at home, yet the conjecture that the shrine at Leybourne contains his heart may still be supported by the fact that the family had been great benefactors to Leeds Priory, and seem to have selected that sanctuary as their place of burial. His mother, Alianore de Thurnham, was certainly buried there;⁴⁶ and if he died at his own residence, Leeds Castle, his body may well have been buried by the side of his father and mother in the Priory, while his heart was sent home to his original abode, where was the Castle, probably of his own erection, the "Caput Manerii," LEYBOURNE.

But methinks it were impossible that the old warrior should have seen his friend and companion in arms, his Prince, start

for the Holy Land, while he himself retired to his quiet home,
to—

“Crawl enamoured of decay,
Cling to his couch and sicken years away,
Heave his thick breath and shake his palsied head;”

and instead of passing away with “one pang, one bound,” amid
the glories of the battle-field, to pine on a sick bed, and there—

“Gasp by gasp to falter forth his soul,” etc. etc.

Oh no!—I will never believe it.

L. B. L.

NOTES.

In order to confirm the different assertions in this letter, I send you a collection of Notes gathered from records and original documents. They are but a small portion of those which I have long amused myself in hunting up, in order to illustrate my once projected history of the Baronial family of *DE LEYBURN*.

The remainder you shall have when you take in hand, for our next Volume, the Roll of accounts delivered into the Exchequer by Sir *ROGER*, to which I have referred in page 156; and, with them, a complete list of all the offices of trust held by Sir *ROGER*, and the grants conferred on him by the Crown.

(1.) As might naturally be expected, when the scribe had nothing but the ear to guide him, the name “*DE LEYBURN*,” in ancient records assumes every imaginable variety of form. I have selected that in which it is most generally written on the Patent and other Rolls, but in actual abstracts from these Rolls and other documents I always write the name exactly as I find it in the original.

(2.) The following is the entry on the Pipe Rolls of Kent, 5 Ric. I., under the heading “*Oblata per Cancellarium* :”—“*AMIA DE LEEBURN reddit compotum de xv^{li}.iiij^s.iiij^d pro habenda parte sua de terra que fuit Radulphi filii Geroldi, que exigebantur a Johanne de Tresgoz.*” According to this entry she was a coheiress of *Ralph Fitzgerold*; but Townshend, in his manuscript additional notes to Dugdale, calls her daughter and heir of *Robert Fitzgerold*, by *Alicia de Rumelli*, and states that, after the death of *PHILIP DE LEYBURN*, she married *John de Tresgoz*. He gives no authority for his statements, but they are

compatible with this entry on the Pipe Roll. It is quite possible that she may have been the coheirress of *Ralph*, and also daughter and heiress of *Robert*.

(3.) On the Pipe Roll of Kent, 8 Ric. I., under the heading, "Ob-lata per Cancellarium," there is this entry:—"ROBERTUS DE LEEBURN heres AMIE DE LEEBURN reddit compotum pro habenda parte sua de terra que fuit Radulphi filii Geroldi," etc.

This ROBERT DE LEYBURN was frequently in the King's service. On the Pipe Roll, 4 R. I. (A.D. 1192), under the heading "De pre-pesturis et Escaetis," there is this entry:—

"ROBERTO DE LEBURN c⁹ ad negocia Regis facienda, per breve Regis."

And again, in 5 R. I. (A.D. 1193), under "Corpus Comitatus,"—

"ROBERTO DE LEBURN x^{li} ad faciendum servicium Regis, per breve Regis." And there is a similar entry in the year 1194.

He was "tenens" in a Fine of land in Mere, 28 April, 1197. (See 'Archæologia Cantiana,' Vol. I. p. 241, Pedes Finium, No. XII.)

An entry on the Pipe Roll, 10 R. I. (note 42), proves that he was dead in 1199. In 1207 his widow, MARGARET, fines with the King for liberty to marry again (Rot. Fin. 9 Jo. m. 9). Her payments and debts are regularly entered on the Pipe Rolls for Kent, from 3 to 7 H. III. (*i. e.* from 1218 to 1223); but in 8 H. there is this entry:—

"ROGERUS DE LEBURN reddit compotum de xxxix^{li} xvij^s de partibus debitorum *pro Margareta matre sua.*"

She had therefore died since the last payment by her own hands, and we may assign the year 1223 as the probable date of her death.

(4.) He could not have long passed his majority, for, in the Curia Regis Rolls (see p. 152) he appears as a minor in ward, A.D. 1203.

(5.) That he was one of the prisoners taken in Rochester Castle, Nov. 30, 1215, we know by the following entry on the Close Rolls, 12 Dec. 1215:—

"Rex Petro de Maulay, salutem. Mittimus vobis Willelmum de Albinaco, Thomam de Muleton, etc. etc. etc., prisiones captos in castro Roffensi, mandantes vobis, et firmiter precipientes, quod, sicut corpus vestrum et honorem nostrum diligitis, illos recipiatis, et in salva custodia teneatis. T. me ipso apud Wintoniam, xij die Decembris. "Eodem modo scribitur Johanni Marescallo, de ROGERO DE LEYBURN," etc. etc. etc. (Rot. Claus. 17 Jo. m. 14.)

(6.) The two following entries on the Patent and Close Rolls (A.D. 1216) testify that Sir ROGER DE LEYBURN had to pay to the King a fine of 250 marks for the recovery of his liberty, and that he was also amenable to the Legate for his absolution:—

"*De fine facto.*—Rex Petro de Maulay, etc. Mandamus vobis, quod si ROGERUS DE LEBURN securos vos fecerit quod pacabit nobis

medietatem ducentarum et quinquaginta marcarum, ad instans festum Sancti Michaelis, anno regni nostri xvij^o, et aliam medietatem predictarum ducentarum et L^{ta} marcarum, ad festum Omnium Sanctorum proximo sequens anno eodem, et liberaverit vobis obsides suos de fideli servicio suo nobis faciendo, et de predicta pecunia nobis ad dictos terminos solvenda, tunc ipsum ROGERUM a prisiona nostra delibere, et quietum abire permittatis. Et in hujus, etc. T. me ipso apud Wells, xxvij die Augusti.

"Et liberetis eidem ROGERO litteras nostras directas domino legato de ejus absolutione." (Rot. Pat. 18 Jo. m. 3.)

Doubtless, the fee to the Legate for this Absolution was of no small amount.

"Rex Vicecomiti Salopie, salutem. Scias quod ROGERUS DE LEYBURN finem fecit nobiscum pro deliberatione sua. Et ideo tibi precipimus, quod ei sine dilatione plenam saisinam habere facias de omnibus terris suis in Balliva tua, de quibus prius dissaisitus fuit, eo quod fuit cum inimicis nostris. T. me ipso apud Suning, xij die Septembris.

"Eodem modo mandatum est Vicecomiti Kancie pro eodem." (Rot. Claus. 18 Jo. m. 2.)

(7.) "Rotunda tabula"—"The round table."—*Jousts, Joustes à plaisance*, (as distinguished from the fierce realities of the tournament,—*Joustes à outrance*) were sometimes designated by the term "Rotunda tabula," because previously to the commencement of the spear-play, "*hastiludium*," the parties used to feast together in peace and amity, seated at a round table, so that not even an accidental bickering could arise on the ground of disputed precedence. After the feast, the "*hastilude*" began with unpointed weapons.

"Justes of peaces or pecis," remarks the late F. Douce, Esq., F.S.A., in a paper read at a meeting of the Society of Antiquaries, 2nd December, 1813, "signify nothing more than those *peaceable* justs or tiltings that were performed for the amusement of the ladies and other spectators, and in which the successful knights received some prize or reward from the hand of a fair and courteous damsel. They were called by the French '*Joustes à plaisance*,' and in the Latin of the middle ages, '*Hastiludia pacifica*.' They were performed with pointless lances, or coronels, and were used in opposition to the real and sanguinary justs or tournaments, denominated '*Joustes à outrance*,' or, as Froissart calls them, '*Joustes mortelles et à champ*.'" (*Vide* '*Archæologia*,' vol. xvii. p. 290.)

The fact that Sir ROGER DE LEYBURN was necessitated to obtain a Patent of Pardon for this offence (which occurred at the Joust of Walden, A.D. 1252), gives confirmation to the suspicions mentioned by Matthew Paris, that he used unfair weapons and purposely killed

Ernulph de Muntney, in revenge for injuries received from him in a former joust. (See Mat. Paris, p. 846.)

The pardon is entered on the Patent Rolls thus:—

“Rex omnibus, etc., salutem. Sciatis, quod dilecto et fideli nostro ROGERO DE LEYBURN firman pacem nostram concedimus, ac ipsum et homines, terras, res, redditus, ac omnes possessiones suas in nostram protectionem specialem suscepimus. Et ideo vobis mandamus quod eidem ROGERO, vel rebus suis, nullam inferratis, vel inferri permittatis, molestiam, injuriam, dampnum, aud (*sic*) gravamen, occasione mortis ERNULPHI DE MUNTNEY, nuper ad rotundam tabulam casualiter interfecti; et quid eis forisfactum fuit occasione predicta, sine dilatione faciatis emendari. Quia ipsum ROGERUM de morte illa, quantum ad nos pertinet, quietum clamavimus et immunem. In cujus, etc. Teste ut supra (i. e. xix^o Octobris), per J. Maunsell.” (v. Rot. Pat. 36 Hen. III. m. 1. A.D. 1252.)

(8.) He was one of the Knights in the Tournament of Stepney, A.D. 1309, proclaimed by the partisans of the Earl of Lancaster, as it is supposed, to overawe the King and Gaveston. He stuck to that party, and was afterwards one of the prisoners taken in arms against the King at the battle of Boroughbridge, in 1328. Sir Francis Palgrave (Parliamentary Writs, vol. ii. part ii. p. 200) gives a list of these, from a roll belonging to the late Right Honourable C. W. Wynn, entitled:—

“Bachelors [i. e. *Bas-Chevaliers*, Knights-Bachelors.—L. B. L.] priz a Borghbrigge a meme loure que furent contre le Roy.” And among them is “SIRE HENRY DE LEYBOURNE.”

And on the Close Roll, 16 Ed. II. (20th July, 1322), we find the following mandate to the Constable of Scarborough Castle, to receive HENRY DE LEYBURN and other prisoners, and to retain them in the prison of the said castle:—

<p>“De prisonibus Regis in Castro de Scardeburgh et alibi, etc., custodiendis.”</p>	}	<p>“Rex dilecto et fideli suo Henrico de Percy, constabulario Castri sui de Scardeburgh, salutem. Mandamus vobis quod Robertum Walkefare, HENRICUM DE LEYBURN, Philip- pum de la Beche, et Willelmum Trussel, prisiones nostros, quos di- lectus et fidelis noster Johannes de Weston, locum tenens dilecti et fidelis nostri Thome Comitis Norfolcie et Marecalli Anglie fratris nostri carissimi in hospitio nostro vobis per preceptum nostrum libe- rabit, ab ipso recipiatis et ipsos in prisona nostra Castri predicti salvo custodiri faciatis. Ita quod de corporibus illorum nobis re- spondeatis ad mandatum nostrum. Teste me ipso apud Eboracum vicesimo die Julii. Per ipsum Regem.” (Rot. Claus. 16 Ed. II. m. 31.)</p>
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We can identify him as our Kent Sir HENRY by an entry on the Assise Rolls for Kent, "Placita de Juratis et Assisis," 16 Edw. II. (A.D. 1322), wherein he appears as convicted of the unjust disseisin of a party from lands in Rainham and Upchurch. And, in the pleadings it is testified that he is in the King's prison, *in prisona domini Regis per speciale preceptum domini Regis*, and that all his estates are in the King's hands.

On the Fine Rolls, also, A.D. 1329, there is an entry that the manor of Goodnestone, on the death of his mother Juliana, was inherited by him and his niece Juliana (daughter and heir of his late brother Thomas), as coheirs in gavelkind, and the writ thereon to the Sheriff records that the manor had been taken into the King's hands by reason of his outlawry:—"ratione felonie quam idem HENRICUS nuper fecit, per quam utlagatus est, ut dicitur, prout ad officium tuum pertinuit, in manum nostram cepisti," etc. (Rot. Fin. 3 Ed. III. m. 6.)

(9.) Subjoined is a report of the description of the Niche, and the different measurements, as made by Mr. Hussey.

"The shrines are of stone, 8 inches wide, $10\frac{1}{2}$ inches high, and 9 inches long, with about $1\frac{1}{2}$ inch now embedded in the wall at the back of the Niche. The cavity for the heart-case is octagonal, $4\frac{1}{2}$ inches in diameter. The total width of the Niche, including the moulding, is 2 feet $10\frac{3}{4}$ inches. The width within the mouldings is 2 feet $4\frac{1}{4}$ inches, and the depth of the recess from the face of the wall $10\frac{1}{2}$ inches. The height from the bottom of the splay of the sill to the springing of the arch is 1 foot 11 inches, and from thence to the top of the outer moulding of the arch 2 feet $8\frac{1}{2}$ inches. The characteristics of the masonry point to the early part of the reign of Edward I. as the period of its construction; but the wall in which it is now placed is a work of the fifteenth century.

