

= Trial of Lord George Gordon =

The Trial of Lord George Gordon for high treason occurred on 5 February 1781 before Lord Mansfield in the Court of King 's Bench , as a result of Gordon 's role in the eponymously named riots . Gordon , President of the Protestant Association , had led a protest against the Papists Act 1778 , a Catholic relief bill . Intending only to hand in a petition to Parliament , Gordon riled the crowd by announcing the postponement of the petition , denouncing Members of Parliament and launching " anti @-@ Catholic harangues " . The crowd of protesters fragmented and began looting nearby buildings ; by the time the riots had finished a week later , 300 had died , and more property had been damaged than during the entire French Revolution . Gordon was almost immediately arrested , and indicted for levying war against the King .

Defended by Thomas Erskine and Lloyd Kenyon , Gordon was accidentally assisted by the Attorney General , James Wallace , who managed to " ridicule " some of his own evidence before Gordon was set back by Kenyon 's lacklustre and confusing speech . However , an impassioned speech by Erskine , which argued that Gordon 's actions were only crimes under the illegally extended law of constructive treason , led to the jury finding him not guilty . This result , which met with pleasure due to the popular disquiet with the idea of constructive treason , left juries unwilling to apply the extended law of constructive treason ; as a result , the government was forced to incorporate it into statute law . Erskine became renowned as an excellent , albeit unorthodox , advocate ; Gordon , on the other hand , was later excommunicated and imprisoned , dying in jail in 1793 . Kenyon was chosen to replace Wallace as Attorney General at the next change of ministry .

= = Background = =

Lord George Gordon , third and youngest son of the third duke of Gordon , and brother of the fourth duke , an " ignorant young nobleman , almost simple @-@ minded in his attitude to Catholics " , was the President of the Protestant Association . This body was dedicated to the repeal of the Papists Act 1778 , a Roman Catholic relief bill . Prior to the passage of the Act , Catholics were legally forbidden from voting , inheriting land , saying mass , serving in public office or academia , bearing arms or serving in the military , although these prohibitions were frequently overlooked , particularly those regarding military enlistment . The 1778 Act explicitly removed the bans on saying mass , land inheritance or academic standing , and involved several other implicit concessions , made to encourage Catholics to serve in the military . This was made necessary by the ongoing course of the American Revolution , which was going poorly for British forces ? it was felt that Catholic relief would both directly strengthen the armed forces and prevent the repeat of revolution in Ireland , a mostly Catholic nation , which politicians thought a distinct possibility given their " trade grievances and troubled politics " .

On 2 June 1780 , approximately 60 @,@ 000 people gathered in St George 's Fields , London , to hear an address from Gordon . He and the mob were there to hand in a petition to Parliament (of which he was a Member) decrying the Papists Act . After marching to Parliament and reassembling , the mob became incensed by a declaration from Gordon that consideration of the petition was to be postponed , and fragmented . Gordon himself encouraged the crowd with " anti @-@ Catholic harangues " , denouncing approaching Members of Parliament , and groups began destroying and looting Catholic buildings or buildings owned by those they alleged to support Catholic relief . Several Members of Parliament were attacked , the house of Lord Chief Justice Lord Mansfield was destroyed , and several prisons were broken into . At least 300 died in the week it took the military to quash the riots ; Emma Mason writes that more property was damaged during this week than in the entire French Revolution . 450 were arrested , including Gordon himself , who was charged with high treason . His indictment stated that he " most wickedly , maliciously , and traitorously did ordain , prepare , and levy public war against our said lord , the King " .

= = Trial = =

Gordon retained two barristers for his defence , Thomas Erskine and Lloyd Kenyon , and was arraigned by the Attorney General before Lord Mansfield in the Court of King 's Bench on 5 February 1781 , pleading not guilty . The Attorney General opened , managing to accidentally reduce the evidence of some of his own witnesses to ridicule ; this was offset by Kenyon 's confusing and poor speech in Gordon 's defence . Kenyon , an equity barrister with little experience of public speaking , was noted as " a curious choice for the defence " , and seeing the reaction of the jury to his speech , Erskine asked for leave to delay giving his speech , which was granted .

