

THE STRUGGLE TO CONTROL THE PEAK: AN UNKNOWN LETTER PATENT FROM JANUARY 1217

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The county, people and places of Derbyshire have always been a major focus of David Crook's academic work. His article on the establishment of the Derbyshire county court, published in *The Derbyshire Archaeological Journal* for 1983, has been followed by eight other papers related to the county, including an influential piece on Derbyshire and 'the English rising of 1381'.¹ This interest has been encouraged and informed by local roots. David grew up in Mansfield on the Nottinghamshire side of the Nottinghamshire-Derbyshire border, his grandmother lived on a farm which was the first building on the Derbyshire side, and when David worked with Nottinghamshire County Council in 1973-4, and for some years afterwards, he went, as he tells me, 'for a monthly walk in the wild and woolly parts of Derbyshire'.

Against this background, I hope it will seem appropriate as a contribution to a volume of essays in David's honour, to offer a paper very much related to those 'wild and woolly' parts of Derbyshire, related that is to the struggle in the early thirteenth century of William de Ferrers, earl of Derby, to secure control of the castle and castlery of the Peak. The story of this struggle has been well told by Peter Golob in his unpublished thesis on the Ferrers earls of Derby, and has also been commented on by J.C. Holt and myself.² The justification for looking at the events again is the discovery of a new document, namely a letter patent of January 1217 in which Henry III ordered the knights and free tenants of the castlery to obey William as their lord. This letter has never been noticed before by historians, let alone printed or discussed. It is interesting politically for it supplies a significant new piece in the story of William's struggle, indeed the last documentary piece in its first phase. The letter is also of diplomatic interest since it seems to be the first known product of Henry III's chancery, apart, that is, from the November 1216 version of Magna Carta and the chancery rolls themselves. The letter itself, however, was never enrolled, which is the reason why it has taken the original's recent surfacing to bring its contents to light. In this paper I will discuss the letter's significance and then explore how and why, in the dispute over the Peak, the king put his orders into writing and why, in addition, orders in writing were sometimes sanctioned and strengthened by orders given by word of mouth. I will also offer some reflections on the political morality of the period.

First then the letter itself. This has, in fact, been in my own possession since 2005 when I bought it from John Wilson Manuscripts Ltd, of Cheltenham, long established dealers in autograph letters, historical documents and textual manu-

scripts.³ The firm itself acquired it in a mixed lot from a private collection at auction. They have no information about who owned the collection or how the letter became part of it. In the letter's right hand corner there is the penciled note '17 Jan 1 Hen 3 (1217)', the date on which it is witnessed by William Marshal. In the left hand corner, the same hand has written, '17 July 1911', conceivably the date when the letter was acquired or listed. On the dorse, also in pencil and apparently contemporaneous with the writing on the front, is the number '387'. It should be said at once that there is no indication that the letter was ever part of any public archive.

Jocular reactions from friends and colleagues to my purchase ranged from suggestions that the letter was a forgery and I had wasted my money to fears that there might now be a spate of thefts to satisfy my demand for such material. The response of David Crook was wholly positive. He vouched at once for the authenticity of the document (which is indeed obvious to any thirteenth-century specialist), rejected the idea that I should lodge it in some public record office, and was only concerned that it be kept in correct conditions, a subject on which I have now taken advice from The National Archives. Just what the history of the letter was in the nearly 800 years between 1217 and 2005 appears at the moment totally obscure. There were, as we will see, good reasons for the Ferrers family to have kept it, and perhaps the central crease and the small holes (about the diameter of a toothpick) which appear in the same place on either of its sides were created when the letter was folded and tied with other documents on a string in the same way as were writs from an eyre. After the forfeiture of Robert de Ferrers, earl of Derby, and the grant of his lands to Edmund of Lancaster in 1266, some of the Ferrers' muniments certainly passed to Edmund, thus contributing to the great Lancaster collection of documents which now resides in The National Archives. If our letter patent followed this course, and the Peak was certainly part of the Lancaster estate, even if not coming directly from the Ferrers, then clearly at some point it managed to escape. On the other hand, many royal charters granted to the Ferrers by John and Henry III, even when bearing on Lancaster possessions, are not now found in the Lancaster archive, and are known only through charter roll copies. They may never have been part of the collection, although it is also possible that they were destroyed during the sacking of Savoy in 1381.⁴

The text of the letter patent, with abbreviations expanded, and modern punctuation but with original capitalization runs as follows:

'H. dei gratia Rex Anglie, Dominus Hibernie, Dux Normannie et Aquitannie, Comes Andegavie Omnibus militibus, Liberis tenentibus et aliis de Castellaria de Pecco Salutem. Mandamus vobis quod dilecto et fideli nostro Willelmo de Ferrariis Comiti Dereby in omnibus tamquam domino vestro sitis intendentes et respondententes. Et in huius rei testimonium has litteras nostras patentes sigillatas sigillo Dilecti et fidelis nostri Comitis W. Marescalli Rectoris nostri et Regni nostri, quia nondum habuimus sigillum, vobis inde mittimus. Teste Eodem Comite apud Oxon' xvii die Ianuarii anno Regni nostri primo.'