"The box containing the heart is a plain leaden cylinder, $3\frac{3}{4}$ inches high, and $3\frac{1}{2}$ inches in diameter, without any kind of covering, and the evenness of the edges of the lead show that there has never been anything fixed on the top; but there may have been once a loose lid. The bottom of the box is represented in the engraving of its exact size; it is now loose, from the decay of time, but was originally (very clumsily) fixed with solder."—R. C. H.

(10.) We must not, however, in the identification of heart-shrines, make it a necessary conclusion that the heart belonged to a Crusader dying in the Holy Land; because, throughout the middle ages, a magnate would frequently ordain that his body should be buried in some favoured monastery, while his heart was perhaps to be enshrined in his manorial church; but, at this particular period, in the absence of other evidence, we instinctively turn to the Holy Land,

as the place from which the warrior's heart was sent home, while the body had interment where it fell, whether in battle, or in the ordinary course of nature.

(11.) The following are the closing words of the convention:—

“E nous HENRI fuiz eisne le ROY DALLEMAIGNE, GASTON VICOINTE DE BIHERN, THOMAS DE CLARE, frere au Counte de Glouc, ROGER DE LEBURN, ROBERT WALERAND, Chevaliers, auons iure sur seintes euangiles, a la request du deuantdit mon Seigneur EDWARD, qe nous en bon foi trauaillerons e metterons loiaument conseil e peine qe li deuantdit mi Sires EDWARD gart e acomplisse le Couenances deuantdites. E auons aiouste a ces presentes lettres nos seaus, oueqes le seal mon Seigneur EDWARD, en temoigne de totes les choses deuentdites. Done fu cest escrit e fet a Paris, le Mardi prochein apres la feste seint Barthelemi l'apostre lan de l'incarnation nostre Seigneur, mil deus cenz sessante neuyme.” (Liber B. f. 33, in the Treasury of the Exchequer.)

Among the Records of the Corporation of London is a manuscript volume, entitled “Liber de Antiquis Legibus,” in which there is a copy of the Counterpart of this Convention,—that, evidently, which was signed by Louis. It is dated on Wednesday after the feast of St. Bartholomew, being the day after that on which, as appears above, Prince Edward had executed his part of the covenant. (See the MS., fol. 114 to 116.)

N.B.—This manuscript has recently been printed by the Camden Society, under the editorship of the late Mr. Stapleton. The reference to the Convention therein is pp. 111 to 114.

(12.) A.D. 1270. The words of the Patent are as follows:—

“Rex omnibus, etc., salutem. Cum dilectus et fidelis noster Robertus de Ufford, cruce signatus nobiscum, et cum Edwardo primogenito nostro, profecturus sit ad partes transmarinas, in subsidium terre sancte, suscepimus in protectionem et defensionem nostram eundem Robertum, homines, terras, res, redditus, et omnes possessiones suas. Et ideo vobis mandamus, quod ipsum Robertum, homines, terras, res, redditus, et omnes possessiones suas, manutenentis, protegatis, et defendatis, non inferentes eis, vel inferri permittentes, injuriam, molestiam, dampnum, seu gravamen. Et si quid eis forisfactum fuerit, id eis sine dilatione faciatis emendari. In cujus rei testimonium, has litteras nostras eidem Roberto fieri fecimus patentes a festo Pasche proximo preterito, per quadriennium proximo sequens duraturas. Volumus, etiam, quod idem Robertus, a tempore quo iter predictum arripuerit, per totum tempus quod extunc super fuerit ad perficiendum quadriennium predictum, sit quietus ab omnibus placitis, et querelis, exceptis placitis de dote unde nihil habet, assisis nove disseisine, et ultime presentacionis, presentibus

minime valituris, si contingat ipsum iter predictum non arripere, nec postquam citra predictum quadriennium redierit de partibus supradictis.

“Teste Rege apud Westmonasterium, xij die Maii.

“Consimilem protectionem habet.”

(Then follows a long list of names of the Crusaders Knights, to accompany Prince Edward, and among them)—

“ROGERUS DE LEYBURN.”

Although the Letters Patent are dated 12th May, the names are enrolled in batches, bearing different dates, viz. 10th, 12th, 23rd, and 25th May; 26th and 28th June; and 10th July. Sir ROGER DE LEYBURN'S name appears in the batch of 23rd May. On other membranes of the same Roll, are a few other names to whom similar protection is given in February, March, and April, and in May and July of the same year. (Rot. Pat. 54 H. III., m. 15 in dorso.)

(13.) They had originally proposed to sail from Portsmouth:—

“Iter versus Portemuth, ubi transfretari proposuerat, arripuit [Edwardus Princeps], et cum eo dominus W. de Valentia, Dominus Thomas de Clare, Dominus Rogerus de Clifford, et multi alii . . . qui mutato proposito Cantuariam adierunt, et apud Doroberniam transfretarunt, xiv Kalendarum Septembris, A.D. MCCLXX.” (Annales Waverleiensis, apud Gale, p. 225.)

The anonymous chronicle (Cotton, Julius, D.v., described in note, p. 166, *infra*) accounts for the change of route, “ventum habens contrarium [i. e. apud Portsmouth], versus Dover iter arripiunt.”

There is one clause in the Convention between Prince Edward and the King of France, (cited in Note 11,) which would seem to imply that some of the party contemplated passing through France; and therefore Louis provided against damage during their passage, by having it introduced. These are the words:—“E promettons encore que nous travaillerons en bone foi de passer e de venir aplus tost que nous porrons la ou le Roy serra. E autresiut auoms nous promis en bone foi que nus grefs ne damages ne ferons par nous, ne par les noz en la terre le Rey deuantdit ne en la terre de ses freres que il ont en son Reaum, ou dehors, en alant en nre pelerinage e endemorant, e en retornant.”

(14.) Aiguemorte was a port in the south of France, about twelve miles from Montpellier. It no longer exists as a port; the sea has retired, and the harbour is choked up.

“A.D. MCCLXX. Veniens, circa festum Michaelis, apud Egermorth, quæ distat a Marsilio xvij leucis versus occidentem, ibidem navem ascendit, et prospero vento vela laxantes, et pro voto proficiscentes, decimo die applicuit apud Thunes; susceptusque est cum immenso gaudio a regibus Christianis quos ibidem invenit, a Rege Franciæ,

Philippo, qui nomen regium sortitus est post mortem patris sui Lodwici, qui paulo ante ibidem defunctus est, et a Karolo, Rege Siciliae," etc. etc. (Henricus de Knyghton, lib. xi. cap. xv., apud Twysden, X. Scriptores.)

(15.) Henry de Knyghton graphically describes Edward's indignation in his vain endeavour to shame these recreants to a sense of their vows, when, on concluding their truce with the Tunisians, they determined to return home.

"At ille, 'Quid est domini carissimi, Nonne convenimus huc, et characterem Domini assumpsimus, ut contra inimicos Christi procedere et componere deberemus? Absit a nobis hoc! Non modo patet introitus, et terra nobis est plana et dura ut possimus procedere usque ad sanctam civitatem Jerosolyman!' At illi dixerunt, 'Jam cum istis composuimus, et pactum præterire non licet, set revertamur in Siciliam, et transacta hyeme, apud Acram applicare poterimus.' Displicuitque ei consilium hoc, nec ipsi compositioni assensum præbuit, non participans quicquam de pecunia scelerata, set facto eis regali convivio clausum se tenuit." (H. Knyghton apud Twysden, ut ante.)

(16.) "Percussit pectus suum, et juravit solito juramento *per sanguinem Domini*, inquit, 'Quamvis omnes commilitones et patriotæ mei me deserant, ego tamen cum Fowino custode palufridi mei (sic enim vocabatur curator equi sui) intrabo Tholomaidam, vel Achon vel Achrum, et pactum juramenti servabo usque ad corporis et animæ divisionem.' Quo audito omnes Anglici qui affuerunt cum eo velle proficisci promiserunt." (Rishanger, continuation of Mathew Paris, p. 859, 30; London, 1684.)

(17.) "Solutus Edwardus hiemavit ibidem cum navibus suis, quas Deus Omnipotens sibi optime salvaverat. Circa medium Quadragesimæ iterato propositum renovans, navem ascendit Edwardus, et a Pascha Domini per xv dies, ad Acram applicuit cum mille viris electis." (Knyghton apud Twysden, ut ante.)

(18.) The "Inquisitio post mortem," *i.e.* the Inquisition taken by the Escheator on the death of Sir ROGER DE LEYBURN, Lord of LEYBOURNE, in Kent, is not extant. But on the Fine Rolls, we have the homage paid by his son and heir, as stated in the text, on succeeding to the estate at his father's death. It is as follows:—

(A.D. 1271.)

"Rex cepit homagium WILLELMI DE LEYBURN, filii et heredis ROGERI DE LEYBURN defuncti, de omnibus terris et tenementis que prefatus ROGERUS, pater suus, tenuit de Rege in capite die quo obiit, et ei terras illas et tenementa reddidit. Et mandatum est Magistro Ricardo Clifford, Eschaetori citra Trentam, quod accepta securitate a prefato WILLELMO de rationabili relevio suo Regi reddendo ad

scaccarium Regis, et retentis in manu Regis maneriis de BODUN, ESHETESFORD, BUKWELL, PAKEMANSTON, et WEREHORN, et tota terra que fuit Margerie de Vernun in Subo, de quibus ALYANORA, COMITISSA WINTONIE, que fuit uxor prefati ROGERI, dicit prefatum ROGERUM et ipsam inde conjunctim esse feoffatos, et de quibus Rex prefatis WILLELMO et COMITISSE inde coram ipso et consilio suo justitiam exhibebit; eidem WILLELMO de aliis terris et tenementis que prefatus ROGERUS tenuit de Rege in capite, et de quibus fuit seisitus in dominico suo ut de feodo, die quo obiit, et que occasione mortis sue capta sunt in manum Regis, plenam seisinam habere faciat; salva tamen prefate ALYANORE rationabili dote sua ipsam contingente de terris et tenementis que fuerunt predicti ROGERI sibi per manum Regis assignanda, ita quod terras et tenementa illa, de quibus ipsam per Regem inde dotari contigerit, Rex in manus suas resumere, et eas sibi assignare possit, tenenda nomine dotis, sicut predictum est: T. R. apud Westmonasterium, vij die Novembris." (Rot. Fin. 56 Hen. III., m. 20.)

(19.) Edward did not return till 2nd August, A.D. 1274.

"A.D. MCOLXXIV. Die Jovis in crastino Sancti Petri ad Vincula Illustris Anglorum Rex Edwardus applicuit in Angliam." (Chronicon Thome Wikes, apud Gale, p. 100.)

(20.) There is one circumstance, it must be confessed, which at first sight seems to militate against his having died on the Crusade. Among the 'Pedes Finium' there is one, dated 26 April, 1271, wherein the name of Sir ROGER DE LEYBURN appears as plaintiff in a Fine, (in which he exchanges the manor of Ridley with Bartholomew de Wadeton, for that of Gare) without the addition of the words "per attornatum suum," as though he were himself present in court. But I do not attach very great importance to this fact, as evidence against the strong arguments on the other side. These Fines were passed frequently without the actual presence of the parties, and unless it is stated that they were actually there in court, we may be content to believe them absent even though the words "per attornatum suum" be not subjoined. Beside which, these Fines were only the enrolment of imaginary suits, in order to place on record the conveyance of property, etc., which had often taken place some time before the actual passing of the Fine. Still the circumstance should be honestly noted in our endeavours to arrive at the truth.

On the Charter Roll, also, there is an *Inspeximus* of a Grant by Roger de Rolling and Matilda his wife, 21 July, 1271, of the manors of Ashford and Pakmaneston to ROGER DE LEYBORNE and ALIANORE his wife (v. Rot. Cart. 55 Hen. III. m. 1); but this grant may have been made in his absence.

(21.) By the kind courtesy of the Rev. H. O. Coxe, Bodleian

Librarian, to whom I am much indebted for most valuable assistance in collecting materials for these Notes, I am enabled to quote, as authority for the statement in the text, the Bull of Excommunication, among the manuscripts in the Bodleian. Its title, in a somewhat later hand than the Bull itself, runs thus:—

“Mandatum Excommunicationis contra S. de Monteforti, Comitem, et alios infra nominatos.” Among these names appears that of ROGER DE LEYBURN. (MS. Bodl. 91, fol. 136.)