Following the testimony of 12 witnesses , who stated that Gordon was of excellent character and was loyal to both the king and the constitution , Erskine rose , and instead of arguing that Gordon had not been involved instead took the line that his crimes did not constitute treason . High treason was at the time still based on the Treason Act 1351 , which mandated that the definition of treason could not be extended by judges . Notwithstanding this , the judiciary had extended this to include constructive treason . Erskine was successful in showing that Gordon 's motives had only been to defend his nation , not to harm it , and that without the intention to commit treason , no treason could be committed . The original law required the act to be treasonous in nature , not in consequence , and Gordon 's crimes fell into the second category .

Erskine 's speech was replied to by the Solicitor General , James Mansfield , and the summing @-@ up by Lord Mansfield was not favorable to Gordon . However , Erskine 's reasoning carried the day with the jury , who found Lord George not guilty .

= = Aftermath = =

The verdict was received with pleasure by the majority of the populace , with the principle of constructive treason " widely regarded as highly threatening and injurious to public freedoms " ; as a result , juries became far less willing to convict people for constructive treason , and the government resorted to amending the Treason Act to incorporate the judicially invented concept of constructive treason into statute law . Erskine 's speech , more than anything else , is considered to be the source of this acquittal ; Lloyd Paul Stryker in his biography of Erskine notes that he " had held his jury spellbound @-@ not the jury only , but the whole courtroom also . His logic , his sincerity , and his fire had driven in his close @-@ knit arguments with hammer blows " . Erskine later became Lord Chancellor in the Ministry of All the Talents and was renowned as an excellent , albeit unorthodox , advocate . Kenyon , on the other hand , became Lord Chief Justice . Gordon , the defendant in the case , had a less successful subsequent career ; he was later excommunicated and sent to prison , where he died of typhoid in 1793 .

= Æthelbald of Mercia =

Æthelbald (also spelled Ethelbald , or Aethelbald) (died 757) was the King of Mercia , in what is now the English Midlands from 716 until he was killed in 757 . Æthelbald was the son of Alweo and thus a grandson of Eowa , who was the brother of Penda . Æthelbald came to the throne after the death of his cousin , King Ceolred , who had driven him into exile . During his long reign , Mercia became the dominant kingdom of the Anglo @-@ Saxons , and recovered the position of pre @-@ eminence it had enjoyed during the seventh century under the strong Mercian kings Penda and Wulfhere .

When Æthelbald came to the throne , both Wessex and Kent were ruled by stronger kings , but within fifteen years the contemporary chronicler Bede describes Æthelbald as ruling all England south of the river Humber . The Anglo @-@ Saxon Chronicle does not list Æthelbald as a *bretwalda* , or " Ruler of Britain " , though this may be due to the West Saxon origin of the Chronicle .

St. Boniface wrote to Æthelbald in about 745 , reproving him for various dissolute and irreligious acts . The subsequent 747 council of Clovesho and a charter Æthelbald issued at Gumley in 749 ? which freed the church from some of its obligations ? may have been responses to Boniface 's letter . Æthelbald was killed in 757 by his bodyguards . He was succeeded briefly by Beornred , of whom

little is known , but within a year , Offa , the grandson of Æthelbald 's cousin Eanwulf , had seized the throne , possibly after a brief civil war . Under Offa , Mercia entered its most prosperous and influential period .

= = Early life and accession = =

Æthelbald came of the Mercian royal line , although his father , Alweo , was never king . Alweo 's father was Eowa , who may have shared the throne for some time with his brother , Penda of Mercia . The Anglo @-@ Saxon Chronicle does not mention Eowa ; though it does date Penda 's reign as the thirty years from 626 to 656 , when Penda was killed at the battle of the Winwaed . However , two later sources name Eowa as king as well : the *Historia Brittonum* and the *Annales Cambriae* . The *Annales Cambriae* is the source for Eowa 's death in 644 at the battle of Maserfield , where Penda defeated Oswald of Northumbria . Details on Penda 's reign are scarce , and it is a matter for speculation whether Eowa was an underking , owing allegiance to Penda , or if instead Eowa and Penda had divided Mercia between them . If they did divide the kingdom , it is likely that Eowa ruled northern Mercia , as Penda 's son Peada was established later as the king of southern Mercia by the Northumbrian Oswiu , who defeated the Mercians and killed Penda in 656 . It is possible that Eowa fought against Penda at Maserfield .

