

The Ordinances of 1311

Introduction

The Ordinances were an attempt by the Barons to both resolve the problems and differences they had had with Edward I and which had continued into the new reign, and put an end to the crisis caused by Edward II's reckless favouritism towards Piers Gaveston.

It has been described as 'oligarchical'; the phrase 'community of the realm' doesn't appear, the ordinances stress the role of the baronage in parliament. In fact, it's doubtful that the barons had any intention of removing the powers and rights of knights and towns; more that they were simply not present at the parliament where the barons forced acceptance on Edward.

The ordinances have a number of groups of issues they try to address:

- Exactions of the king – the vexed questions of impositions such as prise and purveyance
- Control of royal officials – such as forest officials, household officers
- Legal reform – such as trying to stop malicious accusations
- Specific individuals – the 'evil counsellors' the barons didn't like

In the end, the ordinances started a period of conflict – between Thomas, Earl of Lancaster and his supporters, and the king, rather than bringing one to an end. But despite the fact that there are few innovations in the Ordinances, most clauses hark back to the Articles on the Charters of Edward I's reign, there are significant changes. Never before had the king been required to answer to parliament so comprehensively – such as appointing his officials, or leaving the country, or changing the currency.

The version of the ordinances below is not complete – omissions are marked through lacunae and numbering.

Whereas, through bad and deceitful counsel, our lord the king and all his men have everywhere been dishonoured and his crown in many ways has been debased and ruined, while his lands of Gascony, Ireland, and Scotland are on the point of being lost unless God improves the situation, and his realm of England has been brought to the verge of rebellion through prises and [other] oppressive and destructive measures— which facts are known and proved—our lord the king of his free will has granted to the prelates, earls, and barons, and to the other good men of his realm, that certain persons should be elected to ordain and determine the condition of his household and of his realm, as appears more fully in the commission issued by our lord the king in this connection.

The 21 Ordainers were a mix of churchmen and barons, as in the table below. Edward did his best to get men on the group who were moderate on his side – but had little success. Edward fought as hard as he knew how to stop the Ordinances going forward – but in 1311 he and Gaveston were pretty much on their own.

The Ordainers		
Bishops	Earls	Barons
Canterbury	Gloucester	Hugh de Vere
London	Lancaster	Hugh de Courtenay
Salisbury	Lincoln	Robert FitzRoger
Chichester	Pembroke	John de Grey
Norwich	Hereford	William Marshal
St Davids and Llandaff	Warwick	William Martin
(Worcester, later)	Richmond	Henry de Percy
	Arundel	

Therefore we, Robert, by the grace of God archbishop of Canterbury and primate of all England, and the bishops, earls, and barons elected by virtue of the said commission, do ordain for the honour of God and Holy Church and of the king and his realm in the manner following:—

1. In the first place it is ordained that Holy Church shall have all its liberties as heretofore and as it should have them.
2. Item, it is ordained that the king's peace shall be firmly kept throughout the entire kingdom; so that everyone may safely go, come, and remain according to the law and custom of the realm.
3. Item, it is ordained that, in order to acquit the king's debts, to relieve his estate, and the more honourably to maintain it, no gift of land, rent, liberty, escheat, wardship, marriage, or office shall be made to any of the said Ordainers during their [tenure of] power under the said ordinance, or to any other person, without the counsel and assent of the said Ordainers or the majority of them— or of six of them at least—but that all sources of profit shall be improved for the benefit of the king until his estate is properly relieved and some other ordinance may be made for the honour and profit of the king.
4. Item, it is ordained that the customs of the kingdom shall be received and kept by men of the kingdom itself, and not by aliens ; and that the issues and profits of the same customs, together with all other issues and profits pertaining to the kingdom from any source whatsoever, shall in their entirety come to the king's exchequer and be paid by the treasurer and the chamberlain for maintaining the king's household and [to be spent] in other ways for his benefit ; so that the king may live of his own without taking prises other than those anciently due and accustomed. And all others shall cease.