(22.) The real objection of the Barons to the Expedition was probably the fear that Edward would seize the occasion to hire foreign troops against them, and this, in all likelihood, was the origin of the Queen's designs in alienating her son from Sir ROGER, who, while in the Prince's counsels, and at his side, would have used his influence against that hated measure. Indeed, I cannot divest myself of an impression that it was his honest opposition to Edward's movements in this transaction which first commenced the strife. It must have been at the close of the year 1260 that the party went to France. On the 17th November, in that year, the Prince executes, at Paris, a grant of the manor of Elham to Sir ROGER. Among the witnesses are, John de Vaus and Hamo Lestrangle, two of the party who are ever, in all our documents, constantly associated with Sir ROGER DE LEYBURN. The quarrel must have begun soon after this, if the statement (see note 27) be correct, that he was in difficulties and troubles for three years. The earliest notice that I find of these proceedings is the following passage in an anonymous but contemporary chronicle:—

“MCCLXII. Ipse etiam EDUARDUS eo tempore multum motus fuerat domino ROGERO DE LEYBURN, et procuravit ipsum implacitari per dominum Regem de manerio suo de ELHAM quod eidem ROGERO ante ipse Eduardus contulerat.”¹ (v. MS. p. 34 b.)

The author of this chronicle, whoever he is, is most bitter in his enmity to Sir ROGER. His statement of facts, when supported by record evidence, cannot, of course, be doubted. The imaginary motives which he ascribes to different parties, and facts unsupported by such evidence, should be received with great caution. The history of the entire transaction is this:—

The manor of ELHAM had been granted, as stated above, by Prince

¹ See an anonymous MS. in the British Museum (Cotton, Julius, D. v.) entitled “*Cronica paucorum, etc., ab incarnatione domini nostri, etc., anno primo.*” It is continued to the year 1286; and in the Table of Contents is added, in another hand, probably that of Cotton himself, “*sive Cronicon Sancti Martini de Dover.*” There is a copy of this MS. in a book of Vincent's in the College of Arms, and there it is entitled, in a modern hand (not Vincent's), “*De annalibus Ecclesie Sancti Augustini, extra muros Civitatis Cantuarie in Comitatu Cantii.*” (Vincent, no. 218, p. 42.)

Edward to his attached follower Sir ROGER DE LEIBURN, by a deed dated at Paris, 27 November, 45 H. III., A.D. 1260, as appeared in the charter itself, when produced in court, by his daughter-in-law JULIANA (widow of his son Sir WILLIAM DE LEYBURN) in a Plea recorded on the Lord Treasurer's Memoranda Roll. ("Communia," Hilary Term, 17 Ed. II., Recorda, m. xij.)

The assertion of the Chronicler, that the King impleaded Sir Roger for this manor, is verified by the following extract from the Close Rolls. It is a precept to the Sheriff of Kent, dated 6 April, 1262, to seize the manor of ELHAM into the King's hands, as having been granted by Prince EDWARD to Sir ROGER DE LEIBURN, contrary to the conditions on which the King himself had given it to his son, viz. that it should not be alienated from the Crown. With this record before us, we cannot doubt the fact of the King's impleading Sir ROGER; but I cannot persuade myself that the truly chivalrous Prince would have compromised his high character for honour, by taking advantage of his own wrong, and moving his father to use it as a plea to nullify his own gift. It is far more likely that the process was the spontaneous act of the King himself, or that he was instigated to it by the Queen. The Precept is dated 6 April, 1262, and is as follows:—

"Rex Vicecomiti Kancie, salutem. Precipe ROGERO DE LEIBURN, quod juste et sine dilatione reddet nobis manerium de ELHAM, cum pertinentiis, in quod non habet ingressum nisi per EDUARDUM primogenitum nostrum, cui illud dimisimus ea conditione, quod a corona nostra Anglie non separaretur, et qui illud eidem ROGERO dimisit, sine assensu et voluntate nostra, contra formam conditionis predictae, ut dicitur. Et nisi fecerit, summonite, etc., predictum ROGERUM, quod sit coram nobis a die Pasche in tres septimanas ostensurum quare non fecerit. Et habeas ibi hoc breve. Teste Rege apud Westmonasterium, sexto die Aprilis. (Rot. Claus. 46 H. III., m. 12 in dorso.)

Let the sequel of this unjust procedure be told in the words of the King's own charter, wherein he acknowledges the long devotion of Sir ROGER to the Prince, and the distinguished services rendered by him at home and abroad, thereby clearing him from all the calumnies and hostile proceedings to which he had been subjected for more than an entire year. This charter is a renunciation of the King's Plea against Sir ROGER, and a confirmation to him of the manor of Elham in reward for his long and faithful services. It is important to record it here, as a link in the evidence I am endeavouring to accumulate, to prove the unvarying fidelity of Sir Roger in his attachment to the Prince, and the real stability of his character, notwithstanding the charges made against him by partisan chroniclers.

It is dated at Westminster, 12 Sept., 47 H. III., A.D. 1263, but little more than a year from the institution of the adverse procedure. It commences by reciting the King's own original grant of the manor of ELHAM to his son Edward, and proceeds thus:—"Idem Edwardus postmodum idem manerium cum suis pertinenciis, excepta advocacione ejusdem manerii, dilecto et fideli nostro ROGERO DE LEYBURN dederit, et carta sua confirmaverit contra formam nostre donacionis predicte, propter quod nos ipsum ROGERUM implacitaverimus in Curia nostra de manerio predicto. Nos, intuitu diutini obsequii predicti Rogeri, nobis et dilecto filio nostro, tam in partibus transmarinis quam cismarinis laudabiliter impensi, remisimus eidem ROGERO placitum predictum, et donacionem et concessionem, quas idem Edwardus fecit dicto ROGERO de manerio predicto cum pertinenciis, ratas habemus, et gratas, et eas, pro nobis et heredibus nostris concedimus et confirmamus prout carta dicti filii nostri, quam prefatus ROGERUS inde habet, testatur." (See Lord Treasurer's Memoranda Roll, "Communia," Hilary Term, 17 Ed. II., Recorda, m. xij., where it is recited as having been produced in court, in the Plea of Juliana de Leyburn noted above.)

(23.) The most malicious of the Queen's insinuations against the character of Sir ROGER, was that of misappropriation of the Prince's funds while acting in the capacity of his steward. The chronicle cited above (Cotton, Julius D. v.) represents that the Queen instigated her son to demand a rendering of accounts from Sir ROGER, which resulted in his being found in arrears in £1000; that the King, in consequence, seized his estates, and that, being deprived of all means of supporting himself, he wandered about a mere vagabond, for three years, maintaining himself as he best could by his sword or any means that came to hand. (See note 27.) This statement is probably somewhat exaggerated, but there is evidently much in it that is true, and assuredly there is nothing in the history of these distracted times to stagger our belief. In the "Song of the Barons," "a fragment of a long ballad made to be sung in the halls of the Barons, which seems to have been written soon after the disturbances in London, A.D. 1263," and after Sir ROGER DE LEYBURN had joined the King's party, he is thus described:—

"Et Sire Roger de Leyburne,
Que sà et là sovent se torne
Mout a la conquerrant,
Assez mist paine de gainer,
Pur ses pertes restorér
Que Sire Edward le fit avant."

i. e. "And Sir Roger de Leyburne, who often turns him on this side and on that,—made great progress conquering,—he laboured much

to gain,—to restore his losses, which Edward had caused him before.” (‘Political Songs of England,’ edited by T. Wright, Esq., for Camden Society, p. 60.) There is no mistake that this song was written by a strong partisan of the Barons, or that it refers to this precise period of Sir ROGER’s life, when he had been stripped of his property by the prosecutions of “le Sire Edward.” That he was called upon to render accounts and found to be in arrear is true, as evidenced by the following Records.

In the second clause of a letter on various subjects from the King to Philip Basset, the Justiciary, and Walter de Merton, the Chancellor, dated 25 July, 1262, we find this passage:—

“Preterea, concilium efficax apponatis, quod omnia arreragia debitorum in quibus ROGERUS DE LEYBURN et Rogerus de Clifford, et alii prefato filio nostro tenentur, sicut coram Abbate de Burgo, The-saurario nostro, et aliis, ex parte ipsius filii nostri ad eorum com-potum audiendum deputatis, nuper convictum fuit ad Scaccarium nostrum levari faciatis, ad opus predicti filii nostri, prout auditores predicti compoti nobis poterunt plenius intimare. Teste Rege apud Belvac’ vicesimo quinto die Julii, anno regni, etc., quadagesimo sexto.” (Rot. Claus, 46 H. III. m. 4 dorso.) And further on:—

(25 July, 1262.)—“Rex Ballivis et fidelibus, etc. Cum ROGERUS DE LEYBURN in magnis debitis teneatur EDUARDO filio nostro, de tempore quo fuit Ballivus terrarum suarum, sicut nuper coram audi-toribus compoti dicti ROGERI convictum fuit ad Scaccarium nostrum, et idem ROGERUS bona et catalla sua in Comitatus Kancie, Essexie, et Sussexie distraxerit et elongaverit, in fraudem solutionis debi-torum predictorum, ut dicitur. Volentes eidem filio nostro super premissis satisfieri, assignavimus dilectos nobis Johannem de Weston, militem, et Willelmum de Salines, clericum, ad inquirendum de pre-dictis bonis et catallis distractis et elongatis, ut predictum est, et ad quorum manus catalla illa et bona devenerunt.

“Et ideo vobis mandamus quod eis in premissis consilium et auxi-lium efficaciter impendatis.

“Mandavimus enim Vicecomitibus nostris predictorum comita-tuum, quod ad dies et loca quos predicti Johannes et Willelmus eis scire faciant, tot et tales venire faciant coram, etc., per quos predicta inquisitio melius fieri poterit.

“In cujus, etc.—Teste Rege apud Belvac’ vicesimo quinto die Julii, anno, etc.

“Et mandatum est Vicecomiti, quod, cum predictus ROGERUS teneat manerium de ELHAM ex commissione EDWARDI filii Regis, cui Rex illud manerium commiserat, tenendum ita quod non sepa-raretur a corona Anglie; et idem ROGERUS vastum facit in boscis pre-dicti manerii ad exheredationem Regis et predicti filii sui, ut dicitur,

Rex, indempnitati sue et filii sui prospicere cupiens, in hac parte, quod non permittat quod predictus ROGERUS, vel Ballivi sui, vas-tum vel destructionem faciant in bonis predictis, vel quod aliquis decetero a predicto ROGERO, vel suis, in boscis predictis, emere vel asportare presumat, sine licencia Regis speciali." Teste ut supra. (Rot. Claus. 46 H. III. m. 4 in dorso.)

On the Patent Roll, also, is an entry dated 25 July, 1262, in precisely the same words, with the exception of the clause relating to the manor of ELHAM, and with the addition of the following mandate:—

"Et mandatum est predictis Vicecomitibus, quod ad dies et loca quos predicti Johannes et Willelmus eis scire faciant, tot et tales coram eis venire faciant per quos predicta inquisicio melius fieri possit. Et quod omnia bona et catalla predicti ROGERI que per inquisitionem illam poterunt inveniri, predictis Johanni et Willelmo liberari faciant, in aquietacionem debitorum predictorum. Teste ut supra (*i.e.* Belvac', xxv. die Julii.") (Rot. Pat. 46 H. III. p. 2. m. 4.)

With these records before us, then, we cannot doubt the fact that Sir Roger's accounts as the Prince's Steward, on being audited in the Exchequer, had been found in arrear; that process was issued for their recovery; that he had removed all the goods and chattels on which seizure could be levied, from his manors; that a commission was appointed, and juries summoned to appraise, follow, and seize them: but these processes merely prove the existence of arrears. He removed his chattels, it is true, from the reach of the Sheriff; but knowing himself to be guiltless of fraud or misappropriation, he may have done this as a just measure of self-defence, holding himself, all the while, responsible for any real claims of the Prince. He bore the obloquy with patience, and left his justification to the day when the malice of his enemies could be proved.

This day was not long in arriving; for, as we have already seen (note 22, p. 167), in little more than a year's time, his manor of Elham was confirmed to him, and himself in full favour with the King, who actually made him steward of his own household, an office which he held for many years afterwards, and in which the King never could have placed him if he had not completely exonerated himself from the slightest suspicion of fraud in his stewardship of the Prince's affairs. His character was surely cleared, his triumph complete, when the King proved his confidence by entrusting him with this high office.

