CHAPTER IX.

TOWARD the fall of 1214, King John and the Pope were on very friendly terms.[1] Matters, as we have seen, had been adjusted between them, and as in all such cases the healing of a friendship after a quarrel, and such a long and bitter one, only cemented this the stronger. So far as John was concerned, however, it was valued for what it was worth, for he no doubt calculated that this friendship would enure very greatly to his benefit in influencing the ecclesiastics in their relations with the barons; and in fact this is the only value he placed upon it, and the reason he catered to it. But in this respect, however, he miscalculated. That the barons were in the right the clergy knew. Matters had reached such a crisis in the land that there was no holding the people in check. Even the Pope could not hold them. They were too determined and

[1] Westminster, 2–118.

too strong for him. The barons were the actors in demanding the reforms, but the people were back of the barons and pushed them on to such a degree that even when the Pope ordered them to desist in their demands, they could not, even had they so desired, relax in their energies toward securing the end they started out to win. It was, in fact, a united people against a king. The clergy were so positive of the wrongs and errors of John, that even his great friendship with the Pope failed to influence them as had been expected, by holding them somewhat in check; although John no doubt made as much of it as any one could. In this respect also he made full use of that cunning and sagacity with which history has accredited him. And then again, both the barons and the people knew under just what terms and conditions the friendship with the Pope was purchased. They themselves felt that they had borne no small part in forcing the issue resulting in the victory of Rome. They also felt as a united people with the aid of

a good and strong king, that the Pope would be very chary in interfering in their domestic affairs. The times of William the Conqueror had not so far passed that their example could be forgotten. Hence the barons ignored the orders of the Pope to renew their allegiance to John. They were willing to do so, but only upon condition that John would do something for them. This time they knew definitely and precisely what they wanted and were determined to have it. Even while John was in France engaged with Philip they were capturing and holding his English possessions to a degree that was alarming. When John returned to England, he found the barons in possession of very many of his royal castles.[1]

Matters were now in such a condition that the barons were marching and taking the king's palaces, his grounds, and laying waste his parks. They were preparing in every way in their power for actual warfare. Their actions, although warlike, were not in reality

[1] Westminster, 2-124; Wendover, 2-306.

so, because they met with practically no opposition.[1] Their movements might be rather be called peacefully revolutionary. John they well knew was very crafty and perfidious, and they were afraid of him as much for one reason as for the other. He was creative, and resourceful, and they were never sure of his next move, nor of the combination he was capable of forming. They did not trust him, and would place absolutely no reliance nor faith upon his word, as with him, it was but to make a promise and retract it upon the most favorable opportunity. They had resolved and were determined to have the reforms and the privileges they desired, and they therefore were prepared to go to any extreme necessary to secure and hold them. They were not seeking bloodshed, and they did not desire it if it could be avoided, as witnessed by their willingness to submit to the kingly rule of John when they could so easily have gotten rid of him. But if John had remained obdurate, and had ab-

[1] Wendover, 2-307.

solutely and positively refused and denied to them their demands, it would have meant bloodshed, as later on it did. It remained with John to take the initiative and to say which he preferred. He was given ample opportunity and time to decide whether it was to be peace or war. John no doubt would have accepted the alternative and had recourse to war, had he been in a position to do so, and he did for a time make some show of resistance; but, on the contrary, nearly all the barons were opposed to him; he had at that time but seven who favored his schemes at all, and most of those were of the weaker order who later on deserted him and joined the others. At last he had but two who staid by him: one of them was Langton, Archbishop of Canterbury, and the other was the Earl of Pembroke. It cannot be said that even they were supporters of John. They merely did not openly oppose him, while Langton, in reality, was secretly against him. He appears to have had absolutely no champion and advocate worthy

of the name. His defeat by Philip did not gain him either glory or power in England, and the barons as well as the people had no respect for a beaten soldier. They might have been slower in their aggressions had John done anything specially worthy or brave, but he did nothing unusual. He was always a good soldier and a brave one and did not lack in the ability necessary to command an army; but this was always expected of the English kings, and to have been otherwise would only have branded him openly as a coward.

It was on November 20, 1214, therefore, that the barons congregated at St. Edmundsbury and there heard from Langton for the first time the account of the finding by him of a copy of an old charter which had been granted to the barons by King Henry I. This charter Langton read slowly to them, and as its different articles were one by one passed over it only acted as an additional incentive on their part for pushing the harder for what they had originally demanded.[1]

[1] Wendover, 2-276.