An interesting clause. Firstly the echoes of the disputes of Henry III's reign still rumble on – Gaveston himself was a Gascon. Secondly, under Edward I the king's wardrobe had become more and more central to the royal finances, bypassing the exchequer. As far as the barons were concerned, this gave the king far too much freedom of action. So here they are saying this must stop – everything goes through the Exchequer, so parliament can control and check it.

And finally the phrase 'live of his own' is mighty interesting; it will take a remarkably long time for your average baron to accept that taxation is now part of the weft and warp of government finances; the days of William the Conqueror, where the king owned half the country and could govern without financial assistance were gone for ever.

6. Item; it is ordained- that the Great Charter shall be observed in all its particulars ; so that, if there is any point in the said charter that is doubtful or obscure, it shall be interpreted by the said Ordainers and other men whom they may see fit to call upon for that purpose....
7. And besides, since the crown has been so abused and ruined by numerous grants, we ordain that all grants made to the damage of the king and the impoverishment of the crown since the commission was given to us . . . shall be annulled; and we do annul them entirely, so that they shall not be given back

to the same persons without the common assent [of the baronage] in parliament...

9. Whereas the king, on account of the many perils that he and his kingdom may incur, ought not to undertake an act of war against any one, or to go out of the kingdom, without the common assent of his baronage, we ordain that henceforth the king shall neither go out of the kingdom nor undertake an act of war against any one without the common assent of his baronage, and that in parliament. . . .

[So here's the point about the role of parliament – far broader than it has been before.](#)

10. And whereas it is feared that the people of the land will rebel on account of the prises and divers oppressions recently established...we ordain that henceforth all prises shall be abolished except the ancient and lawful prises due to the king and to others who are lawfully entitled to them. And if any prises are taken contrary to the ordinance aforesaid by any one whomsoever, no matter of what condition he may be—that is to say, if any one, under colour of purveyance for the use of our lord the king or of someone else, takes grain, wares, merchandise, or other goods against the will of those to whom they belong, and does not immediately .give in return money to the true value [of the goods], unless he thereof has respite by the free will of the seller according to the provision in the Great Charter regarding prises taken by constables of castles and their bailiffs, saving the accustomed prises aforesaid—notwithstanding any commission that may be [issued], pursuit with hue and cry shall be raised against him and he shall be taken to the nearest jail of the king, and the common law shall be enforced against him as against a robber or thief, should he be convicted of sail [wrong-doing].
11. Also, [whereas] new customs have been levied and the old [customs] have been increased upon wool, cloth, wines, avoirdupois, and other things—whereby [our] merchants come more rarely and bring fewer goods into the country, while alien merchants reside longer than they used to, and by such residence things become dearer than they used to be, to the damage of the king and his people—we ordain that all manner of customs and maltotes levied since the coronation of King Edward, son of King Henry, are to be entirely removed and utterly abolished forever, notwithstanding the charter which the said King Edward granted to alien merchants because –it was issued contrary to the Great Charter and contrary to the liberty of the city of London and without the assent of the baronage. . . .
- 13 And whereas the king, as aforesaid, has been badly advised and guided by evil councillors, we ordain that all the evil councillors shall be put out and utterly removed, so that neither they nor other such persons shall be near him or shall be retained in any office under the king; and that other persons who are fit shall be put in their places. And the same shall be done in the case of domestics, officials, and other men in the king's household who are not fit.

[The barons would soon present a further ordinance to the king, removing a number of specific household officials.](#)

- 14 And whereas many evils have been incurred through [the employment of] such councillors and such ministers, we ordain that the king shall appoint the chancellor, the chief justices of both benches, the treasurer, the chancellor and the chief baron of the exchequer, the steward of the household, the keeper of

the wardrobe, the comptroller and a fit clerk to keep the privy seal, a chief keeper of the forests on this side of Trent and one on the other side of Trent, also an escheator on this side of Trent and one on the other side, as well as the king's chief clerk of the common bench, by the counsel and assent of the baronage, and that in parliament. And if by some chance it happens that there is need to appoint any of the said ministers before parliament meets, then the king shall make such appointments by the good counsel [of those] whom he shall have near him up to the time of the parliament. And so let it be done henceforth with regard to such ministers whenever there is need.