'H[enry] by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou, to all knights, free tenants and others of the castlery of the Peak, greeting. We order you in all things to be intendent on and answerable to our beloved and faithful William de Ferrers, earl of Derby, as your lord. And in testimony of this thing, we send you these our letters patent, sealed with the seal of our beloved and faithful Earl W[illiam] Marshal our ruler and [the ruler of] our kingdom since we do not yet have a seal. Witness the same earl at Oxford on the seventeenth day of January in the first year of our reign.'

The letter thus belongs to that class of letters patent, quite common when they involve commissions or relate to transfers of authority, where the address is to an individual or individuals, rather than to the more normal 'all to whom the present letters arrive, *'omnibus ad quos presentes littere pervenerint'*.⁵ In the fashion of many letters patent the seal was once attached to a tongue created by making a cut along the bottom of the document. Both seal and tongue are now lost but what appears to be a wrapping tie cut from below the tongue survives.⁶ The general appearance of the letter is comparable to that of other letters patent of John and early Henry III with the hand being smaller and the lines more condensed than is usually the case in charters.⁷ The letter's dimensions are 14.8 cm by 5.2 cm.

The letter is the last in sequence of at least twelve letters patent issued by John and Henry III between 21 June 1216 and 17 January 1217 which were designed to get the great loyalist castellan, Brian de Lisle, out of the Peak and install William de Ferrers in his place.⁸ The fact that, as far as is known, only the letter of 17 January 1217 still exists shows just how dependent historians are on the chancery rolls where all the other letters are recorded. The same point would emerge even more forcefully could we set the vast number of letters patent and letters close found on the Henrician rolls in general against the small numbers which actually survive. We cannot, of course, do so because we have no record either of such surviving letters or indeed of surviving charters. That fact makes another point, namely that whereas gigantic effort has gone into collecting and editing the royal *acta* before the advent of the chancery rolls in 1199, virtually none has gone in to doing the same for the *acta* thereafter. Whether the effort would be justified by the rewards (beyond the obviously worthwhile filling of gaps where the chancery rolls are missing) is something future historians might ponder.⁹

That the 17 January letter is the only one of the sequence to survive may not be a complete accident. With one exception discussed later, the letters in question were either addressed to Brian de Lisle or, like that of 17 January, to the men of the castlery. Lisle had no interest in keeping the former, but the latter would have been of value to William de Ferrers in affirming his authority over the Peak. It may well be, moreover, that it was to Ferrers that such letters were sent. Since, moreover, the 17 January letter, as we will see, was by far the best of the sequence from his point of view, this was perhaps the reason why it was kept. We have here, however, a paradox, namely that the one letter to survive, perhaps because of its importance, is also the one letter which was not enrolled. It is conceivable that these two things are con-

nected, and that the letter was not recorded precisely because some thought it gave the earl too much. Certainly there are examples of the chancellor, for various reasons, ordering writs not to be enrolled.¹⁰ On the other hand, it is equally possible that the letter was omitted by mistake,¹¹ or because, far from being thought important, it was not thought important enough, this in the erroneous belief that it was little different from earlier letters which ordered the men of the Peak to answer to Ferrers.

The struggle to secure the Peak, together with its attached castle and castlery of Bolsover, was a central ambition of the Ferrers earls, one which played no small role in their eventual downfall. The Peak was the *caput* of the inheritance which William Peverel had forfeited to the crown in 1155, a catastrophic event for the Ferrers since they were Peverel's heirs through descent from his daughter Margaret. At the start of King John's reign in 1199, our own earl William, in return for a hefty fine of 2000 marks, had managed to obtain some of the Peverel lands but had resigned his claim to all the rest, a rest which, although this was not stated specifically, included the Peak.¹² For earl William the frustration was immense. The centre of Ferrers power was the fertile low lying plain of southern Derbyshire where demesne manors and tenants were watched over by the great castle of Tutbury on its cliff above the river Dove. Acquisition of the Peak would provide a completely new base in the hilly north of the county, giving command of very different resources, and raising the Ferrers into a different league of power. The Peak was a centre for lead mining. It also had extensive forest from which indeed earl William, during the period of his tenure between 1216 and 1222, was to take some 2,000 deer and 10,000 oaks, the latter worth all of £567.¹³ The castlery itself contained seventeen fees, some of them held by important knightly families.¹⁴ And then there were the castles of the Peak and Bolsover, the former, with its square keep built by Henry II, standing on a rocky crag with the Hope Valley, the centre of the lordship, spread out before it.¹⁵ The £100 a year farm for which the keeper of the Peak and Bolsover answered to the crown from 1223 was substantial enough, but only gives a small impression of the real value of the lordship both in terms of money and of power.¹⁶