This charter seemed to express pretty clearly what they wanted, and if it had been in existence once, they thought it should be now, and all the privileges it granted they were determined to demand and to have. Upon this point, however, there is some slight historical dispute, some writers claiming that it was the fact of the discovery of this charter that originally induced the barons to make their demands, and others asserting that it was only an incident. This latter idea I think is the more proper, for the reason that the barons had been clamoring for some grants and privileges from the king ever since 1201, the third year of his reign, and the first that we hear of King Henry's charter being mentioned in this connection, is at St. Edmundsbury, when the barons were already in arms. Roger of Wendover (whose work was formerly attributed to Matthew Paris) asserts that this charter of Henry I. had been found by Langton over a year before this time, and that on August 25, 1213,[1] he had communicated to the bar-

[1] Wendover, 2–276.

ons its contents, telling them that if they chose they could use it as a basis for their own demands. Sir William Blackstone, however, in his treatise on the Great Charters,[1] while not directly taking issue with this statement, seems to infer that it lacks credibility, for the reason that at the time Henry I. granted his charter he ordered that copies of it be sent to every county in England, and deposited in the principal monasteries.[2] This charter of Henry I. was also expressly confirmed by his son, Henry II., and it would seem strange that a charter to which such great publicity had been given could in any possible way become so completely forgotten and lost. It was, besides, August 4th of this same year, that King John commanded that all the laws of King Henry I. be observed. Surely King John would not command the observance of laws of which he was ignorant. Nor would the barons have made such a request. But

[1] The Great Charter and Charter of the Forest.
[2] Wendover, 1–448.

especially are the circumstances suspicious when we consider how close to each other these dates are. It is on August 4, 1213, according to Wendover (2, 275), when John commanded the laws of Henry I. to be observed. It is on August 25, 1213, according to the same authority, that Langton communicated its contents to the barons. The barons then say nothing about it for a year, when they congregate at St. Edmundsbury on November 20, 1214, and then determine to use it as a basis for their own demands. In the meantime, however, from August 25, 1213, to November 20, 1214, they have been trying their best to get some concessions from John. If this charter, as Roger of Wendover will have us believe, was uppermost in their minds, it is indeed strange, if not incredible, that they did not in some manner mention it in the Magna Charta, or in their councils at Runnymede, or at least it seems unreasonable to hold this view when not even the name of King Henry I. is mentioned in the results of their deliberations

upon that occasion. They no doubt used it as a basis for preparing their own charter, for many of the privileges it grants are to be found embodied in the Magna Charta. This charter of Henry I. was made so public, being re-enacted both by Henry II. and John, that it is impossible for us to believe that the barons were at that time (1213) ignorant of its existence. They might not have been perfectly familiar with its contents in detail, but they must have known of it and its general nature. There were so many of them distributed that all could not have been lost.

Here it was, then (St. Edmundsbury), that the barons took a solemn oath at the altar that they would withdraw all their allegiance from John, permanently as their king, if he did not grant their demands. And they would band themselves together to act in concert to take whatever steps were necessary.[1]

Of all these actions and meetings John

[1] Wendover, 2-303.

knew. The barons never at any time acted secretly nor treacherously. What they did was done openly, avowedly and deliberately, in such direct opposition to the conduct of their king. John's acts of licentiousness among the wives and daughters of the barons[1] also had quite a stimulating effect upon their energy, for John seems to have possessed this charm in addition to his many other talents. In a body the barons marched to London, arriving there *en masse* some time early in January, 1215, and there made their demands upon John. John then repaired to the temple, where he received the deputies sent by the barons of among their own number. Here their demands were again made in detail and with such positiveness that admitted of no refusal. John now commenced to weaken and to fear. He dared not say no, but was too cowardly and stubborn to say yes. He requested time to consider. He declined to act hastily, and promised his answer later. He tried to evade and put

[1] Wendover, 2–285; Hume, 1–424.

them off, and so procrastinate in his usual manner, for he wanted to see in what way he could get the Pope to aid him. This the barons declined. They had come with an ultimatum, and they wanted their answer. They wanted to know where they stood. They feared John's procrastination too much, and besides they wanted to avoid any complications with Rome. Then it was that Langton, Archbishop of Canterbury, came to the aid of John, and in his name requested time of the barons. He promised, on behalf of John, that if they would grant the king's request they should have their answer by Easter.[1]

To this, upon the promise of Langton that it would be given, they agreed, and then dispersed, going their several ways. From now till Easter the barons committed no acts of hostility to John.