- 15 Item, we ordain that the chief wardens of ports and of castles on the sea shall be appointed and installed in the aforesaid manner, and that such wardens are to be of the land itself.
- 16 And whereas the lands of Gascony, Ireland, and Scotland are in peril of being lost through default of good ministers, we ordain that worthy and fit ministers to keep ward in the said lands shall be named according—to the form set forth in the article before the last [preceding]
- 17 Moreover, we ordain that sheriffs shall henceforth be appointed by the chancellor, the treasurer, and others of the council who are present; and if the chancellor is not present, let them be appointed by the treasurer, the barons of the exchequer, and the justices of the bench. And such men are to be named and installed as are fit and worthy, and as have lands and tenements through which they may be held responsible for their actions to the king or to the people. And only such persons shall be appointed, and they shall have their commissions under the great seal. . . .
- 20 Because it is known, and by examination by the prelates, earls and barons, knights and other good people of the kingdom found, that Piers Gavaston has acted badly towards and has badly advised our lord the king and has incited him to do wrong in divers and deceptive ways; in taking possession of for himself all the king's treasure and sending it out of the kingdom; in drawing to himself royal power and royal dignity, as in making alliances on oath with people to live and die with him against all men, and this by the treasure he acquires from day to day; in lording it over the estate of the king and of the crown, to the ruin of the king and of the people; and especially in estranging the heart of the king from his lieges; in despising their counsels, not allowing good officers to carry out the law of the land; in removing good officers, appointing those of his own gang, as well aliens as others, who at his will and command offend against right and the law of the land; in taking the king's lands, tenements and bailiwicks to himself and his heirs; and has Caused the king to give lands and tenements of his crown to divers people to the great loss and diminution of the estate of the king and of his crown, and this as well since the ordinance that the king granted to the ordainers to act for the profit of himself and his people as before against the ordinance of the ordainers ; and in maintaining robbers and murderers and getting for them the king's charter of his peace, in emboldening wrongdoers to do worse, and in taking the king into a land where there is war without the common assent of his baronage to the danger of his person and the ruin of the kingdom, and in causing blank charters under the great seal of the king to be sealed to the deceit and disinheritance of the king and of his crown, and against his homage; and feloniously, falsely and traitorously has done the aforesaid things to the great dishonour and loss of the

king and disinheriting of the crown and to the ruin of his people in many ways: And in addition to this we having regard to what was done by the most noble king, the father of the present king, by whose adjudgment the aforesaid Piers abjured the realm of England and whose will it was that our lord the king, his son, should abjure forever his company, and that since by the common assent of all the realm and of the king and of the same prelates, earls and barons it was heretofore adjudged that he should leave the said realm, and he did leave it, and that his return was never by common assent, but only by the assent of some individuals who agreed to it on condition of his behaving well after his return: and now his bad conduct is established beyond doubt, for which conduct and for the great wickednesses aforementioned and for the many others that could befall our lord the king and his people, and in order to foster good understanding between the king and his people and avoid many kinds of discords and dangers, We ordain, by virtue of the commission our lord the king granted us, that Piers Gavaston as the evident enemy of the king and of his people be completely exiled as well from the kingdom of England, Scotland, Ireland and Wales as from the 'whole lordship of our lord the king overseas as well as on this side, forever without ever returning; and that he leave the kingdom of England and all the aforesaid lands and absolutely all the lordship of our lord the king between now and the feast of All Saints next to come; and we assign to him as port in the way aforesaid Dover and nowhere else for crossing and leaving. And if the said Piers stays in the kingdom of England or anywhere else in the lordship of our lord the king beyond the said day that has been given him for leaving and crossing as is aforesaid, then let there be done with him as would be done with the enemy of the king and of the kingdom and of his people. And let all those who from now on contravene this ordinance with regard to the said exile or the penalty that follows, be dealt with accordingly, if they are convicted of it.