(24.) The following extract from the Patent Roll, dated 28 December, 1261, gives a vivid picture of the state of Kent at that time; and shows what a ready field was open for the forays of the feudal free-lances:—

"Cum per negligentiam et incuriam tam ballivorum nostrorum

Cantuariæ quam aliorum de Comitatu Kantie ad pacem nostram conservandam deputatorum et etiã eorum qui ad clamores et hutesia in partibus illis super malefactores ibidem latitantes levata et eos insequi tenentur, insultus, incendia, murdra, roberia, homicidia, et alia enormia in civitate prædicta et in comitatu prædicto ab eisdem malefactoribus plerumque perpetrantur, contra pacem nostram, ita quod per hujusmodi maleficia scandalum de regno nostro per diversas regiones divulgatur in nostri dedecus non modicum et gravamen. Volentes sicut et tenemur hujusmodi maleficiis celeriter obviare, et inde justitiam fieri secundum legem et consuetudinem regni nostri constituimus dilectos et fideles nostros Adam de Greynvill et Walterum de Bersted, una cum hiis quos vobis duxeritis associandos ad inquisitionem faciendam de quibusdam transgressionibus et injuriis judeis nostris Cantuariæ et nuntiis nobilis viri Ducis Brunniswic, a quibusdam tam clericis quam laicis de civitate illa nuper illatis et de quadam quibusdam canonicis Abbatie Sanctæ Marie de Essory nuper facta in le Blen et etiam aliis roberis et homicidiis, postea in Comitatu predicto quibuscumque factis et ad ea quæ ad coronam et dignitatem nostram in premissis pertinent videnda, excipienda et terminanda. Et ideo vobis mandamus quod ad certos diem et locum quos ad hoc provideritis præmissa faciatis. Facturi, etc. Salvis, etc. Et mandatum est Vicecomiti Kantie quod ad certos diem et locum, etc., venire faciat coram vobis tot et tales tam milites quam, etc., per quos rei veritas melius sciri poterit et inquiri. Et quod tam in attachiamendis faciendis quam aliis expediendis quæ ei in premissis scire faciatis ex parte nostra vobis in omnibus sit intendens. Inquiratis etiam diligenter qui de Comitatu prædicto ad clamores et uthesia occasione malefactorum predictorum super predictos malefactores levata et ad eos insequendos non venerunt sicut venisse debuerunt. Et omnes illos quos de hujusmodi neegligentia culpabiles inveneritis taliter puniatis et castigetis quod ex punitione et castigatione illa timor in consimili casu delinquendi aliis decetero prebeat. Et tam diligenter vos habeatis in hac parte quod pro defectu vestri coram nobis redargui non debeat. In cujus, etc. Teste Rege apud Westmonasterium vicesimo octavo die Decembris." (Rot. Pat. 46 H. III. pt. 1. m. 19 dorso.)

We are not, however, to suppose that Sir ROGER DE LEYBURN and the other feudal lords were regularly associated with these banditti, mere gangs of robbers and murderers. This lawless state of the country was, after all, only the natural consequence of the universally distracted and disorganized state of the kingdom, aggravated, no doubt, by the marauding habits of these lords themselves, who, as I have stated in the text, had little scruple in taking the law into their own hands, when desirous of avenging themselves in their pri-

vate quarrels, or of gratifying their political animosities, or of effecting the destruction of parties opposed to them. Their proper position, as feudatories of the Crown, was naturally that of guardians of the King's peace in their respective districts. In fact, they always had charters empowering them to hold Court Leets for the purpose. (See Arch. Cant., Vol. IV. p. 319.) But the state of the kingdom had involved them in its distractions, and, although they may not have actually abetted these predatory gangs of which the King speaks, they certainly were not active in quelling them, and it is hardly to be doubted that they ever and anon made use of instruments ready to their hand for carrying out their own party and private vengeance.

(25.) The anonymous Chronicle (Julius, D. v.) cited above, relates that in the year, viz. 1263, a great commotion was caused all over England by a report that ROGER DE LEYBURN was preparing to wage war with armed bands, and was making arrangements for an attack upon Dover Castle; that it had not escaped the King's notice; but that the report was "frivolous" (see note 27). Such rumours and fears, even if resting only on small foundation, are worthy of notice as strongly characteristic of the times, and as marking vividly the public opinion of Sir Roger's character and habits; and however "frivolous" the chronicler declares them to have been, his own narrative of the forays in Kent and in Wales during this eventful year directly contradicts the assertion. The "coming events that cast their shadows before" had most assuredly not escaped the King's notice, as evidenced by the mandates named in the text which he caused to be issued before he left England. They are to be found on the Close Roll, and bear date 25th August, 1262. The following is a copy of the entries:—

"Rex Vicecomiti Cantebrigie et Huntedonie, salutem. Cum, sicut intelleximus, quidam de regno nostro ad arma ire proponant, videlicet, ad torneandum, aut aventuras querendum, aut alia hujusmodi exercendum, nobis extra regnum nostrum agentibus, tibi precipimus, firmiter injungentes, quod per totam ballivam tuam publice clamari, et firmiter inhibere faciatis, ex parte nostra, ne aliquis, super forisfacturam terrarum et tenementorum, que tenet in regno nostro, quamdiu extra idem regnum fuerimus, torneare, vel aliquo modo ad arma ire presumat. Et hoc mandatum nostrum taliter exequaris, ne pro defectu tui graviter ad te capere debeamus. Teste Philippo Basset, Justiciario Regis Anglie apud Banneburiam, xxv die Augusti.

"Eodem modo scribitur singulis Vicecomitibus citra Trentam.

"Item (mutatis mutandis) scribitur Johanni Giffard, Hamoni Extraneo, Petro de Monteforti juniore, Jacobo de Alditheleg, Ro-

gero de Clifford, et ROGERO DE LEYBURN, ne ipsi ibi vel alibi torneare, aut aliquo modo alio, ad arma ire presumat, sine licencia Regis speciali, maxime dum idem Rex fuerit extra regnum suum, sub amissione omnium terrarum et tenementorum, que tenent in regno Regis supradicto. Teste ut supra." (Rot. Claus. 46 Hen. III. m. 5 in dorso.)

(26.) On the Patent Roll is an entry which bears upon this transaction. It is dated 26 August, 1263, and is as follows:—

"Kanc. Willelmus de Wilton constitutus ad assisam nove disseisine capiendam, quam ROGERUS DE LEYBURN arraiavit versus Thomam de Filur, de tenementis in Langele. Et ad assisam nove disseisine capiendam, quam WILLELMUS DE LEYBURN arraiavit versus Bonifacium Cantuariensem Archiepiscopum et alios, de tenementis in Dettling." The son, then, who had been invested in the manor, was WILLIAM DE LEYBURN.

I have been unable to discover any entry relating to this particular matter on the Curia Regis Rolls, and, unfortunately, the Assize Roll for this year does not exist, and the "De Banco" Rolls are missing. Still, the above extract is sufficient to attest, to a certain extent, the veracity of the Chronicler,—at least, so far as to prove that WILLIAM DE LEYBURN claimed a right in the estate, as against the Archbishop of Canterbury. (See Rot. Pat. 47 H. III. m. 6 in dorso.)

(27.) It may be as well here to give the "ipsissima verba" of the Chronicle (Cotton, Julius, D. v.), from which I have extracted the information given in notes 22, 23, 24, 25,—always premising that when the chronicler speaks of any given year, in general terms, without naming the month in which any event occurred, or furnishing any guide to a precise date, we must always allow a little latitude in dating the occurrence. The exact words of the chronicle are as follows:—

"MCCCLXIII.—Eodem anno fuit maxima commotio de dicto ROGERO DE LEYBURNE per regnum Anglie. Dicebatur enim quod, congregatis aliquibus, gwerram in regno facere proposuit, et quod, cum multis armatis, incedebat, et castrum Dover invadere furtive disponebat, quod dominum regem non latebat, que omnia frivola erant. Ipse tamen dominus ROGERUS, in arto positus, circuibat patriam tanquam vagus, cum nichil in bonis haberet unde sustentari posset; fuerat enim cum domino EDUARDO filio regis, contra voluntatem Baronum, ipsiusque EDUARDI denarios ubique, tanquam senescallus, expeterat, et ipsum in Franciam ad torneamenta abduxerat, et in omn. . . bene se habuerat. motus, tandem, contra eum dominus EDUARDUS, instinctu et voluntate sue matris, eum compotum reddere coegit, quo compoto peracto, in reragiis mille librarum sterlingorum positus fuit, qua de causa, dominus rex, instinctu regine, ipsum disseisiavit de omnibus

terris et tenementis suis, ita quod per tres annos nichil de bonis suis percipere potuit, et ita suspectus habebatur multis. Similiter, cum quidam miles, WILLELMUS DE DETLINGE nomine, quoddam homicidium in Cantia perpetraverat, et senescalli domini archiepiscopi ipsius manerium de Detlinge, cum de fundo ecclesie Cantuarie esset, seisivarent, et tenerant. Quod perpendens ipse Willelmus, illuc cum domino ROGERO, et cum multis aliis armatis, advenit, et attornatos archiepiscopi vi et armis ejecit, et manerium illud cuidam filio ipsius ROGEMI contulit, et investivit. Unde Vicecomes comitatum suum tenere nisi per armatos audebat . . . Eodem anno, in festo Sancti Barnabe Apostoli, quidam milites Anglie ad . . . sibi pluribus aliis armatis. Inter eos erant iii^j^{or} primi et capitales; scilicet, Rogerus de Clifford, ROGERUS DE LEYBURN, Johannes Giffar, et Johannes de Balun, qui, incedentes armati in marchia Wallie, Episcopum Herefordensem, Petrum de Aqua Blanche, cum toto harnesio suo ceperunt, et detinerunt, villamque Herefordie, cum castro, occupaverunt, et quoddam castrum Roberti Walrand, nomine Kilpech. Postea vero villam Glovernie ceperunt, et castrum obsederunt in quo captus fuit Matheus de Betilles vicecomes et constabularius loci illius cum uxore sua et multis aliis, duobus tantum interfectis, villamque Bristowe habuerunt, omnibus civibus ipsis consentientibus, et sic redierunt usque ad partes Windlesor quod castrum nondum ceperunt.

“Eodem tempore, dominus Eduardus, primogenitus domini Regis Anglie, veniens apud Shipweye, voluit renovare sacramentum fidelitatis a Baronibus quinque portuum, qui, multis alteracionibus prius habitis ei ultimo juraverunt, fecte tamen dicentes eidem, quod Anglicos amaret, et Gallicos a se dimitteret.” (MS. 37 to 37*b*.)

[Then follows an account of the Prince's return to London, the movement of the Queen to Windsor, with the French, the plundering of the Temple, etc. etc., then—]

“Eodem anno, Dominus Symon de Monte Forti, Comes Leicestrie, et supradicti milites, videlicet, Rogerus de Clifford et ROGERUS DE LEYBURN, cum multis aliis, incedebant per Angliam, occupantes quicquid invenire potuerunt de bonis alienigenarum, conferentes ecclesias et terras eorum, simulque vastantes bona eorum et omnium anglorum qui eis adherere nolebant. Unde timentes milites Kancie fere omnes ad eos cum armis confluebant, venerunt Dovor omnes supradicti die translacionis beati Thome martiris qui erat anno illo feria vj^a. Et die lune sequenti predictus Comes porrexerat apud Romenal et ad ceteros portus, ut eos animaret ad resistendum viriliter omnibus alienigenis si forte presumerent terram invadere anglicanam, qui omnes, relicto et contempto sacramento prius prestito domino Eduardo, Baronibus adhererunt, et juraverunt se velle mori et vivere cum eis si casus ingrueret. . . . Postea, procedente tempore, dominus

Eduardus cum ipsis Baronibus pacem iniit, et omnes sui alienigenas a terra ejecti sunt. Et omnes qui cum domino rege erant et cum regina, tam majoris quam minoris conditionis, ejecti sunt, et Castrum de Windlesor Baronibus liberatum est, omnibus alienigenis inde ejectis." (38 to 38*b*.)

(28.) The following extracts from original records prove that the decision of Sir ROGER DE LEYBURN and his associates to "enter into the King's Peace," thenceforth devoting themselves to the King, was the result of negotiations conducted by the King of Germany and other mediators elected for the purpose by Henry on the one side and the Barons on the other. These negotiations could hardly have commenced before the month of August; for Sir ROGER DE LEYBURN's party, with de Montfort at their head, are vigorously driving the mercenaries from Kent, at Dover, on Saturday, 7 July, and on the Monday following, at Romney (see Note 27).

In the Treasury of the Exchequer, is the Record of their covenant of reconciliation with the Prince; it is dated 18 August, 1263:—

"A toz ceus ki cestes lettres verront è orront. Roger de Oliford, ROGER DE LEYBURN, John de Vaus, Ralf Basset, Ham' Lestraunge, e Johan Giffard, salutz.

"Sache vostre universite ke, cum vi eust contenz entre mon syre Edward, fit aise de Roi d'Engleterre, e nos, nous de ces contenz amender e abesser, e de seurte faire, e de estre lui amy a totes ses bosoynes, encontre tote gent ke nos tele seurte, come le cunte de Warenn e mon syre Henr fuiz le Roi d'Alemayne deviseront e dirront, froms e tendrons fermemant e estable, a tote nostre vie; sauue le commun serement, ke est al honour de deu, e a la fay le Roi a profit de reaume.

