

= Ordinances of 1311 =

The Ordinances of 1311 were a series of regulations imposed upon King Edward II by the peerage and clergy of the Kingdom of England to restrict the power of the king . The twenty @-@ one signatories of the Ordinances are referred to as the Lords Ordainers , or simply the Ordainers . English setbacks in the Scottish war , combined with perceived extortionate royal fiscal policies , set the background for the writing of the Ordinances in which the administrative prerogatives of the king were largely appropriated by a baronial council . The Ordinances reflect the Provisions of Oxford and the Provisions of Westminster from the late 1250s , but unlike the Provisions , the Ordinances featured a new concern with fiscal reform , specifically redirecting revenues from the king 's household to the exchequer .

Just as instrumental to their conception were other issues , particularly discontent with the king 's favourite , Piers Gaveston , whom the barons subsequently banished from the realm . Edward II accepted the Ordinances only under coercion , and a long struggle for their repeal ensued that did not end until Thomas of Lancaster ? the leader of the Ordainers ? was executed in 1322 .

= = Background = =

= = = Early problems = = =

When Edward II succeeded his father Edward I on 7 July 1307 , the attitude of his subjects was generally one of good will toward their new king . However , discontent was brewing beneath the surface . Some of this was due to existing problems left behind by the late king , while much was due to the new king 's inadequacies . The problems were threefold . First there was discontent with the royal policy for financing wars . To finance the war in Scotland , Edward I had increasingly resorted to so @-@ called prises ? or purveyance ? to provision the troops with victuals . Though a perfectly legitimate method of raising money , the peers felt that the purveyance had become far too burdensome and compensation was in many cases inadequate or missing entirely . In addition , they did not like the fact that Edward II took prises for his household without continuing the war effort against Scotland , causing the second problem . While Edward I had spent the last decade of his reign relentlessly campaigning against the Scots , his son abandoned the war almost entirely . In this situation , the Scottish king Robert Bruce soon took the opportunity to regain what had been lost . This not only exposed the north of England to Scottish attacks , but also jeopardized the possessions of the English baronage in Scotland .

The third and most serious problem concerned the king 's favourite , Piers Gaveston . Gaveston was a Gascon of relatively humble origins , with whom the king had developed a particularly close relationship . Among the honours Edward heaped upon Gaveston was the earldom of Cornwall , a title which had previously only been conferred on members of the royal family . The preferential treatment of an upstart like Gaveston , in combination with his behaviour that was seen as arrogant , led to resentment among the established peers of the realm . This resentment first came to the surface in a declaration written in Boulogne by a group of magnates who were with the king when he was in France for his marriage ceremony to the French king 's daughter . The so @-@ called Boulogne agreement was vague , but it expressed clear concern over the state of the royal court . On 25 February 1308 , the new king was crowned . The oath he was made to take at the coronation differed from that of previous kings in the fourth clause ; here Edward was required to promise to maintain the laws that the community " shall have chosen " (" aura eslu ") . Though it is unclear what exactly was meant by this wording at the time , this oath was later used in the struggle between the king and his earls .

= = = Gaveston 's exile = = =

In the parliament of April 1308 , it was decided that Gaveston should be banned from the realm

upon threat of excommunication . The king had no choice but to comply , and on 24 June , Gaveston left the country on appointment as Lieutenant of Ireland . The king immediately started plotting for his favourite 's return . At the parliament of April 1309 , he suggested a compromise in which certain of the earls ' petitions would be met in exchange for Gaveston 's return . The plan came to nothing , but Edward had strengthened his hand for the Stamford parliament in July later that year by receiving a papal annulment of the threat of excommunication . The king agreed to the so @-@ called " Statute of Stamford " (which in essence was a reissue of the Articuli super Cartas that his father had signed in 1300) , and Gaveston was allowed to return .

The earls who agreed to the compromise were hoping that Gaveston had learned his lesson . Yet upon his return , he behaved worse than ever , conferring insulting nicknames on some of the greater nobles . When the king summoned a great council in October , several of the earls refused to meet due to Gaveston 's presence . At the parliament of February in the following year , Gaveston was ordered not to attend . The earls disobeyed a royal order not to carry arms to parliament , and in full military attire presented a demand to the king for the appointment of a commission of reform . On 16 March 1310 , the king agreed to the appointment of Ordainers , who were to be in charge of the reform of the royal household .

= = The Lords Ordainers = =

The Ordainers were elected by an assembly of magnates , without representation from the commons . They were a diverse group , consisting of eight earls , seven bishops and six barons ? twenty @-@ one in all . There were faithful royalists represented as well as fierce opponents of the king .

Among the Ordainers considered loyal to Edward II was John of Brittany , Earl of Richmond who was also by this time one of the older remaining earls . John had served Edward I , his uncle , and was Edward II 's first cousin . The natural leader of the group was Henry Lacy , Earl of Lincoln . One of the wealthiest men in the country , he was also the oldest of the earls and had proved his loyalty and ableness through long service to Edward I. Lincoln had a moderating influence on the more extreme members of the group , but with his death in February 1311 , leadership passed to his son @-@ in @-@ law and heir Thomas of Lancaster . Lancaster ? the king ? s cousin ? was now in possession of five earldoms which made him by far the wealthiest man in the country , save the king . There is no evidence that Lancaster was in opposition to the king in the early years of the king 's reign , but by the time of the Ordinances it is clear that something had negatively affected his opinion of King Edward .