Ferrers, therefore, could not possibly regard the settlement of 1199 as final, all the more so since John, while making him resign 'the rest of the land which was of William Peverel' to the crown, had acknowledged that he was indeed William Peverel's 'right heir'.¹⁷ Ferrers' solicitations, however, if such they were, fell on deaf ears. The revenues and resources of the Peak and Bolsover remained with the crown, being controlled from 1208 by Brian de Lisle, one of the most ruthless and efficient of John's 'new men'.¹⁸ It was not till 1215 that the situation began to change. That August, as John braced himself for civil war, he ordered Brian de Lisle to surrender the Peak to Ranulf earl of Chester, both Ferrers' brother in law and his political ally. That John had almost agreed to appoint Ferrers himself, and then changed his mind, is suggested by the fact that, in the patent roll copy of the letter sent to Lisle, Chester's name has been substituted for that of 'William earl Ferrers'. Ranulf was also to take a special oath to keep the castle safe and surrender it when ordered to do so, probably a precaution against him handing it over to Ferrers.¹⁹ In fact, Chester

handed it to no one since he never gained possession. The next we know of the story comes on 21 June 1216 when John issued another letter patent to Lisle expressing astonishment that he had not obeyed the king's orders over the Peak, either a reference to the order in Chester's favour, or to one never enrolled in favour of Ferrers, to whom Lisle was now ordered to surrender the castle.²⁰ Lisle, however, continued to disobey. Indeed it took a further six letters patent, two issued by King John on 13 and 14 August, and four by the government of his son, on 30 October, 18 November, and 1 and 24 December, before, on 24 December, the castlery was formally surrendered to the king and Ferrers could take possession.²¹

In none of these letters was there any recognition of Ferrers' hereditary title to the Peak, but his position did improve. The first letter to the men of the castlery on 21 June 1216 commanded them to obey Ferrers simply 'as their constable, to whom the king has committed that castle to keep during his pleasure', which indicated that he was no more than a royal official.²² The next letter on 13 August, where John described Ferrers as 'our constable and bailiff', was no better.²³ The third letter, however, on 30 October 1216, the first issued by the minority government, marked a great advance.²⁴

Ferrers' term was now to last not simply during royal pleasure but until the king reached the age of fourteen, that is to say it was to last until 1 October 1221. Although Ferrers was made to promise that he would then surrender the castle if asked to do so, he might hope that his tenure would then be confirmed rather than cancelled. Within this term, the men of the castlery were merely to obey Ferrers 'as their custodian', which still implied he was merely an official, but against that he was also to have their 'homages', which suggested, in contradictory fashion, that he was in fact their lord. It was this last point which was the crux of our own letter patent, the final one of 17 January. Here the men were to answer to Ferrers, not as the king's 'constable and bailiff', as in the letter of 13 August, not as their 'custodian', as in that of 30 October, but simply and emphatically as 'their lord'. There was, moreover, no indication that Ferrers' lordship depended on a recent grant of the king, and was only to last for five years. This was not quite a recognition of Ferrers' title but it was perfectly compatible with it. Ferrers evidently covered this letter for he extracted it although probably by now in possession of the Peak, the castle having been surrendered to the king on 24 December. The letter was issued at Oxford during a council of the king's supporters. The day before its concession, the government, at Ferrers' *maxima instancia*, and 'by the counsel of all [the king's] faithful men' had given him the manor of Melbourne, another part of the Peverel inheritance.²⁵ Perhaps it was a similar *maxima instancia* which secured the letter patent acknowledging his lordship of the Peak. That, however, there was some opposition may, as we have seen, be reflected in the fact that it was never enrolled.

Things might, however, have been done differently from the documentary point of view for the concession to Ferrers could have been embodied in a letter patent with a general form of address. True, Ferrers may well have wanted a letter specifically targeted at the tenants of the Peak, but a second one addressed generally, and thus more in the form of a charter, would surely also have been of value in

proclaiming his lordship to everyone else, thus making it all the more secure. In fact, however, the only letter patent in the whole sequence which was addressed generally was one which proclaimed the triumph of the king but ignored that of Ferrers. This was a letter issued on 24 December 1216. It was on that day at Gloucester that Richard de Lisle, acting on Brian's behalf, personally handed the Peak over to the king. The fact that he had done so was announced in a letter patent addressed 'to all who inspect these letters'.²⁶ No reference was made to the fact that the king had then transferred the castle to William de Ferrers.

Given that the surviving letters, bar one, were addressed either to Lisle or to the men of the castlery, rather than to everyone in general, and given that, while sometimes announcing Ferrers' appointment, they were all couched as orders, the question arises as to why they were not simply framed as letters close. The answer is that letters patent did not merely convey orders, they also bore physical testimony to their authenticity. Thus all the letters probably concluded with the statement 'And in testimony of this thing, we send you these our letters patent sealed with our seal' (or the seal of the legate and the Marshal, or the seal of the Marshal). In the patent rolls this statement, which concluded most letters patent, was usually highly abbreviated or omitted altogether. Not the least value of seeing originals is that the clause is there in full, reminding us of the purpose of letters patent in testifying to the authenticity of royal acts and orders. There could indeed be no clearer statement of the way the written word was thought to validate the king's commands. This was not a function which could be performed in the same way by letters close. While they conveyed orders, they could not testify to their authenticity. Hence they never ended with a 'in testimony of this thing' clause or made any reference to how they were sealed. This was inevitable since only part of the seal was employed and this, instead of being attached to a tongue, was used to seal up the letter and thus was broken on opening.²⁷ There was thus no way letters close could testify to anything, which was why, in the general run of things, they were used for routine orders rather than ones of import.