This was the time for John to have given a little thought and consideration to the barons; the justness of their requests, and

[1] Wendover, 2-305.

to have weighed the matter carefully. Very possibly, at this time, had John granted some of the reforms they asked he could have withheld others, and so have maintained his dignity, and also saved himself the humiliation which he suffered later. Instead, however, he studied ways and means of avoiding the barons, of circumventing them, so as to be able to refuse their demands, and still hold his kingly office. With this object in view he sent an emissary to Rome to report the status of affairs to the Pope, and to solicit his advice and aid, praying him to help him in every way he could. This emissary arrived in Rome February 17, 1215. The Pope in this instance agreed to help John, and so sent letters to the barons as well as to the Bishops dated March 14th. He also commanded Langton as Archbishop, to use his influence with the barons, which he well knew the value of, and his authority with the people, for them to desist from further annoying the king by asking him for what he could not, in dignity to his kingly office,

grant them. These letters, however, did not arrive till after Easter, which came on April 19th that year. So the barons waited till Easter day, as they agreed to do, the day when John promised to give them their answer. But not hearing from the Pope, John on that day, as usual, had no answer for them. Then again they re-assembled *en masse*, this time at Stamford.[1] Many dependents and upwards of two thousand knights are said to have congregated.[2] John and Langton were at Oxford. Upon learning of the massing of the barons, John, who was now worried and in reality scared, sent Langton and the Earl of Pembroke, about his only influential followers, to meet the barons and learn of them definitely what it was they wanted. John at last saw in its real truth that his perfidy and treachery were unmasked, and indecision at this time not only meant his throne, but possibly his life. The commissioners (Langton and Pembroke), met the barons, and the result of their con-

[1] Wendover, 2-305. [2] Wendover, 2-305.

ference was the drawing up of the Articles of Magna Charta, composed of forty-nine parts or chapters. This related in detail to what they demanded concisely stated. So far as it reads, it is a finished document. This the commissioners brought back with them for John to read.[1] Langton, however, read the articles to John, who, when he heard of the latter chapter, the forty-ninth (see copy of charter, part two), is described as having wrought himself into a furious passion and swearing by "God's teeth"[2] his favorite oath, that he would never agree to such demands on the part of any of them, that he would never enslave himself to any of his barons upon any consideration. He also asked why it was they had not demanded of him his throne.[3] He was the king and intended to be king, and his word alone should be law. He further said they had no right to ask a king to grant such a document—that its request was an insult. It was about this time

[1] Wendover, 2-306; Hume, 1-428.
[2] Wendover, 2-245. [3] Wendover, 2-306.

also, that the Pope's letters arrived. Whether John counted on their aid or not is not told in any of the chronicles, but no doubt he did, or otherwise he might have granted them this charter as he had to grant the other so soon after. At all events the letters produced no effect upon the barons, who were now more than ever determined to have their rights, which they considered they were strong enough to enforce. Langton and Pembroke then went back to the barons and delivered John's decision,—a refusal to accede to the demands as per the terms of the articles.[1] The barons then, without further waste of time, proclaimed themselves into the "Army of God and Holy Church," and marched upon London, arriving there May 24, 1215.[2]

Just what the barons did between this time and June 15th is not known. Doubtless they improved their time, with acts of hostility to John, in capturing castles and other warfare, and in all likelihood in conference

[1] Wendover, 2-307. [2] Wendover, 2-307.

with his emissaries, Langton and Pembroke. John himself was flying back and forth from Winchester to Windsor, seemingly unable to contain himself or to remain quiet anywhere. However, as the result of a solemn appointment,[1] he met the barons at a place called Runnymede, on June 15, 1215, to personally interview them with the idea of driving the best bargain with them he could. Runnymede is about half way between Windsor and Staines, and the meaning of the word is council meadow, given to it on account of the purpose for which it was anciently used. It is supposed by some that the actual conference took place on an island in the Thames at this place, but there is no authority for this statement, and its mention is merely casual in any of those works purporting to be authorities, and besides it is most likely improbable, as there could be no reason why it should be so, and it is not so stated by any of the chroniclers.