Lancaster 's main ally was Guy Beauchamp , Earl of Warwick . Warwick was the most fervently and consistently antagonistic of the earls , and remained so until his early death in 1315 . Other earls were more amenable . Gilbert de Clare , Earl of Gloucester , was Gaveston 's brother @-@ in @-@ law and stayed loyal to the king . Aymer de Valence , Earl of Pembroke , would later be one of the king 's most central supporters , yet at this point he found the most prudent course of action was to go along with the reformers . Of the barons , at least Robert Clifford and William Marshall seemed to have royalist leanings .

Among the bishops , only two stood out as significant political figures , the more prominent of whom was Robert Winchelsey , Archbishop of Canterbury . Long a formidable presence in English public life , Winchelsey had led the struggle against Edward I to uphold the autonomy of the church , and for this he had paid with suspension and exile . One of Edward II 's first acts as king had been to reinstate Winchelsey , but rather than responding with grateful loyalty , the archbishop soon reassumed a leadership role in the fight against the king . Although he was trying to appease Winchelsey , the king carried an old grudge against another prelate , Walter Langton , Bishop of Lichfield . Edward had Langton dismissed from his position as treasurer of the Exchequer and had his temporal possessions confiscated . Langton had been an opponent of Winchelsey during the previous reign , but Edward II 's move against Langton drew the two Ordainers together .

= = The Ordinances = =

Six preliminary ordinances were released immediately upon the appointment of the Ordainers ? on 19 March 1310 ? but it was not until August 1311 that the committee had finished its work . In the meanwhile Edward had been in Scotland on an aborted campaign , but on 16 August , Parliament met in London , and the king was presented with the Ordinances .

The document containing the Ordinances is dated 5 October , and contains forty @-@ one articles . In the preamble , the Ordainers voiced their concern over what they perceived as the evil councilors of the king , the precariousness of the military situation abroad , and the danger of rebellion at home over the oppressive prises . The articles can be divided into different groups , the largest of which deals with limitations on the powers of the king and his officials , and the substitution of these powers with baronial control . It was ordained that the king should appoint his officers only " by the counsel and assent of the baronage , and that in parliament . " Furthermore , the king could no longer go to war without the consent of the baronage , nor could he make reforms of the coinage . Additionally , it was decided that parliament should be held at least once a year . Parallel to these decisions were reforms of the royal finances . The Ordinances banned what was seen as extortionate prises and customs , and at the same time declared that revenues were to be paid directly into the exchequer . This was a reaction to the rising trend of receiving revenues directly into the royal household ; making all royal finances accountable to the exchequer allowed greater public scrutiny .

Other articles dealt with punishing specific persons , foremost among these , Piers Gaveston . Article 20 describes at length the offenses committed by Gaveston ; he was once more condemned to exile and was to abjure the realm by 1 November . The bankers of the Italian Frescobaldi company were arrested , and their goods seized . It was held that the king ? s great financial dependence on the Italians was politically unfortunate . The last individuals to be singled out for punishment were Henry de Beaumont and his sister , Isabella de Vescy , two foreigners associated with the king ? s household . Though it is difficult to say why these two received particular mention , it could be related to the central position of their possessions in the Scottish war .

The Ordainers also took care to confirm and elaborate on existing statutes , and reforms were made to the criminal law . The liberties of the church were confirmed as well . To ensure that none of the Ordainers should be swayed in their decisions by bribes from the king , restrictions were made on what royal gifts and offices they were allowed to receive during their tenure .

= = Aftermath = =

The Ordinances were published widely on 11 October , with the intention of obtaining maximum popular support . The decade following their publication saw a constant struggle over their repeal or continued existence . Although they were not finally repealed until May 1322 , the vigour with which they were enforced depended on who was in control of government .

Before the end of the year , Gaveston had returned to England , and civil war appeared imminent . In May 1312 , Gaveston was taken captive by the Earl of Pembroke , but Warwick and Lancaster had him abducted and executed after a mock trial . This affront to Pembroke ? s honour drove him irrevocably into the camp of the king , and thereby split the opposition . The brutality of the act initially drove Lancaster and his adherents away from the centre of power , but the Battle of Bannockburn , in June 1314 , returned the initiative . Edward was humiliated by his disastrous defeat , while Lancaster and Warwick had not taken part in the campaign , claiming that it was carried out without the consent of the baronage , and as such in defiance of the Ordinances .

What followed was a period of virtual control of the government by Lancaster , yet increasingly ? particularly after the death of Warwick in 1315 ? he found himself isolated . In August 1318 , the so @-@ called " treaty of Leake " established a modus vivendi between the parties , whereby the king was restored to power while promising to uphold the Ordinances . Lancaster still had issue with the king though , particularly with the conduct of the new favourite , Hugh Despenser the younger , and his father , Hugh Despenser the elder . In 1322 , full rebellion broke out which ended with Lancaster ? s defeat and execution at the Battle of Boroughbridge in March . At the parliament of May in the

same year , the Ordinances were repealed . However , six clauses were retained that concerned such issues as household jurisdiction and appointment of sheriffs . Any restrictions on royal power were unequivocally annulled .

The Ordinances were never again reissued , and therefore hold no permanent position in the legal history of England in the way that Magna Carta , for instance , does . The criticism has been against the conservative focus of the barons ' role in national politics , ignoring the ascendancy of the commons . Yet the document , and the movement behind it , reflected new political developments in its emphasis on how assent was to be obtained by the barons in parliament . It was only a matter of time before it was generally acknowledged that the Commons were an integral part of that institution .