- 21 Also we ordain that Amerigo and those of the company of Frescobaldi come to the accounting in the way that was ordained and published, notwithstanding the account they say they have rendered, within the fortnight after next Michaelmas and in the meantime let there be arrested all the persons and all the goods of members of the company of Frescobaldi that can be found in the power of the king of England, and that all the lands of the said Amerigo be seized into the hand of the king whereso-ever they are in the said power of the king. And if the said Amerigo does not come within the day assigned, because the aforesaid ordinance has been infringed by him and by his non-appearance he renders himself culpable and suspect we ordain that he be banished from the power of the king and from now on be deemed an enemy and it be done with him as would be done with an enemy of the king and of the kingdom, if he be found anywhere in the power of the king as well overseas as on this side.
- 22 Also because sir Henry de Beaumont has received from our lord the king to the loss ,and dishonour of the king, since the time of the ordinance of the ordainers to which the king agreed, the kingdom of Man and other lands, rents, liberties and bailiwicks and has caused lands and tenements liberties and bailiwicks to be given to others contrary to this ordinance, and because he has badly advised the king contrary to his oath, We ordain that he be removed from the king's counsel for ever and that he come no more near the king anywhere — unless it be at the common summons of parliament or in war if the king wishes to have him — save by common assent of the archbishop, bishops, earls and barons and that in full parliament; and all the other lands that he holds within the kingdom of England be taken into the hand of the king of England and held until

- the king has received from the issues of these lands the value of all the yield that the said sir Henry has had from the lands received contrary to the said ordinance, and if the said sir Henry in any point contravenes these ordinances let him be disinherited forever of all the lands that he has in England of the king's gift.
- 23 Because it is found by examination by the prelates, earls and barons that the lady de Vescy has caused the king to give to sir Henry de Beaumont, her brother, and to others, lands, liberties and bailiwicks to the loss and dishonour of the king and the evident disinheritance of the crown and also caused to be sent out letters under the urge' against the law and the intention of the king, We ordain that she go to her house — and that within the fortnight after next Michaelmas — without ever returning to the court to stay there, and that for all these aforesaid things and because it is understood that Bamburgh castle belongs to the crown, we also ordain that this castle be retaken from her into the hand of the king and that it be no more given to her or to another except at the king's pleasure.
- 24 And whereas the people feel much aggrieved because of divers debts demanded of them for the king's use by summons from the exchequer, of which debts, being actually paid, the people have various acquittances . . . ; we ordain that henceforth in the account of every sheriff, or other minister of the king who is answerable at the ex-chequer, such tallies, writs, and franchises as are allowable in the account shall be allowed. . . . And if the treasurer and the barons of the exchequer do not act in the manner aforesaid, the plaintiffs shall enjoy [the right of] recovery through petition in parliament.
- 25 Whereas ordinary merchants and many others of the people are allowed to bring pleas of debt and trespass in the exchequer, through the fact that they are received by the ministers of the said court more favourably than they should be—whereby accounts and other concerns of the king are greatly delayed and, in addition, a large number of people are aggrieved—we ordain that henceforth no pleas shall be held in the said court of the exchequer except pleas touching the king and his ministers : [namely] those answerable at the exchequer by reason of their offices, the ministers of the court itself, and their subordinates and servants who most of the time are with them in those places where the exchequer may be. And if anybody is received by the said court with permission to plead in the manner aforesaid, those impleaded shall have their [right to] recovery in parliament.
- 26 Item, whereas the people feel much aggrieved because stewards and marshals hold many pleas that do not pertain to their offices and also because they will not receive attorneys for defendants as well as for plaintiffs, we ordain that henceforth they shall receive attorneys for defendants as well as for plaintiffs, and that they shall hold no pleas of freehold, debt, covenant, or contract, nor any common plea touching men of the people—saving [to their jurisdiction] only trespasses of the household itself other trespasses committed within the verge [i.e. the area distinguished by the king's presence and thereby set apart from common law], and contracts and covenants which anyone of the king's household may make with another of the same household within the household itself and not elsewhere. . . .
- 28 Whereas the people feel much aggrieved because men are emboldened to kill and rob by the fact that the king, through evil counsel, so lightly grants them his peace against the provisions of the law; we ordain that henceforth no felon