"E auoms jure sor saynt ewangeles de tenyr totes ces choses, ke sunt desus dites fermes e estables.

"En tesemoine de ques choses nos avons mis nos seaus a cest es-crite, ke fu fet a Lamhee Le samadi procheyn a pres la assumpcion nostre Dame, lan de la grace nostre seynour mil, e deus cenz, e seis-saunte, e trais." (Liber A. fol. 233 *b*, in the Treasury of the Exchequer.)

And on 7th September, peace must have been made between the parties, for Sir ROGER DE LEYBURN was then actually steward of the King's household. (See Note 31.)

The Patent of their pardon is dated 18th September, 1263. The following is the entry on the Patent Roll:—

"*Pro Rogero de Clifford.*—Rex omnibus, etc., salutem. Sciatis, quod perdonavimus, pro nobis et heredibus nostris, dilecto et fideli nostro Rogero de Clifford omnes transgressiones et excessus, quos fecit in regno nostro Anglie usque in hodiernum diem, occasione pro-

visionum et statutorum factorum apud Oxoniam non observatorum, ut dicitur, pro quibus turbatio nuper habebatur in regno nostro predicto. Remisimus etiam eidem omnem rancorem animi quem erga ipsum conceperamus occasione predicta, et eis firmam pacem nostram inde concedimus. In cuius, etc. Teste Rege apud Westmonasterium, xvij. die Septembris. Consimiles litteras habent ROGERUS DE LEYBURN, Johannes de Vallibus, Hamo Extraneus, Johannes Giffard, et Radulfus Basset de Dreyton." (Rot. Pat. 47 H. III. m. 2.)

On the 24th of October, the entire party complete their reconciliation and homage to the Prince, and pledge themselves to abide his beck (*de more de la meigne*) in these words:—

A toz ceus ki ceste lettres verront e orront, mon syre Roger de Clifford, mon syre ROGER DE LEYBORNE, mon syre Hamon le STRANGE, mon syre Ralf Basset, mon syre Johan de Vaws, mon syre Johan Giffard, e mon syre Hug de Turberuille, saluz. Sachent tote gent ke nos toz ensemble emes de more de la meigne mon syre EDEWARD fuiz einz le Rey dengleterre e heir. E luy auoms fet homage por ben fet ke il nos a fait. E emes tenuz a le uant dit mon syre EDWARD auenir a soen maundement totes les heures ke il nos maundra, nos e toz nos amy. E lui seruir e aider a toz nos poers en totes ses besoignes. E ce auoms nos iores sor les sainz ewangelies a tenir establement a totes nos vies. E en temoine de ce auoms mis nos sewz a ce present escrit. Ce lettres furunt fetes a Kranford le melredi [*sic*] prochayn a pres la feste sain Luc le Wangelist. Le an du coronement nostre seynour le Rei HENR fuiz le Rei Johan quaraunte settime. (Liber A. fol. 233 b, in the Treasury of the Exchequer.)

In this act of reconciliation and homage, the expression "por ben ke il nos a fait" can hardly be extended to the acknowledgment of a bribe.

And now we have the crowning act in the transaction, viz. a mandate to these Barons to attend the King's councils immediately, dated 28 October, 1263, as follows:—

"Rex Humfrido de Boun juniore, salutem. Quia per dilectum fratrem nostrum R. Regem Alemannie illustrem et alios mediatores, pacis electos inter nos et proceres regni nostri intelleximus, quod firma pax in proximo fieri debet inter nos hinc inde; vobis mandamus, in fide qua nobis tenemini, quod hac instanti die Jovis vel die Veneris proxima post festum Apostolorum Simonis et Judæ, sitis ad nos, ubicumque fuerimus, super negotiis nos et pacem regni nostri tangentibus locuturi. Et hoc nullatenus omittatis. Teste Rege apud Windesoram, xxviii Octobris. Eodem modo mandatum est Rogero de Clifford, ROGERO DE LEYBURN, Johanni de Vallibus, Hamoni Extraneo, Johanni Giffard, Petro de Monteforti, Radulfo Bas-

set de Dreyton, Radulpho Basset de Sapecote, Ricardo de Mundevill, Waltero de Dunstanvill, et Radulfo le Botiller." (Rot. Pat. et Claus. 47 H. III. m. 2 dorso.)

Before, however, Sir Roger could be entirely freed from the consequences of his violent career, he had to defend himself against innumerable proceedings both on the part of the Crown, and from private individuals. There is first, the Archbishop of Canterbury claiming restitution, and the King pledging himself that it shall be given, as evidenced by the following extract from the Patent Rolls, bearing date 20 January, 1263-64.

"*Pro Rogero de Clyfford, Rogero de Leyburn, et aliis.*—Rex omnibus, etc. Turbati super injuriis dampnis et violentiis ecclesie et ecclesiasticis personis in provincia Cantuariensi nuper illatis, vobis tenore presencium volumus esse notum, quod venerabili patri B[oni-facio] Cantuariensi Archiepiscopo promississe, quod nos et Hugo le Bygod et Robertus Agnyllun bona fide procurabimus et operam dabimus efficacem, quod Rogerus de Clyfford, ROGERUS DE LEYBURN, Johannes de Vallibus, Radulphus Basset de Drayton, Johannes Gyffard, Hamo Extraneus, Hugo de Turberville, Willelmus de Huntingefeld, et Willelmus de Ebroicis, quibus injuriarum hujusmodi culpa imponitur, infra proximam dominicam, qua cantatur Letare Jerusalem, competentes prestabunt emendas, prout secundum Deum et justitiam de jure fuerit faciendum. In cujus, etc., sigillum nostrum et sigilla predictorum Hugonis et Roberti presentibus sunt apposita. Teste Rege apud Ambian, xx die Januarii." (Rot. Pat., England and France, 48 H. III. m. 2.)

Soon afterwards, it is evident that further protection was needed, for on the Patent Rolls, 28 February, 1263-4, there are the King's Letters, in which he holds himself responsible for all suits that can be instituted against Sir ROGER from any private individuals, in these words:—

"*Pro Rogero de Leyburn.*—Rex omnibus, etc. Cum perdonaverimus dilecto et fideli nostro Rogero de Leyburn omnem rancorem, quem erga eum conceperamus, et omnes transgressiones, quas fecit durante nuper turbatione regni nostri, occasione statutorum Oxonie non observatorum, ut dicitur, et firmam pacem nostram ei inde concesserimus, nos eidem Rogero, intuitu laudabilis obsequii sui, quod nobis impendit, gratiam facere volentes uberiolem, concessimus ei, quod in omnibus et singulis, qui erga ipsum occasione predicta loqui voluerint, pro ipso respondebimus, et ipsum conservabimus indemnem. In cujus, etc. Teste ut supra [Rege apud Roff., xxviii die Februarii]. Ista littera tradita fuit predicto Rogero per manum H. le Bygod." (Rot. Pat., 48 H. III., m. 1.)

After this, still further immunities seem to have been required;

for we have the King's Letter, dated 28 October, 1264, granting him protection against the Pope, the Legate, the Archbishop, etc. etc.

"[Henricus] Dei gratia Rex Anglie Dominus Hibernie [et Dux Aquitanie] omnibus [ad quos] presentes littere [pervenerin]t salutem. Sciatis quod ob laudabile et strenuum adiutorium quod dilectus et fidelis noster Rogerus de Leyburn, . . . llum de Lewes, quam in conflictu de Evesham, contra inimicos nostros nobis et Edwardo [primo] genito nostro . . . ter impendit, perdonavimus eidem omnes transgressiones et excessus quos fecit in regno nostro cam cuscumque turbationis controversie seu gwerre habite seu per ipsum aut suos, et etiam omnem indignationem et animi rancorem quos erga ipsum et familiares suos mus pro eo quod aliquamdiu adherendo Simoni de Monteforti quondam Comiti Leycestrie et fautoribus suis . . . , et pro quibuscumque aliis adhesionibus, adversitatibus, resistenciis, et occasionibus quibus contra . . . nostrum, tempore predicto, extiterunt eis et eorum heredibus, pro nobis et heredibus nostris, quantum in nobis est . . . et totaliter perdonamus, ipsosque ad plenam et specialem gratiam nostram admisimus volentes et concedentes quod idem Rogerus, vel familiares sui predicti, aut eorum heredes, occasione predicta, in personis terris tenementis rebus aut possessionibus suis, per nos vel heredes, aut alios quoscumque Justiciarios vel ballivos nostros, molestiam dampnum vel gravamen incurrant, nec propter hoc occasionentur, set ipsos imperpetuum inde quietos esse volumus, pariter et immunes prefatum etiam Rogerum erga summum Pontificem venerabiles patres O. Sancti Adriani Apostolice Sedis Legatum, B. Cantuariensem Archiepiscopum tocius Anglie primatem, P. Herefordensem Episcopum, ac quoscumque alios regni nostri super quibuscumque offensis dampnis et injuriis, eis per eundem illatis, in turbatione predicta, in omnibus indempnem conservabimus et conservari faciemus. In cujus rei testimonium has litteras nostras fieri fecimus patentes. Teste me ipso apud Cantuariam xxviiij die Octobris anno regni nostri quadragesimo nono." (See Royal Letters, No. 461.)

N.B.—This pardon is not entered on the Patent Roll.

And, even as late as the year 1268, it was found that he could not be entirely cleared without another general and most comprehensive pardon, which appears on the Patent Roll in that year, dated 10 March, 1267-8. These are its words:—

"Rex omnibus, etc., salutem. Sciatis, quod pardonavimus dilecto et fidei nostro ROGERO DE LEYBURN, et omnibus illis de familia et societate sua, omnes transgressiones et excessus, quos fecerunt occasione provisionum seu statutorum Oxonie non observatorum, ut dicitur, unde nuper habebatur turbatio in regno nostro, et etiam omnem actionem nobis adversus ipsos competentem ratione transgres-

sionum et excessuum predictorum, usque ad hodiernum diem. Remisimus insuper eisdem omnes rancores et odia que erga ipsos conceperamus occasione predicta, usque ad diem predictum, eis bona fide promittentes, quod ipsos penes quoscumque occasione transgressionum et excessuum per ipsos factorum tempore turbationis predictæ de ipsis conquerentes, seu conqueri volentes, conservabimus indemnes. Et cuilibet de familia et societate predicta separatim litteram nostram patentem super hoc fieri faciemus in forma predicta, cum predictus ROGERUS per litteras suas patentes nos requisierit, et ipsos de familia vel societate sua tempore predicto duxerit testificandum. Dum tamen erga nos et heredes nostros bene et fideliter se habeant in futurum.

“In cujus, etc. Teste Rege apud Westmonasterium, decimo die Martii, per ipsum Regem, dominum Edwardum, et totum consilium.”
(Rot. Pat. 52 H. III. m. 24 dorso.)

Before concluding this long note, I would notice one circumstance worthy of special remark in the result of Sir ROGER DE LEYBURN'S turbulent career, as affecting the inheritance of his estates. They had been again and again forfeited, and seized by the King. He had rendered himself not only amenable to the Crown for various constructive rebellions and other offences, but was also liable to endless suits from private individuals for outrages committed during the raids and forays in which, in common with his brother feudal lords, during these distracted times he had freely indulged. I have already noted—from the Patent Rolls—no less than five instances of Pardons or Immunities, which he was compelled to obtain for his protection, each one providing for some omission in its predecessor, till at last, one more full than all the rest is issued, as though it had been found that the others were insufficient for his security, and that nothing short of the complete comprehensiveness of this document would shield him with entire immunity. Still, lest even this precaution should not suffice to secure his estates for his heir, he seems to have provided against the possibility of any further risk, by having them all placed in Trust. In this respect, the “Inquisitiones post mortem” on SIR WILLIAM DE LEYBURN and his wife JULIANA are most remarkable documents. There is not a manor or an acre of land that is not returned by the Juries as having been in the hands of different Trusts,—a circumstance of most unusual occurrence at that period, and only to be accounted for as a measure of special security, rendered necessary by the active part taken by Sir ROGER in those turbulent times, and the liabilities by which, in consequence, he had endangered his estate.

(29.) The partisanship of contemporary writers is so intensely strong, that we must take with great caution all that they assert

of the motives which actuated the different Chiefs in the ever-varying aspects of this rebellion. The necessity of this caution is in no instance more strongly exemplified than in their different accounts of this secession from the Barons, the greatest blow which the rebel party had as yet sustained; and we may therefore naturally expect to find much acrimony in the writers of the day, and no small amount of injustice in their imputation of motives to the seceders.