During Æthelbald 's youth , Penda 's dynasty ruled Mercia ; Ceolred , a grandson of Penda and therefore a second cousin of Æthelbald , was king of Mercia from 709 to 716 . An early source , Felix 's *Life of Saint Guthlac* , reveals that it was Ceolred who drove Æthelbald into exile . Guthlac was a Mercian nobleman who abandoned a career of violence to become first a monk at Repton , and later a hermit living in a barrow at Crowland , in the East Anglian fens . During Æthelbald 's exile he and his men also took refuge in the Fens in the area , and visited Guthlac . Guthlac was sympathetic to Æthelbald 's cause , perhaps because of Ceolred 's oppression of the monasteries . Other visitors of Guthlac 's included Bishop Haedde of Lichfield , an influential Mercian , and it may be that Guthlac 's support was politically useful to Æthelbald in gaining the throne . After Guthlac 's death , Æthelbald had a dream in which Guthlac prophesied greatness for him , and Æthelbald later rewarded Guthlac with a shrine when he had become king .

When Ceolred died of a fit at a banquet , Æthelbald returned to Mercia and became ruler . It is possible that a king named Ceolwald , perhaps a brother of Ceolred , reigned for a short while between Ceolred and Æthelbald . Æthelbald 's accession ended Penda 's line of descent ; Æthelbald 's reign was followed , after a brief interval , by that of Offa , another descendant of Eowa .

Other than his father , Alweo , little of Æthelbald 's immediate family is known , although in the witness list of two charters a leading ealdorman named Heardberht is recorded as his brother .

= = Mercian dominance = =

Æthelbald 's reign marked a resurgence of Mercian power , which would last until the end of the eighth century . With the exception of the short reign of Beornrad , who succeeded Æthelbald for less than a year , Mercia was ruled for eighty years by two of the most powerful Anglo @-@ Saxon kings , Æthelbald and Offa . These long reigns were unusual at this early date ; during the same period eleven kings reigned in Northumbria , many of whom died violent deaths .

By 731 , Æthelbald had all the English south of the Humber under his overlordship . There is little direct evidence of the relationship between Æthelbald and the kings who were dependent on him . Generally , a king subject to an overlord such as Æthelbald would still be regarded as a king , but would have his independence curtailed in some respects . Charters are an important source of evidence for this relationship ; these were documents which granted land to followers or to churchmen , and were witnessed by the kings who had power to grant the land . A charter granting land in the territory of one of the subject kings might record the names of the king as well as the overlord on the witness list appended to the grant ; such a witness list can be seen on the *Ismere Diploma* , for example . The titles given to the kings on these charters could also be revealing : a

king might be described as a " subregulus " , or underking .

Enough information survives to suggest the progress of Æthelbald 's influence over two of the southern kingdoms , Wessex and Kent . At the start of Æthelbald 's reign , both Kent and Wessex were ruled by strong kings ; Wihtred and Ine , respectively . Wihtred of Kent died in 725 , and Ine of Wessex , one of the most formidable rulers of his day , abdicated in 726 to go on a pilgrimage to Rome . According to the Anglo -@- Saxon Chronicle , Ine 's successor , Aethelheard , fought that year with an ealdorman named Oswald , whom the Chronicle provides with a genealogy showing descent from Ceawlin , an early king of Wessex . Aethelheard ultimately succeeded in this struggle for the throne , and there are subsequent indications that he ruled subject to Mercian authority . Hence it may be that Æthelbald helped establish both Aethelheard and his brother , Cuthred , who succeeded Aethelheard in 739 . There is also evidence of South Saxon territory breaking away from West Saxon dominance in the early 720s , and this may indicate Æthelbald 's increasing influence in the area , though it could have been Kentish , rather than Mercian , influence that was weakening West Saxon control .

As for Kent , there is evidence from Kentish charters that shows that Æthelbald was a patron of Kentish churches . There is , however , no charter evidence showing Æthelbald 's consent to Kentish land grants ; and charters of Aethelberht and Eadberht , both kings of Kent , survive in which they grant land without Æthelbald 's consent . It may be that charters showing Æthelbald 's overlordship simply do not survive , but the result is that there is no direct evidence of the extent of Æthelbald 's influence in Kent .