Here John was again presented with the

[1] Wendover, 2-309.

demands of the barons, which this time were in the form of the Magna Charta.[1] There is no material difference between the articles, which were first sent to John by hand of Langton and Pembroke, and the Magna Charta, excepting a question of minutiæ and detail. They are alike, differing only that the Magna Charta is more amplified and accurate.

The barons could at this time have demanded even more from John, for he now was in no position to refuse them anything they asked, but they seem from all that can be learned of them to have been an honorable set of men bent on having only what was just and right, and they simply remained firm to their first demands and asked no more. Here then, on that day, June 15, 1215, John sealed and granted the original Magna Charta, the first to be granted through force, by an English monarch.

The original articles, therefore, were never granted by John. Although some other

[1] Wendover, 2-309.

writers assert that John signed these articles as preliminary to granting the more perfect instrument, careful research would seem to prove that such is not the fact, for Roger of Wendover (one of the most reliable of the chroniclers), does not mention it; in fact he rather infers otherwise when he says John positively refused to grant it. Nor can any reasonable view be advanced as to why he should have done so. When he was ready to grant what the barons demanded, he did so. There therefore could be no reason why he should first grant the articles, and then a few days later the charter. If the charter embraced additional privileges, this reason might be tenable, but as it is precisely the same in every article, as the articles first presented, it would seem more credible that he refused to grant it, and only later on agreed to the charter, when finding the Pope's letters availed nothing, he was practically compelled to. Moreover, John did not sign any document. He did not, in fact, sign the Magna Charta. He sealed and

granted it "*data per manum nostram*" as was the custom at that time.

In this charter John uses the personal pronoun "we" in his references to himself. It is perhaps a noteworthy fact that he was the first English monarch to do so, all his predecessors using the first person singular "I."

The agreement having been made and granted by John, there would appear to be an end to the deliberations. But not so. The barons desired to be sure this time that John could not play them false, and so retract the agreement he had just concluded with them. They therefore insisted upon a covenant from John that he would faithfully perform his part as agreed upon, and when he agreed to that they demanded of him some security, as they would not rely in any manner upon his word. In other words, they demanded the custody of the Tower of London until the fifteenth day of the following August, and thereafter till the charter should be firmly established.

To this John also consented, for he was not in a position to deny to them anything they asked. And then also John had an idea that the more he granted to them the more it would appear as though he had been coerced, and he thought if he could make a strong case in that manner, he might, possibly, in some way be able to retract the charter and evade its terms.

Accordingly, the Covenant of Security was drawn up, which was a short document, providing for the issuance of certain writs for the election of twelve knights, whose duty it was to correct the existing forest laws and general customs.

This Covenant was dated June 19, 1215, four days after the sealing of the Magna Charta. This having been accomplished the parties gradually dispersed, John himself not leaving until June 23d.

The subsequent proceedings of King John, the English barons, and the Pope, are foreign to the purpose for which this work is prepared, and to dwell upon that phase of the contro-

versy would only be repeating history, for it has been my purpose to set forth only those acts which exercised an influence upon the *granting* of the charters. Suffice it to say in this respect, however, that when the Pope received news of the meeting at Runnymede, and the granting of the charter, it angered him excessively, and he issued a bull annulling the charter, and releasing John and all who swore to observe it. John immediately embraced this Papal release, believing himself absolved, and agreeing with the Pope, that what he had granted he had done under duress, and therefore unwillingly. The barons proving refractory, and being determined to establish their charter as law, refused to heed the Pope, and he later excommunicated them, first as a body, and then individually, as being worse than the Saracens themselves. Then John got together another army, under the Pope's influence and guidance, and was pushing the barons so hard, and gaining such victories over them, that they asked Louis, eldest son of

Philip, King of France, to come over and help them, and to receive for his aid their allegiance. He came, and landed in England May 21, 1216, and was gaining the ascendancy over John, when, in the midst of it all, John died, October 19, 1216.

"With John's foul deeds, England's whole realm is stinking,
As doth hell too, wherein he now is sinking."[1]

[1] Wendover, 2–379.