Rishanger, after chronicling the King of France's award between Henry and the Barons, says:—

“*Ab hoc tempore factus est novissimus peior priore; multi enim magnates seditionis maculam incurrendo, a fidelitate qua comiti Leycestrie tenebantur astricti, spreto juramento, recesserunt, et exercitui regis, non sine donis et amplis promissionibus, se sociaverunt. . . . Rogerus de Clifford, ROGERUS DE LEYBURN, Johannes de Vallibus, Hamo le Estrange, et multi, tam marchiones quam alii naturales terre, quorum nomina non teneo, terris, redditibus, et provisionibus excecati, se subtraxerint.*” (Chronicon Willelmi de Rishanger, Halliwell, Camden Society, pp. 17 et 18.)

And, in his continuation of Mathew Paris, he repeats nearly the same words.

In using the expression “*ab hoc tempore*,” Rishanger seems to lay a stress upon the date, as though it had followed the award as a consequence. This assuredly was not the case; Sir ROGER DE LEYBURN and the other specified seceders had certainly joined the King *before* the award. It was decidedly a party move, and not the secession of individuals yielding to the temptation of bribes. By a careful examination of the different records which I have cited, the same individuals will be found always in association, and very frequently in connection with Prince Edward,—strongly indicating that there were those among the Barons whom we may designate as “the Prince’s party,” some of them, probably, of his actual household, as in the instance of Sir ROGER DE LEYBURN, his Seneschal. (See note 27.) This view is confirmed, almost beyond contradiction, by the two documents extracted from the Exchequer Records, in Note 28, wherein the same party join in their renewed homage, not to the King, but to the Prince. They rejoined their old master. These were the men who, at that period, went over together to the King’s side. Roger de Clifford, Hamo Lestrangle, James de Alditheley (Audley), and John de Vaux seem to have been inseparable companions of ROGER DE LEYBURN in all his movements. They were the chiefs of that party, and they are all among those who, on the King’s side, sign the covenant to abide the arbitration of Louis.

There is an anonymous MS. in the Bodleian, written apparently very early in the fourteenth century, entitled “*Cronica de adventu*

Anglorum in Britanniam, secundum Bedam Istoriographum." The reference to Bede is, of course, a blunder; but the MS. seems to be a sufficiently trustworthy compilation. With reference to this secession, its words are:—"Circa festum Omnium Sanctorum, existente Rege Henrico apud Oxoniam, veniunt ad pacem ejus ibidem, Rogerus de Clifford, ROGERUS DE LEYBURN, Johannes de Vaus, et alii quamplures, deserentes sacramentum suum Oxonii prestitum, et relinquentes Barones fideles, quibus prius adhererunt." (MS. Bodl. 712, fol. 364 b.)

This writer gives us a specific date, the correctness of which is confirmed by the Patent Roll; but his strong partisanship is unmistakable.

The Chronicler (Cotton. Julius, D. v.) whom I have so often cited in these Notes, in his account of the transaction, does not even hint at corrupt motives, albeit his animosity against Sir ROGER DE LEYBOURN on other occasions is very strongly exhibited. His account of the secession occurs in a note at the foot of page 39, thus:—

"Memorandum.—Eodem anno, post festum Omnium Sanctorum, venerunt ad pacem domini regis et Eduardi, consilium Baronum relinquentes, Comes Marescallus, Comes Warennie, Henricus filius Regis Alemannie, Dominus ROGERUS DE LEYBURN, Rogerus de Clifford, et multi alii, adjuvantes sibi milites quotquot habere poterunt, et sic omnes fere magnates Anglie a consilio Baronum recesserunt, preter Comitem Leycestrie, et Comitem de Ferrers, Gilbertum de Clare, Dominum Humfridum de Boun, Henricum de Hastings, et multos alios, quos enumerare perlongum est."

Let any unprejudiced reader study these names, as given in the three chronicles which we have cited, and specially those in this last; let him ponder their character and their numbers, and he will hardly bring himself to believe that they were bought over by bribes. I have myself a strong conviction that the great source of irritation, the employment of foreigners, being at an end, and the mercenaries expelled the kingdom, the mediation between the King and the party which till lately had been the special friends of his son, was readily effected on honourable terms; and then they came over in a body, and ever after were staunch Royalists.

(30.) The King's part of the covenant runs thus:—"Noveritis quod compromisimus in Dominum Ludovicum Regem Francie illustrem super Provisionibus, ordinationibus, Statutis et obligationibus omnibus Oxoniensibus, et super omnibus contentionibus, et discordiis quas habemus, et habuimus usque ad festum omnium Sanctorum nuper preteritum, adversus Barones regni nostri, et ipsi adversus nos, occasione Provisionum, Ordinationum, Statutorum, vel obligationum Oxoniensium predictorum, promittentes et in animam

nostram jurantes, tactis sacrosanctis Evangeliiis, quicquid idem Rex Francie super omnibus predictis, vel eorum aliquibus, de alto et basso ordinaverit vel statuerit, nos observabimus bona fide," etc. etc. After which follows the pledge and security of his nobles for him, thus:—"Nos autem Edwardus, predicti domini Regis Anglie primogenitus, Henricus, filius Ricardi Regis Alemannia, Rogerus le Bigod, Comes Norfolcie, et Marescallus Anglie, Johannes de Warena, Willelmus de Valentia, Humfredus de Bohun comes Herefort et Essex, Hugo le Bigod, Philippus Basset, Johannes filius Alani, Robertus de Brus, Rogerus de Mortuo Mari, Johannes de Verdun, Willelmus de Breus, Johannes le Baillol, Henricus de Percy, Reginaldus filius Petri, Jacobus de Aldithele, Alanus le Zuche, Rogerus de Clifford, Hamo Extraneus, Johannes de Grey, Philippus Marmion, Robertus de Neville, Johannes de Vallibus, Johannes de Musecgros, Warinus de Bassingburn, Adam de Gesemuth, Rogerus de Somers, Richardus Foliot, ROGERUS DE LEYBURN, et Willielmus de Latimero predicto compromisso per dictum dominum Regem Anglie facto, sicut predictum est, consentimus et juramus, tactis sacrosanctis Evangeliiis, quod quicquid dominus Rex Francie, super omnibus predictis, vel eorum aliquibus de alto et basso, ordinaverit vel statuerit, observabimus bona fide, etc. etc. Datum apud Windesoram, Dominica proxima post festum Sancte Lucie Virginis, anno domini millesimo ducesimo sexagesimo tertio."

The Barons' part of the covenant, under the title of "Litere Baronum," runs precisely in the same terms, and it is dated "London. die Sancte Lucie Virginis, anno domini millesimo ducesimo sexagesimo tertio." (Lib. B. fol. 2, in the Treasury of the Exchequer.)

(31.) Tyrrell (vol. ii. p. 1013) in recording events about the month of September, 1263, says, "Sir ROGER DE LEYBURN, who had been looked upon as one of the King's greatest enemies, was made steward of his household." The following entry on the Close Roll, dated 7th September, 1263, seems to confirm this statement. It is an order to Sir ROGER DE LEYBURN to purchase a gold garland of the value of 20 marks, as a wedding present to the Queen's cousin, the "Markisia"¹ (*Marchioness*), shortly to be married to the Duke of Brunswick:—

"*De quadam garlanda ad opus Markisie neptis Regis.*—Mandatum est ROGERO DE LEYBURN, quod in instantibus nundinis Sancti Egidii Wintonie modis omnibus perquiri faciat unam garlandam auream pretii xx. marcarum ad opus Markisie neptis nostre, quam Dux Brunneswici in brevi ducturus est in uxorem, et Rex de predictis xx.

¹ This was Alaisia, (by some called Adelaide,) daughter of Boniface III., *le Géant*, Marquis of Montferrat, by Marguerite de Savoie, who was cousin-german of Queen Eleanor. Her affianced husband was Albert I., the *Great*, Duke of Brunswick. (See Rot. Pat. 51 H. III. m. 37.)

marcis responderi faciat. Teste ut supra" [Rege apud Westmonasterium, vii die Septembris]. (Rot. Claus. 47 H. III. n. 3.)

And Sir ROGER is spoken of as "Senescallus noster," "Senescallus hospicii noster," and "Senescallus Regis," on various entries on the Patent Rolls in the year 1265 and 1266.

The Patent appointing him Lord Warden of the Cinque Ports, bears date 5 December, 1263 (Rot. Pat. 48 H. III. m. 20), not one fortnight before the "Litere Baronum," the covenant of the Barons to abide the King of France's award, is dated. All this, surely, may be regarded more as reward for influence in bringing about the compromise, than a bribe to induce treason.

(32.) Knyghton names him as being there, on the King's side (see Henry de Kyghton, apud Twysden, 2447, 14), and on the Patent Rolls there is an entry dated 24 August, 1264, being a mandate from the King, then in the hands of De Montfort, addressed to Sir ROGER DE LEYBURN and his co-marchers to deliver up the prisoners taken by them at Northampton. (Rot. Pat. 48 H. III. m. 5 dorso.)

There is also another mandate, dated January 5, 1264-5, to Sir ROGER DE LEYBURN, the King being still under the control of de Montfort, to deliver up WILLIAM DE FERRARS taken at Northampton. (Rot. Pat. 49 H. III. m. 27 dorso.)

(33.) "Ibique vulneratus est strenuus miles ille ROGERUS DE LEYBURN, et male tractatus." (Henry de Knyghton, apud Twysden, 2448, 48.)

(34.) On the Patent Roll there is an enrolment of an acquittance to the King of France for 134,000 Livres Tournois. Tested at Lewes, on the very morning of the battle, "per ipsum Regem, Regem Alemannie, Eduardum filium Regis, Henricum filium Regis Alemannie, ROGERUM DE LEYBURN, et alios de Concilio Regis." (Rot. Pat. 48 H. III., m. 13.)

(35.) The following eight extracts from the Patent Rolls furnish abundant evidence that, after the disaster at Lewes, Sir ROGER DE LEYBURN joined Roger Mortimer and the Marchers in Wales, and there continued, to the very last, prominent among the sturdy maintainers of the King's cause. These documents are so extremely valuable in illustrating the persevering struggles of the Royalists during the year that passed between the defeat at Lewes and the triumph at Evesham, their frequent attempts at conferences with the King and the Prince, and the unfulfilled agreement that de Clifford, de Leyburn, and their party should facilitate peace by voluntary exile to Ireland for a year, that I cannot resist inserting them in their entirety, especially as Sir ROGER DE LEYBURN is always among the foremost.

It must be remembered that all these Letters Patent were issued

by the King, while under the custody and entire control of De Montfort, whose orders in reality they were; and therefore we are not to interpret them as evidence that the Marchers, with Sir ROGER, were in arms against the King, or opposing his mandates. In reality they were maintaining his cause against de Montfort.

I. *Mandate to Roger Mortimer, J. de Aldithelegh, ROGER DE LEYBURN, and the other Marchers, to desist from besieging Gilbert de Clare's Castle of Haunley, 6 October, 1264.*

“Rex Rogero de Mortuo Mari, J. de Aldithelegh, R. DE LEYBURN, R. de Clifford, Hamoni Extraneo, Roberto de Turbervill, Hugoni de Turbervill, et ceteris commarchionibus et sociis suis, salutem. Cum nobis nuper apud Lewes existentibus ad nostram et vestram, prefati Rogere Jacobe et Rogere, et aliorum fidelium nostrorum nobiscum ibidem existentium deliberationem, et ad pacem nostram in regno Anglie conservandam, Eadwardum primogenitum nostrum, et Henricum filium Regis Alemannie nepotem nostrum obsides posuerimus, sicut vos ipsi plenius nostis, et postmodum ad observationem pacis in regno predicto, et ad impediendum adventum alienigenarum in regnum predictum, qui cum ingenti navigio regnum nostrum ingredi proposuerunt, totis viribus laboravimus et adhuc laboremus indefesse, ita quod jam benedictus Deus in certam formam pacis consensimus ad dictorum filii et nepotis liberationem et pacem et tranquillitatem regni nostri; vos, ut accepimus, castrum dilecti et fidelis nostri Gilberti de Clare Comitis Gloucestrie et Hertfordie, de Haunley, qui ad liberationem dictorum filii et nepotis diligenter institit et nobiscum instat, obsed . . . , maneria et alia bona sua in partibus illis occupando et devastando, de quo turbati sumus et non mediocriter anxiiati. Et quia hujusmodi facta ad deliberacionem eorundem impediunt, et regni nostri turbationem jam sedatam de novo suscitant et augmentant; vobis in fide homagio et dilectione quibus nobis tenemini mandamus, firmiter injungentes, quatinus sicut nos honorem nostrum, deliberacionem predictorum filii et nepotis nostri et regni nostri tranquillitatem diligitis, et vestram et heredum vestrorum perpetuam exheredacionem vitare volueritis, visis litteris istis, ab obsidione castri predicti recedatis, prefato comiti maneriis terris aut possessionibus suis seu hominibus quibuscumque de cetero non inferentes, vel ab aliquibus, quantum in vobis est, inferri permittentes molestiam dampnum aut gravamen. Scituri quod, si feceritis, vos extunc nostros et regni nostri inimicos reputabimus et a pace nostra penitus exclusos. Teste Rege apud Cantuariam, vj die Octobris.” (Rot. Pat. 48 H. III. m. 2 dorso.)