That at least twelve letters patent were issued over an eight month period in the cause of getting Ferrers into the Peak reveals a touching faith in their utility, a faith ultimately justified by results. But such letters did not work on their own. Indeed, they were linked in various ways to the spoken word. The letters of 17 January state specifically that they were sent to the men of the castlery and probably the other letters addressed to them had similar clauses, although omitted in the patent roll summaries. It seems likely, however, that the letters went, in fact, not to the men but to the earl or his agents and it was they who conveyed their message orally to the men through public pronouncements at the court or courts of the castlery. Whether they tried to do this before Lisle's departure, and whether the letters thus played a part in a struggle for the men's allegiance, is unknown. It may be, in the event, that the 17 January letter was the only one actually put to use, another reason for its survival.

The use of letter patents as bases for public pronouncements was, of course, common. Much less common was the way in this affair that the letters to

Lisle had to be supplemented and afforded by oral messages, testimony to the huge resistance he put up to surrendering the castlery. The authority of the written word was manifestly not enough. So much indeed was frankly admitted in the first letter patent of the sequence. This expressed John's astonishment that Lisle had not obeyed an earlier missive about the Peak, and then continued

'In order that you may have more faith in letters patent and do those things which we order you by the same, we send you our beloved and faithful chaplain Robert, bearer of the present [letters], in order that you have faith in his words one with letters patent, [and] surrender that castle of the Peak without any difficulty to our beloved and faithful William earl Ferrers to whom we have committed that [castle] to keep during our pleasure.'²⁸

This *démarche* did not secure the castle's surrender but was evidently deemed fruitful for soon after 14 August Robert was on his way back to Lisle with another letter.²⁹ The minority government continued in the same fashion, although with a different envoy, its letter of 18 November being born by Roger, the king's almoner: 'for the greater security of the thing we send you brother Roger our almoner together with our letters patent sealed with the seal of William Marshal...', the king declared.³⁰ Still Lisle held out. Another letter on 1 December expressed astonishment about his failure to obey the 18 November order despite the damaging consequences of not doing so 'as we signified to you about this and other things through our canon', presumably a reference to Roger the almoner.³¹ Nonetheless, Lisle and the canon had perhaps found a way forward. If the former would not obey letters patent and commands of envoys, he *would* obey orders given directly by the king. In the war situation, there was no question of bringing Lisle to court, but he could send representatives. Thus the 1 December letter, having ordered Lisle once again to hand over the Peak, continued 'and if perhaps you do not wish to deliver that by letters, send to us speedily anyone of yours whom you specially trust, through whom we may signify our will to you on this and other things'.³²

It was this that finally turned the key. Lisle sent his brother, Richard de Lisle, who was the immediate commander of the castle, and, in the event, Richard, instead of simply returning with the king's orders, was persuaded to surrender the castle there and then. What persuaded him were the commands given in person by the nine year old king. As the letter issued to Richard on 24 December put it, clearly recording events which had just taken place: 'We order you without delay to deliver to William earl Ferrers the castle of the Peak with appurtenances, as we ordered you at Gloucester with our own mouth on the vigil of the birth of the Lord'.³³

The next letter patent enrolled was the letter patent we have referred to, informing everyone that the king on 24 December had indeed received the Peak from Richard's hands. It may well be that Brian de Lisle had known this would be the outcome, having empowered Richard to surrender the castle, if he received a direct command from the king to do so. Something like that had indeed been envisaged at the very start, for the letter of 21 June 1216 reprimanded Lisle for his failure to send someone to the king 'whom he trusts as himself to do the king's order about the castle of the Peak'.³⁴ In another way too, the dispute had come a full circle. It had

begun with oral commands being used to certify those issued in writing. It ended with writing being used to certify oral commands. It was not that Richard de Lisle needed a written order to validate the words of the king. But he did need it to take home to the castle as proof of what the king had said. Only then would the castle be surrendered physically as well as symbolically.

In justification of his conduct, Brian de Lisle clearly marshalled a variety of arguments, making this more perhaps than just a 'shabby story of insubordination'.³⁵ Most obviously, Lisle refused to surrender the castle merely 'by letters', patent though they were. At the most extreme, it was possible that such letters might be forged. Even if genuine, they might be issued by a monarch ignorant of the true situation. That was also an argument which could be used against the envoys who vouched for the letters: 'go back and tell the king to consider this', Lisle evidently said. Thus Robert the chaplain, after his first mission, seems to have informed John that Lisle had munitioned the castle for a year, and had entrusted it to Richard his brother, the implication being that the castle was perfectly safe and should not be allowed, thus stocked, to pass into Ferrers' hands. Consequently the letter which Robert took back on 14 August indicated that John had understood the point.³⁶ Presumably one of the things Robert had to explain was why he had also discounted it. Lisle may also have raised questions over both Ferrers' loyalty and whether once in the castle he would ever be got out. Thus the letters emphasised the safeguards. In the first, Lisle was to make the earl, or his bailiff, swear to keep the castle faithfully for the king's 'honour and advantage' and only surrender it to the king or to someone to whom the king had entrusted it.³⁷ Likewise, the minority government, in its letter of 30 October, stressed that when the king's fourteenth year was up Ferrers was to surrender the Peak if the king so wished, and would be able to claim no more right in it than he had possessed before the period of his tenure.³⁸