Less is known about events in Essex , but it was at about this time that London became attached to the kingdom of Mercia rather than that of Essex . Three of Æthelbald 's predecessors ? Æthelred , Coenred , and Ceolred ? had each confirmed an East Saxon charter granting Twickenham to Waldhere , the bishop of London . From Kentish charters it is known that Æthelbald was in control of London , and from Æthelbald 's time on , the transition to Mercian control appears to be complete ; an early charter of Offa 's , granting land near Harrow , does not even include the king of Essex on the witness list . For the South Saxons , there is very little charter evidence , but as with Kent , what there is does not show any requirement for Æthelbald 's consent to land grants . The lack of evidence should not obscure the fact that Bede , who was after all a contemporary chronicler , summarized the situation of England in 731 by listing the bishops in office in southern England , and adding that " all these provinces , together with the others south of the river Humber and their kings , are subject to Æthelbald , King of the Mercians . "

There is evidence that Æthelbald had to go to war to maintain his overlordship . In 733 Æthelbald undertook an expedition against Wessex and captured the royal manor of Somerton . The Anglo -@- Saxon Chronicle also tells how when Cuthred succeeded Aethelheard to the throne of Wessex , in 740 , he " boldly made war against Aethelbald , king of Mercia " . Three years later , Cuthred and Æthelbald are described as fighting against the Welsh . This could have been an obligation placed on Cuthred by Mercia ; earlier kings had similarly assisted Penda and Wulfhere , two strong seventh -@- century Mercian rulers . In 752 , Æthelbald and Cuthred are again on opposite sides of the conflict , and according to one version of the manuscript , Cuthred " put him [Æthelbald] to flight " at Burford . Æthelbald seems to have reasserted his authority over the West Saxons by the time of his death , since a later West Saxon king , Cynewulf , is recorded as witnessing a charter of Æthelbald at the very beginning of his reign , in 757 .

In 740 , a war between the Picts and the Northumbrians is reported . Æthelbald , who might have been allied with Óengus , the king of the Picts , took advantage of Eadberht 's absence from Northumbria to ravage his lands , and perhaps burn York .

= = Titles and Bretwaldaship = =

Earlier in Bede 's Ecclesiastical History of the English People chronicle , he lists seven kings who governed the southern provinces of the English , with reigns dating from the late fifth to the late seventh century . Subsequently , the Anglo -@- Saxon Chronicle ? another important source for the period ? describes these seven as bretwaldas or brytenwaldas , a title translated as " Britain

@-@ ruler " or " Wide @-@ ruler " . The Chronicle adds just one king to the list : Egbert of Wessex , who reigned in the ninth century . The resulting list of eight bretwaldas omits several strong Mercian kings . It is possible that the chronicler was merely adding Egbert 's name to Bede 's original list of seven , rather than claiming that no other kings achieved similar powers in England . The chronicler was almost certainly a West Saxon , and since neither Æthelbald nor Offa were kings of Wessex it is possible the chronicler does not mention them out of regional pride . The meaning of the term " bretwalda " , and the nature of the power that these eight kings wielded , has had much academic scrutiny . One suggested interpretation is that since Bede was writing during Æthelbald 's reign , the original seven he listed were essentially those kings who could be seen as prototypes of Æthelbald in their domination of England south of the Humber .

Further evidence of Æthelbald 's power , or at least his titles , is provided by an important charter of 736 , the Ismere Diploma , which survives in a contemporary (and possibly original) copy . It starts by describing Æthelbald as " king not only of the Mercians but also of all the provinces which are called by the general name South English " ; in the witness list he is further named " Rex Britanniae " , " King of Britain " . One historian described this title as " a phrase which can only be interpreted as a Latin rendering of the English title Bretwalda " ; but it may be that at that time these titles would not have been acknowledged much beyond Worcester , where this and other documents from the 730s that use similar titles were written .

= = Relations with the church = =

In 745 ? 746 , the leading Anglo @-@ Saxon missionary in Germany , St Boniface , along with seven other bishops , sent Æthelbald a scorching letter reproaching him for many sins ? stealing ecclesiastical revenue , violating church privileges , imposing forced labour on the clergy , and fornicating with nuns . The letter implored Æthelbald to take a wife and abandon the sin of lust :

We therefore , beloved son , beseech Your Grace by Christ the son of God and by His coming and by His kingdom , that if it is true that you are continuing in this vice you will amend your life by penitence , purify yourself , and bear in mind how vile a thing it is through lust to change the image of God created in you into the image and likeness of a vicious demon . Remember that you were made king and ruler over many not by your own merits but by the abounding grace of God , and now you are making yourself by your own lust the slave of an evil spirit .