II. *Safe-conduct to Roger de Olifford and ROGER DE LEYBURN to attend the King, 12th December, 1264. To be in force till 15th December.*

“De Conductu.—Rogerus de Clifford cum uno milite et tribus scutiferis, ROGERUS DE LEYBURN cum uno milite et tribus scutiferis, habent litteras Regis de conductu in veniendo ad Regem ubicumque rex fuerit in Anglia, cum rege morando et inde recedendo, duraturas usque ad diem Lune proximam post instans festum Sancte Lucie Virginis et per totam eandem diem. Teste ut supra [Rege apud Persoram, xii die Decembris] per consilium.” (Rot. Pat. 49 H. III. m. 27.)

III. *Safe-conduct to Roger de Clifford and ROGER DE LEYBURN to confer with Prince Edward at Kenilworth, 14th December, 1264.*

“De Conductu.—Rex omnibus ballivis et fidelibus suis, ad quos presentes littere pervenerint, salutem. Sciatis quod suscepimus in saluum et securum conductum nostrum Rogerum de Mortuo Mari, Rogerum de Clifford, et ROGERUM DE LEYBURN, in eundo apud Kenylewrth cum propria familia sua secum existente, ad loquendum cum EDUARDO filio nostro primogenito, et ad firmandum et complendum conventiones sigillis venerabilium patrum W. Wygorniensis et R. Coventrensis et Lichfeldensis Episcoporum signatas, prout prefatus filius noster eis manifeste et plenius precipiet et injunget. Et ideo vobis mandamus, quod predictos Rogerum et ROGERUM et Rogerum cum propria familia sua secum existente, in eundo apud Kenylewrth, sicut predictum est, ibidem morando, manuteneatis protegatis et defendatis, non inferentes eis, aut inferri permittentes, dampnum injuriam molestiam aut gravamen. Quod si dictus Edwardus preceperit eisdem Rogero, ROGERO, et Rogero predictas conventiones firmare et complere, et ipsi hoc facere noluerunt, volumus quod extunc presens conductum pro nullo habeatur. Et si predictus Edwardus eis ad firmandum premissa precipere noluerit, tunc presens conductus firmiter observetur. Ita quod ad propria secure et absque impedimento possint reverti. In cujus, etc. Teste Rege apud Wygorniam, xiiii die Decembris.” (Rot. Pat. 49 H. III. m. 27.)

IV. *Orders to the Marchers to cease depredation, Dec. 15, 1264.*

“Rex Hamoni Extraneo, Johanni de Turblevill seniori, Roberto de Turblevill, Hugoni de Turblevill, Mathiæ de Gamages, et aliis Commarchionibus suis, salutem.

“Cum Rogerus de Mortuo Mari, Rogerus de Clifford, et ROGERUS DE LEYBURN, pro se, vobis, et cæteris Commarchionibus suis certam formam pacis nobiscum inierint, et iidem Rogerus, Rogerus, et ROGERUS, gressus suos versus Kenilworth direxerint ad loquendum cum EDUARDO primogenito nostro, et ad pacem illam plenius firmandam; miramur quamplurimum et movemur, quod vos permittitis homines vestros, in partibus ubi nunc agitis, depredationes, dampna, et toltas facere, quod vobis cedere posset in magnum dispendium, et lesionem pacis supradicte, et quod nullo modo sustinere deberetis.

“Quocirca vobis mandamus, firmiter injungentes, quod homines vestros predictos ab hujusmodi depredationibus, dampnis et tollitis faciendis penitus desistere faciatis; et de depredationibus, et tollitis sic factis, competentes emendas, sine omni dilatione, fieri faciatis; ita quod non oporteat nos aliter ad hoc manum apponere, et ne ea, que jam provisa sunt ad pacem et tranquillitatem regni nostri, per hujusmodi excessus impediatur.”

“Teste Rege apud Wigorniam, 15 die Decembris. (Rot. Pat. 49 H. III. m. 28 dorso.)

V. *Safe-conduct to Roger de Clifford, ROGER DE LEYBURN, etc., to retire to Ireland for a year, 2nd January, 1264-5.*

De Conductu.—Rex omnibus ballivis, etc. Sciatis quod suscepimus in salvum et securum conductum nostrum Rogerum de Mortuo Mari, Rogerum de Clyfford, ROGERUM DE LEYBURN, Hamonem Extraneum, Hugonem de Trublewill, milites scutiferos et alios cum ipsis profecturos in Hiberniam, in eundo ad partes illas cum familiis hernesiis et rebus suis et ibidem morando, in forma per nos et barones nostros provisa. Et ideo vobis mandamus, quod eisdem Rogero, Rogero, ROGERO, Hamoni, Hugoni, militibus armigeris et aliis cum ipsis profecturis, in eundo ad partes predictas cum familiis hernesiis et rebus suis et ibidem morando in forma predicta, non inferatis vel inferri permittatis injuriam molestiam dampnum impedimentum seu gravamen, sed ipsos potius, cum per vos venerint, salvum et securum conductum habere faciatis, ita tamen quod ipsi post terminum predictum salvo et secure in Angliam redire, et apud terras et tenementa sua que de hereditate sua in manu sua tenent, morari possint, sine impedimento seu contradictione nostri vel nostrorum. Presentibus litteris de conductu a vicesimo die festi Natalis Domini, anno regni nostri quadragesimo nono, usque ad festum Pasche proximo sequens, et ab eodem festo Pasche usque in unum annum completum. Teste Rege apud Wyndesoram, ij die Januarii. Consimiles litteras habet Rogerus de Mortuo Mari per se.” (Rot. Pat. 49 H. III. m. 26.)

VI. *Renewed safe-conduct to the same parties to retire to Ireland, 17th March, 1264-5.*

“*De Conductu.*—Rex omnibus, etc. Sciatis quod licet R[ogerus] de Clifford, R[OGERUS] DE LEYBURN, Hamo Extraneus, Hugo de Turberwill, cum ipsorum familiis, ac alii quidam, quibus litteras nostras de conductu fieri fecimus, eundo et stando in Hiberniam a festo Pasche proximo futuro in unum annum, non transfretaverint ibidem ad terminum eisdem nuper, cum essemus apud Wygorniam, prefixum ad transfretandum; volumus tamen quod conducantur ibidem salvo et secure eundo et commorando usque ad finem termini supradicti, secundum tenorem litterarumstrarum predictarum, quas habent de conductu nostro. Salvis tamen post terminum predictum con-

ventionibus suis, quas nuper fecerunt apud Wygorniam in omnibus articulis suis, ita quod presentes littere eisdem in nullò proficiant, preter quam ad salvum et securum conductum suum, eundo et comorando per terminum supradictum. In cujus, etc. Teste Rege apud Westmonasterium, xvii die Martii, per regem et totum consilium.” (Rot. Pat. 49 H. III. m. 19.)

VII. *Mandate to arrest all agitators in spreading false reports of the quarrel between de Montfort and de Clare, and to oppose the machinations of ROGER DE LEYBURN and his co-marchers, who have broken their oaths by not retiring to Ireland, 20th May, 1265.*

“Rex dilecto et fideli suo Radulfo Bassett de Drayton, custodi pacis in comitatibus Salopie et Staffordie, et vicecomitibus eorundem comitatum, salutem. Cum nonnulli regni nostri tranquillitatis et pacis invidi manifesti, sicut veraciter intelleximus, de nobis adversa predicent per loca diversa, ut sic corda fidelium nostrorum a nostra fide pariter et devotione fraudulentè et maliciose subtrahant, adjicientes discordiam inter dilectos et fideles nostros Simonem de Monteforti, comitem Leycestrie, seneschallum Anglie, et Gilbertum de Clare, comitem Gloucestrie et Hertfordie, subortam esse, per quod multi nimirum timidi fiunt et turbati, pro certo credentes guerram jam iterato suscitari in regno nostro, quod grave gerimus et indignum; vobis firmiter injungimus quatinus omnibus de comitatu predicto sine dilatione scire faciatis ex parte nostra, quod hujusmodi verba vana mendacia sunt et fraudulentè adinventà, maxime cum comites supradicti sint unanimes in omnibus et concordés. Sed quia Rogerus de Clyfford, ROGERUS DE LEYBURN, Hamo Extraneus, Robertus de Turbervill, Hugo de Turbervill, Henricus de Burewhill, Robertus Extraneus, Rogerus frater ejus, Willelmus de Etling, Robertus de Cheyny, Willelmus Bagot, Willelmus de Huford, Thomas de Turbervill, Rogerus de Clifford junior, Walterus de Caples, Hugo de Elecurt, Simon de Helle, et quidam alii commarchiones sui complices, juxta provisionem nuper factam apud Wygorniam, nobis tunc existentibus ibidem regnum nostrum certis de causis infra terminum jam preteritum exivisse debuerunt extra idem regnum, usque ad certum tempus moram facturi, pro pace nostra melius et firmiter assecuranda, quod quidem in nostri contemptu et contra provisionem antedictam et suum juramentum super hoc exhibitum hactenus facere distulerunt, de quo non mediocriter commoti sumus et irati, ac etiam pro eo quod quidam tanquam hostiliter de partibus transmarinis, sicut per omnes comitatus nostros Anglie nuper mandavimus in partibus Pembrochie jam applicuerunt; nos et magnates nostri circa partes Herefordie moram facimus in presenti, ut applicatis antedictis, si regnum nostrum gravare forsàn intenderint, viriliter resistamus et insolentiam dictorum marchionum et suorum complicum ad

majorem ejusdem regni tranquillitatem et pacem pro posse reprimumus. Quapropter vobis, firmiter injungendo, mandamus, ut hoc per totum comitatum predictum ad assecuranda corda fidelium nostrorum sine mora proclamari faciatis, ne aliquis pre timore cujuscumque rumoris adversi, per suggestionem aliquorum emulorum nostrorum, perterritus, de pace diffidat, sed ut omnes ad fidem et devotionem nostram se fideliter teneant et firmiter ut tenentur. Et si marchiones predictos vel eorum aliquos vel complices suos, et eciam si quos falsis suggestionibus animos fidelium nostrorum a nobis avertere satagentes, ad nostram et regni nostri tranquillitatem et pacem perturbandam, de quibus pro certo vobis constare poterit, in partibus vestris inveniri contigerit, ipsos et omnes eorum receptatores statim capiatis et salvo custodiri faciatis sub periculo amissionis omnium que tenetis in regno nostro donec aliud inde preceperimus. Et ad hoc, si necesse fuerit, totum posse predicti comitatus vobiscum assumatis. Taliter vos habentes in hac parte, ne propter negligentiam vel defectum vestri ad vos tanquam ad predictorum rebellum nostrorum fautores graviter capere debeamus. Scire vos volentes quod processu temporis per aliquos de fidelibus nostris, quos a latere nostro specialiter ad hoc mitemus, inquiri faciemus qualiter in executione istius negotii quod, propter communem utilitatem regni nostri precipue nobis cordi est, vos habueritis. Teste Rege apud Herefordiam, vicesimo die Maii, anno regni nostri xlix^o.

“Consimiles littere diriguntur singulis custodibus pacis et vicecomitatibus per singulos comitatus Anglie, et sunt patentes. Et sciendum quod littere iste emanarunt per preceptum regis, comitem Leycestriæ, Justiciarium Petrum de Monteforti, Rogerum de Sancto Johanne, et Egidium de Argentenn. Et sciendum quod quedam littere clause, directe ballivis et probis hominibus Regis et communitati Sallopie et ballivis probis hominibus et communitati de Bruges, irrotulate sunt in dorso clausurarum que tangunt negotium istud sicut patet in eisdem.” (Rot. Pat. 49 H. III. m. 15.)

Mem.—On the Close Roll, 49 Hen. III. m. 5 in dorso, is an order of the same date to the Bailiffs and Community of Bruges (*i. e.* Bridgenorth) to arm and assist Rad. Bassett de Dreyton “ad pacem nostram conservandam et ad arestandum Hamonem Extraneum et complices suos rebelles nostros, et omnes alios qui eandem pacem perturbare seu contra ipsam temere venire presumpserint.”