In all this, Lisle's anxieties, if such they were, mirrored those of King John and the minority government. Indeed the latter made Ferrers issue a document acknowledging the limited terms of his tenure, a document witnessed by the legate Guala, two bishops, three earls (including the regent) and an array of other loyalist magnates.³⁹ It is possible, of course, that Lisle suspected that John, while going through the motions, was perfectly happy for Ferrers' possession to be obstructed. If so, however, I suspect he was mistaken for John's procedures, like those of the minority government, suggest they were both acting very much in earnest. Another sign of that is the way the letter patent of 30 October was the very first enrolled in the new reign. The next letter in the sequence, issued on 18 November, was authorized by both the regent, William Marshal, and the king's tutor, Peter des Roches, bishop of Winchester, thus leaving Lisle in no doubt about whom he was dealing with.⁴⁰

Why then did Lisle eventually obey? The most obvious reason, of course, is that the procedure adopted, with its climactic order *ore nostro proprio* left no room for doubt that surrender was really the will of the king and the legitimately constituted regency government which acted through him. In normal circumstances behind that will lay the whole might of kingship. In 1216-17, however, this hardly applied. There was no way, in the short term, that either John or the minority

government could drive Lisle from the Peak, or even punish him for his disobedience. Indeed, a striking feature of the letters is their almost complete absence of threats of that kind. The only exception was the letter of 21 June which informed Lisle that, if he did not deliver the castle to Ferrers, 'we have ordered that he takes that himself', meaning by force, a threat, never repeated, which revealed John's own powerlessness.⁴¹ How far Ferrers himself sought to prise Lisle from the Peak, we do not know, although he did seize the lands of someone serving Lisle in Scarborough castle.⁴² Whatever he did, it seems to have had little effect.⁴³ If Lisle, then, was not forced from the Peak, there is equally no evidence that he was bought out of it. It was not till May 1217, after the battle of Lincoln, that he was finally conceded Knaresborough until the end of the king's fourteenth year.⁴⁴

The minority government resorted not to threats and bribes but to argument. Thus the king reminded Lisle that John 'our father, of good memory' had ordered him many times 'through his letters' to surrender the Peak, the point perhaps being that Lisle could not take refuge in the claim made by some other castellans, that John had enjoined them to retain their custodies until his son came of age.⁴⁵ The government also repeatedly stressed the evil and damage which would accrue from the failure to obey, evil and damage, that is, not to Lisle, but to the king himself, evidently a reference to the dangers of Ferrers' disaffection or even desertion if he was not satisfied.⁴⁶ It also appealed to considerations of honour and fidelity:

'We order you, as we have ordered you before, in the faith which you are held to us, and as you love our honour and your own, that you immediately and without delay deliver the castle of the Peak to our beloved and faithful William de Ferrers, earl of Derby'

ran the letter of 1 December.⁴⁷ In tracing the events of this and other periods, it is usually much easier to detect the hard material considerations which drove men on than it is to gauge their sense of political morality. As a result, the importance of the latter is too easily underplayed. One interest of this episode is that we can see Lisle, under what seems limited physical pressure, acting very much to his material disadvantage. Of course, he may have calculated that the minority government would probably win the war, and thus it would be wise to remain in with those who controlled it. But we should not discount the force of the honour and fidelity to the crown stressed in the 1 December letter. Just as Ferrers was to keep the castle for the king's 'honour and advantage', so Lisle knew he must do the same, and accepted that the king himself must be the ultimate judge of what that advantage was. Lisle's fidelity, after all, was more than a fidelity sworn to a feudal overlord in an act of homage, important thought that was. It was also a fidelity sworn to a king who ruled by the grace of God.

It is in this context that we should consider the envoys selected to speak to the letters patent. These were not household knights from the material world of politics and warfare, representing the physical might of the king, but men of God, equally close to the king, but representing his unique spiritual qualities. What we have here is a form of the 'representation through intimacy' about which David Starkey has

written. The king's chaplains and almoners, like the later gentleman of the privy chamber, carried with them 'the indefinable charisma of monarchy'.⁴⁸ Just as Cardinal Wolsey, having refused to surrender to the Duke of Northumberland, gave himself up to Walter Walsh, groom of the privy chamber — 'for the worst person there is sufficient to arrest the greatest peer of this realm' — so it was hoped that Lisle would surrender the Peak not to a political or military heavy but to someone from the king's chapel, someone uniquely impregnated with kingship's numinous powers.⁴⁹ It did not work at once, but it may well have been the imprecations and arguments of such men which produced the solution of Richard de Lisle coming south. There, at Gloucester, he faced the full charisma of the king, a king made all the more holy by his youthful innocence, and a charisma made all the more powerful because it was communicated not merely through the king's words but also, we may imagine, through his *touch*, with Richard de Lisle physically surrendering the castle into the king's hands, perhaps by some ceremonial handing over of the keys.