- or fugitive shall be protected or defended in any sort of felony by the king's charter granting his peace, except only in case the king can give grace according to his oath, and that by process of law and the custom of the realm. And if any charter is henceforth made and granted to any one in any other manner, it shall be of no avail and shall be held as null. And no recognized malefactor against the crown and the peace of the land is to be aided or maintained by any one
- 29 Whereas in the king's court persons find their cases delayed because a party alleges that in the king's absence answer should not be made to demands, and [whereas] also many persons wrongfully suffer injuries from the king's ministers, with regard to which injuries one can secure recovery only in common parliament; we ordain that the king shall hold a parliament once a year, or twice if need be, and that in a convenient place. And [we ordain] that in those parliaments pleas which are delayed in the said manner, and pleas wherein the justices are of different opinions shall be recorded and settled. And likewise those bills which are brought to parliament shall be settled as heretofore in accordance with law and right.
- 30 Whereas all the people suffer greatly in many ways whenever a change of money is made in the kingdom, we ordain that, when there is need and the king wishes to make a change, he shall do so by the common counsel of his baronage, and that in parliament
- 31 Item, we ordain that all statutes which were made in amendment of the law and for the benefit of the people by the ancestors of our lord the king shall be kept and maintained as heretofore in accordance with law and right, provided that they are not contrary to the Great Charter or to the Forest Charter or to the ordinances by us made. And if any statute is made contrary to what has been said, it shall be held as null and as utterly void
- 32 Whereas, to the great injury of the people, the law of the land and common right have often been delayed by letters issued under the king's privy seal, we ordain that henceforth neither the law of the land nor common right shall be delayed or disturbed by letters under the said seal. And if, through such letters issued under the privy seal contrary the right or to the law of the land, anything is done in any session of the court of our lord the king, it shall be of no avail and shall be held as null.
- 33 Whereas many of the people other than those known to be merchants feel much aggrieved and injured by the Statute of Merchants made at Acton Burnell, we ordain that hereafter this statute shall hold only as between merchant and merchant and with regard to dealing made between them. . .
- 38 Item, we ordain that the Great Charter of Liberties and the Forest Charter issued by King Henry, son of King John, shall be observed in all their particulars, and that points in the said charters of liberties which are doubtful shall be explained in the next parliament after this by the advice of the baronage, the justices, and other persons learned in the law. And this is to be done because we are unable to attend to the matter during our term [of office].
- 39 Item, we ordain that the chancellor, the Treasurer, the chief justices of both benches, the chancellor of the exchequer, the treasurer of the wardrobe, the steward of the king' household, and all justices, sheriffs, escheators, constables, investigators for any cause whatsoever, and all other bailiffs and ministers of

the king, whenever they receive their offices and bailiwicks, shall be sworn to keep and observe all the ordinances made by the prelates, earls, and barons for that purpose elected and assigned—[to maintain] every one of those [ordinances] without contravening them in any particular.

- 40 Item, we ordain that in each parliament one bishop, two earls, and two barons shall be assigned to hear and determine all complaints of those wishing to complain of the king's ministers, whichever they may be, who have contravened the ordinances aforesaid. And if the said bishop, earls, and barons cannot all attend, or are prevented from hearing and determining the said complaints, then two or three of them shall do so. And those who are found to have contravened the said ordinances, in the interest of the king and in the interest of the plaintiffs, shall be punished at the discretion of the persons thus assigned.
- 41 Item, we ordain that the aforesaid ordinances are to be maintained and observed in all their particulars, and that our lord the king shall cause them to be issued under his great seal and sent into every county of England, to be published, held, and strictly kept as well within franchises as without. . . .

These ordinances, having been shown to us and published on Monday next before the feast of St. Michael just past, we agree to, accept, and confirm. And we will and grant, for us and our heirs, that all and several of the said ordinances, made according to the form of our letters aforesaid, shall be published throughout our entire realm, henceforth to be strictly maintained and observed. In testimony whereof we have caused these our letters patent to be drawn up. Given at London, October 5, in the fifth year of our reign.