Boniface first sent the letter to Ecgricht , the archbishop of York , asking him to correct any inaccuracies and reinforce whatever was right ; and he requested Herefrith , a priest whom Æthelbald had listened to in the past , to read and explain it to the king in person . Though Boniface 's letter praises Æthelbald 's faith and alms @-@ giving , its criticisms have strongly coloured subsequent opinion of Æthelbald . A claim made in a ninth @-@ century list of donations from the abbey of Gloucester that Æthelbald had " stabbed ? or smitten " to death the kinsman of a Mercian abbess has also contributed negatively to his reputation .

Æthelbald may have influenced the appointment of successive archbishops of Canterbury in Tatwine , Nothelm , and Cuthbert , the latter probably the former bishop of Hereford ; and despite Boniface 's strong criticisms , there is evidence of Æthelbald 's positive interest in church affairs . A subsequent letter of Boniface 's to Cuthbert , Archbishop of Canterbury , provided a good deal of information about Frankish synods , especially one held in 747 , the decrees of which Boniface included in the letter . Boniface does not explicitly suggest to Cuthbert that he , too , should hold a synod , but it seems clear that this was Boniface 's intent . A council was , in fact , subsequently held at Clovesho (the location of which is now lost) ; Æthelbald attended and perhaps presided . The council was concerned with the relationship between the church and the secular world , and it condemned many excesses on the part of the clergy . The council limited relations between monks and laymen and ruled that secular activities were impermissible for monks : secular business and secular songs were both forbidden , especially " ludicrous songs " .

Two years after this , in 749 , at the synod of Gumley , Æthelbald issued a charter that freed ecclesiastical lands from all obligations except the requirement to build forts and bridges ? obligations which lay upon everyone , as part of the *trinoda necessitas* . This charter was witnessed

only by Mercian bishops , and it is possible it had no effect outside Mercia , but it is also possible that it was essentially part of a reform programme inspired by Boniface and instigated at Clovesho .

= = Death = =

In 757 , Æthelbald was killed at Seckington , Warwickshire , near the royal seat of Tamworth . According to a later continuation of Bede 's Ecclesiastical History , he was " treacherously murdered at night by his own bodyguards " , though the reason why is unrecorded . He was succeeded , briefly , by Beornrad . Æthelbald was buried at Repton , in a crypt which still can be seen ; a contemporary is reported to have seen a vision of him in hell , reinforcing the impression of a king not universally well @-@ regarded . The monastery church on the site at that time was probably constructed by Æthelbald to house the royal mausoleum ; other burials there include that of Wigstan .

A fragment of a cross shaft from Repton includes on one face a carved image of a mounted man which , it has been suggested , may be a memorial to Æthelbald . The figure is of a man wearing mail armour and brandishing a sword and shield , with a diadem bound around his head . If this is Æthelbald , it would make it the earliest large @-@ scale pictorial representation of an English monarch .

= = The Legend of Alfred III , King of Mercia = =

According to a story recorded by the 16th century antiquarian John Leland , and derived by him from a now lost book in the possession of the Earls of Rutland at Belvoir Castle , there was once a King Alfred III of Mercia , who reigned in the 730s . Though no Mercian king was ever named Alfred , let alone three , if this story has any historical basis (which Leland himself rejected) it must presumably relate to Æthelbald . The legend states that Alfred III had occasion to visit a certain William de Albanac , alleged ancestor of the Earls of Rutland , at his castle near Grantham , and took a fancy to Willam 's three comely daughters . It was the king 's intention to take one as his mistress , but William threatened to kill whichever he chose rather than have her dishonoured in this way , whereupon Alfred " answerid that he meant to take one of them to wife , and chose Etheldrede that had fat bottoks , and of her he had Alurede that wan first all the Saxons the monarchy of England . " A painting of this supposed incident was commissioned in 1778 by the then Duke of Rutland , but was destroyed in a fire in 1816 .