Thus it was that soon after Christmas 1216 William de Ferrers came at last to possess the Peak. In the next years he acted very much as its lord, hunting in its forests, felling its trees and making grants of its lands and woods to be held from him and his heirs in hereditary right.⁵⁰ The demand for the surrender of the Peak, along with Bolsover, when it came in June 1222, was thus all the more grievous a blow and Ferrers had little with which to resist it. The king's fourteenth birthday was past. The demand was part of a general resumption of the royal demesne, which had been agreed by a great council.⁵¹ Ferrers could have brought an action over his title to the Peak, but must have known he had scant hope of success, given his quitclaim of the Peverel inheritance back in 1199. Nonetheless he put up a struggle, one reminiscent of that in 1216, although this time, of course, the issue was not getting him into the Peak but getting him out. This time, moreover, the confrontation with the king came at the start not at the finish. Shortly before 27 June, Ferrers appeared before the king and his council in St Katherine's Chapel at Westminster (whose ruins still survive). Instructed to surrender the castle, he promised to do so but asked for a delay until he had returned home and held a *colloquium* with his men. He was ordered to return before the king and his council on the next day, but instead left in the morning without speaking to the king.⁵²

There followed much the same dispatch of letters patent supplemented by envoys as we have seen in the earlier dispute. This time, however, the envoys were laymen, perhaps reflecting the increase in the king's material power since 1216. The first, sent directly after the earl, was William of Rowden, a household knight with the added clout of being the representative at court of William Marshal, earl of Pembroke. An anticipated refusal to deliver the castles 'by letters' was met with the suggestion that Ferrers should come himself to the king or send someone trusted in his stead.⁵³ On a second mission in late December Rowden was accompanied by the king's steward, John Russell, the two taking with them the document in which Ferrers had promised to surrender the castles when the king became fourteen.⁵⁴ Soon after this the transfer must indeed have taken place, since in February 1223 Russell and Rowden were told to hand over the castles to none other than Brian de

Lisle, who must have felt his sagacious obedience in 1216 had proved well justified.⁵⁵ The episode closed with a final letter patent to the knights and free tenants of the castleries, a counterpoint to that of January 1217. They were to obey Lisle 'as custodian and bailiff of the lord king'. Thus the Peak remained in the hands of the crown, forming part of the appanage created for the Lord Edward in 1254, before being seized by Robert de Ferrers, earl of Derby (earl William's grandson), in the Montfortian civil war; an action which intensified the enmity between Edward and Robert and thus contributed to the latter's eventual forfeiture and the end of the Ferrers earldom.⁵⁶

Earl William thus acted far more sensibly than earl Robert but, on the face of it, his actions seem just as materially geared. He had clearly placed both King John and the minority government under intense pressure over the Peak. His eventual surrender must be partly explained by the knowledge that otherwise he faced a siege like that which turned Robert de Gaugi out of Newark in 1218 and the count of Aumale out of Bytham in 1221. Yet it is impossible to be sure that this is the whole story any more than it is with Brian de Lisle. The letters sent after Ferrers in 1222 have the same curious absence of threats as those sent to Lisle six years earlier. Was this because the government was ultimately confident of his loyalty?⁵⁷ Certainly, in a career which spanned nearly sixty years (from 1190 to 1247), William de Ferrers never once rebelled against his kings. Nor did he spend the early minority simply hunting in the Peak. In 1218, with the earl of Chester, he left England on crusade. A letter home reveals an intriguing mixture of the material and the spiritual. It expressed concern for his lands and men in England and then told how at Damietta 'the virtue of the most high, which does not desert those trusting in him, has worked for us miraculously and mercifully (*virtus altissimi, qui non derelinquit sperantes in se, miraculose et misericorditer pro nobis operata est*).⁵⁸ Had there been a *Life of William de Ferrers*, it would surely have celebrated his fidelity and honour in much the same way as those qualities were celebrated in *The Life of William Marshal*. Of course, historians have rightly pointed to how *The Life of William Marshall* conceals much that is less reputable,⁵⁹ but that does not make the virtues it celebrates any less true as the standards of the age. The fact is that material and moral motives marched together, striking different balances according to individual character and circumstance. Frequently the people themselves could not have said exactly how the two weighed up. We may suspect that considerations of fidelity and honour were factors in bringing Brian de Lisle and William de Ferrers to surrender the Peak but we can never be certain. What we do know for certain is that a fidelity to the records of history and a sense of honour in all his dealings have been central to the life of David Crook.