VIII. *Safe-conduct to Roger de Clifford and ROGER DE LEYBURN to confer with Prince Edward, to be in force till Whit-Tuesday (i. e. 26th May), 23rd May, 1265.*

“Rex omnibus, etc. Sciatis quod ad requisitionem Edwardi filii nostri carissimi suscepimus in salvum et securum conductum nostrum Rogerum de Clifford, ROGERUM DE LEYBURN, et tres vel quatuor

milites vel alios quos secum ducere voluerint in veniendo ad filium nostrum predictum, cum ipso morando et inde recedendo. Et ideo vobis mandamus, quod eisdem Rogero, Rogero, et illis tribus vel quatuor quos secum ducent in veniendo ad filium nostrum predictum, cum ipso morando et inde recedendo, non inferatis vel inferri permissatis injuriam molestiam dampnum impedimentum seu gravamen. In cujus, etc., duraturas usque ad instantem diem Martis in ebdomada Pentecostis et per totam eandem diem. Teste ut supra" [Rege apud Herefordiam, xxiii die Maii]. (Rot. Pat. 49 H. III. m. 15.)

(36.) That he was actually engaged in the battle of Evesham is stated in the Royal Letter, 28th Oct., 1264, note 28, p. 178, *supra*.

(37.) See "Liber de Antiquis Legibus," London, Camden Society, pp. 77-82.

(38.) Among other rewards was a grant, A.D. 1265, of the wardship and marriage of IDONEA, the youngest of the two daughters and coheirs of ROBERT DE VIPONT, late deceased, in these words:—

"Rex omnibus, etc. Sciatis, quod pro laudabili servitio quod dilectus et fidelis noster ROGERUS DE LEYBURN nobis impendit, concessimus ei custodiam terrarum et tenementorum IDONEAM postnatam, et unam heredum ROBERTI DE VETTERI PONTE, nuper defuncti, qui de nobis tenuit in capite, contingentium de hereditate prefati Roberti patris sui, habendam usque ad legitimam etatem prefate IDONEE, una cum maritagio ejusdem sine disparagatione. In cujus, etc. Teste Rege apud Wygorniam, octavo die Augusti." (Rot. Pat. 49 Hen. III. m. 11.)

(39.) In the "Inquisitio post mortem" on the death of THOMAS DE LEYBURN, held at Malling, 8 July, 1 Ed. II., A.D. 1307:—

The Jury "dicunt super sacramentum suum, quod predictus Thomas de Leybourne, die quo obiit, conjunctim cum Alicia uxore ejus tenuit castrum et manerium de Leybourne, cum pertinentiis, sibi et heredibus suis, ex dono et feoffamento Willelmi de Leybourne, de domino Regis, ut de honore Albe Marlie, in manu domini Regis existente, per servitium dimidii feodi militis, et faciendo sectam ad Curiam de Walebrok, de tribus septimanis in tres septimanas.

"Et dicunt quod predicti Thomas et Alicia conjunctim seisinam suam continuaverunt a tempore feoffamenti predicti usque obitum predicti Thome."

Then follows an Extent of the manor, and then:—

"Item dicunt quod Juliana, filia predicti Thome, est ejus heres propinquior, et etatis trium annorum."

(40.) On the Charter Roll, 52 Hen. III., A.D. 1268, is an Inspecimus and Confirmation of a Charter of Robert de Creuquer, in which he grants to ROGER DE LEYBURN the manor of Ledes, in exchange for the manors of Trottesclive and Flete. The enrolment is

very defective. Thorpe, however, supplies the defects, *Registrum Roffense*, p. 660, by giving a copy of Sir ROGER DE LEYBURN'S Charter of the same transaction, which is dated 18 Oct. 1268, 52 Hen. III., and other documents relating to the exchange. (v. Rot. Cart. 52 Hen. III. m. 2.)

I am indebted to the kind courtesy of Mr. Burt, for many valuable suggestions in preparing these notes, and for an extract from a Roll of Accounts delivered into the Exchequer by Sir ROGER DE LEYBURN, when Lord Warden of the Five Ports, in which he speaks of Leeds apparently as his principal place of residence. It is probable, therefore, that, after the above exchange, the family migrated from Leybourne to Leeds Castle. They did not, however, long remain there, for by three entries in Bishop Stapleton's *Kalendar of the Exchequer*, 17 Ed. II., Nos. 168, 182, 185, as cited by Sir Francis Palgrave, 'Ancient Kalendars and Inventories of the Exchequer,' vol. i., it appears that Sir William de Leyburn had alienated the castle and manor of Leeds to King Edward I. and his consort, Queen Eleanor,—the deeds themselves being enumerated by Bishop Stapleton, as then (*z*. Ed. II.) extant, though they are no longer to be found.

(41.) Among the Surrenden MSS. is a lease for life, (*t. init.* Hen. III.) by Simon de Sandwich and Juliana his wife, of land in Preston, to William de Sturemue; and, in another document in the same collection, there is a note in a hand of about the middle of Edward III., concerning the manor of PRESTON, by which it seems that at that time there existed a dispute about the manor, and that the Sajs were claiming it through an assumed grant of their grandmother, Juliana de Sandwico, in defiance of a previous entail made by the said Juliana and her husband, Sir WILLIAM DE LEYBURN, on the right heirs of the said Sir William, viz. the Infanta Juliana de Leyburn. From this note I extract the following passage, as more immediately bearing upon our genealogical researches:—

“Preston. Dominus SIMON DE SANDWICO tenuit quondam totum manerium de PRESTON, integre, cum CAPELES, et habuit duos filios, videlicet, dominum HENRICUM et dominum RADULPHUM. Et predictus dominus HENRICUS duxit uxorem, que peperit ei unicum filiam, videlicet, dominam JULIANAM DE LEYBURNE, et statim predictus dominus Henricus obiit; ut dicitur, ultra mare mors cepit eum. Et dominus WILLELMUS DE LEYBURNE postea cepit predictam dominam JULIANAM in uxorem, quo facto, predictus dominus SYMON, avus predictæ dominæ JULIANE, obiit, seysitus in manerio predicto, et predictus dominus RADULPHUS remansit in eodem quasi heres, quousque dominus WILLELMUS DE LEYBURN ejecit eum.”

“*i. e.* Preston. Sir Simon de Sandwico formerly held the whole manor of Preston, in entirety with Capeles, and had two sons, viz.

Sir Henry and Sir Ralph; and the foresaid Sir Henry married a wife, who bore to him an only daughter, viz. the Lady JULIANA DE LEYBURNE, and, immediately afterwards, the said Sir Henry died: as it is said, death seized him beyond the sea. And Sir WILLIAM DE LEYBURNE afterwards took the foresaid JULIANA to wife; after which the foresaid Symon, grandfather of the foresaid Lady JULIANA, died, seised of the manor of Preston, and the foresaid Sir Ralph remained in it as heir, until Sir William de Leyburn ejected him."

The following extract from the Patent Roll indicates a slight error as to Sir Symon de Sandwico having died seised of the manor of Preston. He had forfeited it by treason, and the Crown had granted it to Sir WILLIAM DE LEYBURN, husband of his granddaughter and heir JULIANA; and, doubtless, it was in that right that Sir WILLIAM disseised his wife's uncle, Ralph de Sandwico.

"*Pro Willelmo de Leyburn.*—Rex omnibus, etc., salutem. Quod pro diutino laudabili servicio, quod dilectus et fidelis noster WILLELMUS DE LEYBURN nobis impendit, dedimus et concessimus eidem WILLELMO, manerium de PRESTON, quod fuit SIMONIS DE SANDWICO, inimici nostri, quod JULIANE uxori prefati WILLELMI tanquam heredi predicti SIMONIS, post mortem ejusdem SIMONIS reverti debuit. Habendum et tenendum eidem Willelmo, cum omnibus pertinentiis suis, quoad vixerit, faciendo servicium inde debitum et consuetum. In cujus rei, etc. Teste ut supra" (i. e. 16 October). (Rot. Pat. 49 H. III., m. 4.)

(42.) On the Pipe Roll, 10 R. I. (A.D. 1199), the following entry, under the heading "Nova Oblata," records that Stephen de Thurnham had paid 300 marks for this wardship and marriage of ROGER DE LEYBURN:—

"Stephanus de Turneham reddit compotem de cec marcis, pro habenda custodia terre et heredis ROBERTI DE LEEBURN cum hereditate ipsius, donec etatem habeat, et pro eo maritando. In thesauro c^{li}, et debet c^{li}."

Inasmuch as "Nova Oblata" is the entry of new matters that have occurred recently, and are now entered on the Sheriff's returns for the first time, we can approximately assign a date to Sir ROBERT DE LEYBURN's death, viz. "circiter 1198."

(43.) Unfortunately, this "breve Regis" is missing from the Rolls; otherwise, we might have ascertained the precise nature and causes of these "perdone." It appears, however, by the Patent Roll, that letters of protection, bearing date 30th May in this same year (1253), were granted to ROGER DE LEYBURN, on the occasion of his accompanying Henry to Gascony (see Rot. Pat. 37 H. III. m. 12. dorso). The King's need of his services there, may have led to a release of his father's debt; and when we refer to the date of the Patent of Pardon

for the death of De Muntney, viz. 19th Oct., 36 Hen. III. A.D. 1252 (see note 7), we may reasonably conjecture that these "perdone" included also a release from the Fine payable on the issue of that Patent.

(44.) "By law, no inheritance can vest, nor can any person be the actual complete heir of another, till the ancestor is previously dead. *Nemo est hæres viventis*. Before that time the person who is next in the line of succession is called an *heir apparent*, or *heir presumptive*" (Blackstone, vol. ii. book ii. ch. xiv. p. 208); and accordingly, if Sir ROGER, the father, had not been dead, the form of entry would have been, not *filio et heredi*, but "*filio primogenito, dicti ROGERI*."

(45.) Among the "Evidencie de Cumbwell," in the Surrenden Collection, there is an enrolment of various grants of Stephen de Thornham and his five daughters and coheirs, to the Priory of Combwell. Inter alia, "*Alianora dedit xij acras terre . . . juxta terram Conventus de Ledes quam Ego Alianora cum corpore meo legavi eidem Conventui, ex parte orientali*."

Here, then, this ALIANORE actually alludes to her intended burial in Leeds Priory in these words: "The land belonging to the Convent of Leeds, which I, ALIANORE, have bequeathed with my body to the said Convent." We know, therefore, as a fact, that she was buried at Leeds.



seal mon seigneur Edward :) at which time he was doubtless actually "*crucesignatus*."

Let the accompanying cut be accepted as an appropriate "finale" to these notes. It is a copy of Sir ROGER DE LEYBURN'S Seal, appended to the grant of a Rent Charge to the Priory of Combwell, without date, but made apparently towards the close of the reign of H. III. (see "the Charters of Cumbwell," *infra*.) Ponder the Lance and Banner with the Cross of St. George, and agree with me in my conjecture that Sir ROGER had the seal cut expressly for his use in sealing the Crusade Convention with Louis IX., in 1269: (*v. Note 11, e auons aiouste a ces presentes lettres nos seaus avec le*

Pedigree of "DE LEYBURN," as deduced from the preceding Text and Notes.

TOA 'A

PHILIP DE LEYBURN, ¹ = AMIA, daughter and heiress ² = John de Tresgoz.
 dead 1194. of Robert (?) Fitz-Gerold,
 and coheiress of Ralph Fitz-Gerold.

ROBERT DE LEYBURN, = MARGARET,
 alive 1197; dead 1199. died *circa* 1223.

Sir ROGER DE LEYBURN = ALLANORE, one of the five daughters and coheiresses
 a minor 1203; of full age of Stephen de Thurnham, 1219.
 before 1216; homage
 with his wife 1219; died
 before 1251.

ALLANORE DE QUINCY, widow of Roger ² = Sir ROGER DE LEYBURN, ¹
 de Quincy, Earl of Winchester, (who
 died 1264,) and previously of William
 de Vaux. She was daughter of Wil-
 liam de Ferrers, Earl of Derby. She
 survived Sir Roger de Leyburn.
 "son and heir of Roger,"
 born not after 1220; mar-
 ried Allanore de Quincy *inter*
 1264 and 1267; died 1271.

Sir WILLIAM DE LEYBURN, = JULIANA, daughter and
 "son and heir of Sir Roger," heiress of Sir Henry de
 (see homage, note 18,) died Sandwico; she died 1327.
 1309.

ROGER DE LEYBURN, = IDONBA, daughter and
 died 1284. co-heiress of Robert de
 Vipont. She afterwards
 married John de Crom-
 well. See Pipe Roll, West-
 moreland, 29 Ed. I., 1301.

Sir THOMAS DE LEYBURN, ¹ = ALICE, sister and heiress of
 eldest son and heir, Robert de Tony.
 died *s. p.* 1307. She afterwards married
 Guy Beauchamp, Earl of Warwick;
 and for her third husband, William de la Zouch.

Sir HENRY DE LEYBURN, ²
 an outlaw 1329.

JOHN DE LEYBURN. ROBERT.*

JULIANA DE LEYBURN, "Infanta of Kent," sole heiress, *at. 3* years at her
 father's death. For an account of her, see 'Archæologia Cantiana,'
 Vol. I. p. 1. Died 1367.

* The dotted line implies that the
 descent is only conjectural.