NOTES

1. D. Crook, 'The establishment of the Derbyshire county court, 1256', *Derbyshire Archaeological Journal*, 103 (1983), pp. 98-106; idem, 'Derbyshire and the English rising of 1381', *Historical Research*, 60 (1987), pp. 9-23.
2. P.E. Golob, 'The Ferrers Earls of Derby: a Study of the Honour of Tutbury (1066-

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- 1279) (unpublished University of Cambridge Ph.D. thesis, 1984), pp. 179–81, 184–91, 202–3; J.C. Holt, *The Northerners: A Study in the Reign of King John* (Oxford, 1961), p. 140; D.A. Carpenter, *The Minority of Henry III* (1990), pp. 17–19, 26, 284–5. I am most grateful to Peter Golob for giving me a copy of his thesis which includes in a second volume an edition of the Ferrers acta. For a paper reflecting on the role of castles in this period, see R. Eales, 'Castles and politics in England, 1215–1224', *Thirteenth Century England II*, ed. P.R. Coss and S.D. Lloyd (Woodbridge, 1988), pp. 23–44.
3. John Wilson Manuscripts Ltd, Painswick Lawn, 7 Painswick Road, Cheltenham, GL50 2EZ; <http://www.manuscripts.co.uk/banner.htm>
 4. The three Ferrers charters from the reigns of John and Henry III in the Lancaster collection are DL 10/49, 64 and 85. Here 64 and 85 correspond to *RCh.*, p. 193 and *CChR 1226–57*, pp. 373–4. There is no enrolment of 49 but it may have featured on the now lost early portion of the Charter Roll for 1 John. Charters not in the collection are found enrolled in *RCh.*, pp. 92, 108b (bis); *CChR 1226–57*, pp. 55, 108, 118, 211–12, 231, 350, 372–3, 384–5. I would like to thank both David Crook and Nicholas Vincent for advice about the fate of documents making grants to the Ferrers. Peter Golob's collection of Ferrers acta (above note 2) was confined to what they themselves produced, and he seems to have discovered very few incoming documents.
 5. P. Chaplais, *English Royal Documents: King John–Henry VI, 1199–1461* (Oxford, 1971), p. 19 and see p. 19, note 5 for a close parallel.
 6. See Chaplais, *English Royal Documents*, p. 78, no.25b for another example of a wrapping tie on a letter patent.
 7. Chaplais, *English Royal Documents*, pp. 54, nos. 1a and 1b, and 55, no.2d.
 8. *RLP*, pp. 188, 188b, 192b, 193; *PatR 1216–25*, pp. 1, 4, 7, 15, and the letter printed here.
 9. Nicholas Vincent is preparing an edition for the Pipe Roll Society of the charters for 18 Henry III to fill the gap left by the loss of the charter roll for that year.
 10. *CR 1227–31*, pp. 77, 383 (for reasons of secrecy in diplomacy).
 11. This may have been the case with another letter related to the Peak mentioned below. Inspection of the patent roll for January 1217 (C 66/17, mm.14,13; *PatR 1216–25*, pp. 18–28) offers some slight support for the idea of a mistake. The letters are not always enrolled in strict chronological sequence and it is very evident that the roll is the work of at least two clerks. One letter, that of 23 January addressed to G. de Marisco, the justiciar of Ireland, is begun in one hand and ends in another, the first hand then resuming for the next entry: C 66/17, m.13; *PatR 1216–1225*, pp. 25–6.
 12. DL 10/49 printed in *Complete Peerage*, iv, 765–6; *RdOF*, p. 3; Golob, 'Ferrers', pp. 179–81. This was when the Ferrers acquired Higham [Ferrers] in Northamptonshire. For the Peverel inheritance see *Complete Peerage*, iv, 761–71. It is suggestive of William de Ferrers' wealth, efficiency and sagacity that he more or less kept to the terms of payment and was quit the fine in *Pipe Roll 1201*, p. 177; see *Pipe Roll 1199*, p. 16 and *Pipe Roll 1200*, p. 60, and note the contrast to William de Braose: Holt, *Northerners*, p. 184. At the same time as accepting the fine, John made William earl of Derby, a title denied to his father who was simply earl of Ferrers. William generally styled himself earl of Derby in his acta but was often called 'earl of Ferrers' or 'earl Ferrers' in government letters, as will be seen below: see Golob, 'Ferrers', pp. 178–9.
 13. Golob, 'Ferrers', p. 201 citing DL 39/1/3, m.1.

14. See *Pipe Roll 1219*, p. 100.
15. The shell of the keep still survives. The castle (now called Peveril Castle) stands above the village of Castleton. See R. Eales, *Peveril Castle* (2006), which has sections on the forest and mining in the Peak.
16. CFR 1222-3, no.79; CFR 1223-4, no.11.
17. DL 10/ 49 printed in *Compete Peerage*, iv, 765-6. Hence the Ferrers were to warrant the inheritance to John and his heirs. The king's tenure thus seems to have been based on the quitclaim of 1199 rather than the forfeiture of 1155.
18. *Pipe Roll 1209*, p. 112; RLP, pp. 80b, 89 (where Richard de Lisle and John de Kein are presumably Lisle's deputies); Lisle's empire also included Knaresborough which under him 'became one of the chief military and financial centres of the north': Holt, *Northerners*, pp. 221-2.
19. C 66/14, m. 17; RLP, p. 153. Chester and Ferrers had both been at court on 1 August: RCh, p. 216b.
20. RLP, pp. 188, 188b. Holt (*Northerners*, p. 140) favours the first alternative and Golob ('Ferrers', p. 186) the second. Ferrers' struggle to obtain Bolsover took a different course because it had been transferred in 1216 from Lisle to Gerard de Furnivall, who then rebelled.
21. RLP, pp. 192b, 193; PatR 1216-25, pp. 1, 4, 7, 15. For Bolsover see below, note 43.
22. RLP, p. 188.
23. RLP, p. 192b.
24. PatR 1216-25, p. 1.
25. PatR 1216-25, p. 23. This concession was to last until the end of the king's fourteenth year. For the council, see also *Memoriale fratris Walteri de Coventria*, ed. W. Stubbs (2 vols. Rolls ser., 1872-3), ii, 235 (the 'Barnwell' chronicle). On 17 January Ferrers also secured a letter close, commanding the sheriff of Nottinghamshire to give him the lands of those of his tenants who were in rebellion: RLC, i, 296b.
26. PatR 1216-25, p. 15.
27. Chaplais, *English Royal Documents*, p. 10.
28. RLP, pp. 188, 188b.
29. RLP, p. 193.
30. PatR 1216-25, p. 4.
31. PatR 1216-25, pp. 7-8.
32. PatR 1216-25, p. 7.
33. PatR 1216-25, p. 15.
34. RLP, pp. 188, 188b.
35. Holt, *Northerners*, p. 140.
36. RLP, p. 193: 'hiis intersignis quod significastis nobis', which I take to mean 'these things understood which you have signified to us'. In the letter *fratrem nostrum* should probably read *fratrem vestrum*.
37. RLP, pp. 188, 188b.
38. PatR 1216-25, p. 1.
39. PatR 1216-25, pp. 398-9. The promise also covered Bolsover. Ferrers described his

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- document as a *scriptum*. For the government calling it a charter: *PatR 1216-25*, p. 361.
40. *PatR 1216-25*, pp. 1, 4. Such authorisation notes were attached to the letter as well as appearing in the roll: compare *Ann. Mon.*, iii, 121 and *CR 1227-31*, p. 321.
 41. *RLP*, p. 188b.
 42. *RLC*, i, 294b. Holt goes so far as to speak of a 'war' between Lisle and Ferrers: *Northerners*, p. 140.
 43. Conversely, Ferrers did eject Gerard de Furnivall from Bolsover but this was after the battle of Lincoln in 1217; see Carpenter, *Minority*, p. 41. Bolsover under Furnivall was also a much softer target than the Peak under Lisle. I cannot think why in *Minority*, pp. 26, 41 I say that the king's personal intervention on 24 December 1216 failed to secure the surrender of the Peak and that Ferrers only gained it too after the battle of Lincoln.
 44. *PatR 1216-25*, p. 64; *RLC*, i, 308b.
 45. *PatR 1216-25*, p. 4. See Carpenter, *Minority*, p. 123.
 46. *PatR 1216-25*, pp. 4,7-8.
 47. *PatR 1216-25*, p. 7.
 48. D. Starkey, 'Representation through intimacy: A study in the symbolism of monarchy and Court office in early modern England', in *The Tudor Monarchy*, ed. J. Guy (1997), pp. 42-77, with the quotation at p. 52.
 49. Starkey, 'Representation through intimacy', p. 55.
 50. Golob, 'Ferrers', pp.200-2 and no.159 of the acta in volume two.
 51. Carpenter, *Minority*, pp. 279-89; Golob, 'Ferrers', pp. 202-3.
 52. *RLC*, i, 502-502b.
 53. *PatR 1216-25*, p. 335. For Rowden, see Matthew Paris, *Chron Maj*, iii, 240.
 54. *PatR 1216-25*, p. 361. It was probably now that the 'charter' was enrolled (*ibid.*, pp. 388-9).
 55. *PatR 1216-25*, p. 365.
 56. Golob, 'Ferrers', pp. 327-8.
 57. See Powicke's tribute to the loyalty of Ranulf earl of Chester in the crisis over the surrender of the castles in 1223-4: F.M. Powicke, *Henry III and the Lord Edward*, 2. vols. (Oxford, 1947), i, 51.
 58. Chaplais, *Diplomatic Documents*, no.30.
 59. The classic study is D. Crouch, *William Marshal: Court, Career and Chivalry in the Angevin Empire 1147-1219* (London, 1990), and see also J. Gillingham, 'War and Chivalry in the History of William the Marshal', *Thirteenth Century England II*, ed. P.R. Coss and S.D. Lloyd (Woodbridge, 1988) reprinted in Gillingham's *Richard Coeur de Lion. Kingship, War and Chivalry in the Twelfth Century* (1994).