The Earls in Henry II's Reign

by

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Summary of Thesis

The object of the thesis is to provide a total picture of the earls in Henry II's reign. Chapter One looks at the history of earldoms in England, before and after the Norman conquerors brought with them Carolingian and Norman traditions of local government. Chapter Two examines the duties, rights and perquisites of the earls as local officials, how their position changed in the course of the eleventh and early twelfth centuries, and how, except in certain special cases, their practical role as local officials became insignificant early in Henry II's reign. Chapter Three looks at various aspects of the lives of Henry II's earls: their constant travelling; their residences; their military lifestyle and culture, and their religion. Chapter Four describes the complex structure of the earls' honours, and the financial and administrative problems that the earls faced. Chapters Five and Six examine the relationship between the earls and royal government. Chapter Five looks at the role of the earls in central government, both as individuals and as a group, the impact on the earls of royal justice and the increasing dependence of the earls on a favourable position at the royal court. Chapter Six deals specifically with taxation: the role of the earls in forming taxation policy; the impact of taxes on the earls, and the growing dependence of taxation on individual feudal and political relationships between king and

subject. Chapter Seven examines the revolt against Henry II in 1173-4, the greatest crisis of the reign, in which many earls were involved, both for and against the king. Chapter Eight looks at the region comprising Cambridgeshire, Essex, Norfolk and Suffolk, showing the earls in their role as powerful local landlords and Henry II's efforts to establish effective royal control in the area.

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Abbreviations

BM:	British Museum.
Bodl. Lib:	Bodleian Library, Oxford.
Book of Seals:	Sir Christopher Hatton's Book of Seals, ed. L.C. Loyd and D.M. Stenton (Oxford, 1950).
Chronicles:	Chronicles of the Reigns of Stephen, Henry II and Richard I, ed. R. Howlett, 4 vols., R.S. 82 (London, 1884-90).
CP:	Complete Peerage of England, Scotland, Ireland, Great Britain, and United Kingdom, extant, extinct, or dormant, ed. G.E. Cokayne, new edn., revised and much enlarged by V. Gibbs, H.A. Doubleday, D. Warrand, Lord H. de Walden and G.H. White, 13 vols. (London, 1910-59).
Delisle, 'Notes sur les Chartes de Henri II:'	L. Delisle, 'Notes sur les Chartes Originales de Henri II, Roi D'Angleterre et Duc de Normandie au British Museum et au Record Office,' Bibliothèque de L'École des Chartes, lxviii (1907), 272-314.
Delisle, Recueil:	Recueil des Actes de Henri II, Roi d'Angleterre et Duc de Normandie, ed. L. Delisle and E. Berger, 4 vols. (Paris, 1909-27).
Diceto:	Radulphi de Diceto Opera Historica. The Historical Works of Master Ralph de Diceto, Dean of London, ed. W. Stubbs, 2 vols., R.S. 68 (London, 1876).

Domesday Book: Liber Censualis seu Domesday Book, Rec. Comm., 4 vols. (London, 1783-1816).

Earldom of Gloucester Charters: Earldom of Gloucester Charters, ed. R.B. Patterson (Oxford, 1973).

EHR: English Historical Review.

EYC: Early Yorkshire Charters, vols. i-iii, ed. W. Farrer (Edinburgh, 1914-16), vols. iv-xii, ed. C.T. Clay (Yorks. Archaeological Soc. Record Ser., Extra Ser., 1935-65).

Gervase: Gervase of Canterbury: Historical Works, the Chronicle of the Reigns of Stephen, Henry II and Richard I, by Gervase, the Monk of Canterbury, ed. W. Stubbs, 2 vols., R.S. 73 (London, 1879-80).

Gesta Henrici: Gesta Regis Henrici Secundi Benedicti Abbatis. The Chronicle of the Reigns of Henry II and Richard I, 1169-1192, ed. W. Stubbs, 2 vols., R.S. 49 (London, 1867).

Hist. MSS Comm: Historical Manuscripts Commission.

Hoveden: Chronica Rogeri de Hoveden, ed. W. Stubbs, 4 vols., R.S. 51 (London, 1868-71).

Jordan Fantosme: Jordan Fantosme's Chronicle, ed. and transl. R.C. Johnston (Oxford, 1981).

List of Sheriffs: List of Sheriffs for England and Wales, P.R.O., Lists and Indexes, ix (London, 1898).

Materials for the History of Thomas Becket: Materials for the History of Thomas Becket, ed. J.C. Robertson, 7 vols., R.S. 67 (London, 1875-85).

Monasticon Anglicanum: Monasticon Anglicanum, ed. W. Dugdale, new edn. by J. Caley, H. Ellis and B. Bandinel, 8 vols. (London, 1817-30).

Orderic Vitalis: The Ecclesiastical History of Orderic Vitalis, ed. and transl. Marjorie Chibnall, 6 vols. (Oxford, 1969-81).

PR 31 Henry I: Magnus Rotulus Scaccarii de anno 31° Henrici I, ed. J. Hunter, Rec. Comm. (London, 1833).

PR 2-4 Henry II: The Great Rolls of the Pipe for the Second, Third and Fourth Years of the Reign of King Henry II, 1155-1158, ed. J. Hunter, Rec. Comm. (London, 1844).

PR I Richard I: The Great Roll of the Pipe for the First Year of the Reign of King Richard I, ed. J. Hunter, Rec. Comm. (London, 1844).

PR 5 Henry II - PR 34 Henry II, PR 2 Richard I - : The Great Rolls of the Pipe of the Reign of Henry II, the Reign of Richard I, etc, Pipe Roll Soc. (London, 1884 - -).

P.R.O: Public Record Office.

RBE: The Red Book of the Exchequer, ed. H. Hall, 3 vols., R.S. 99 (London, 1897).

Rec. Comm: Record Commission.

Regesta: Regesta Regum Anglo-Normannorum, 1066-1154, ed. H.W.C. Davis, R.J. Whitwell, C. Johnson, H.A. Cronne, R.H.C. Davis, 4 vols. (Oxford, 1913-69).

R.S: Rolls Series.

Round, Geoffrey de Mandeville: J.H. Round, Geoffrey de Mandeville (London, 1892).

RRS: Regesta Regum Scottorum, ed. G.W.S. Barrow, 2 vols. (Edinburgh, 1960-71).

Sanders, English Baronies: I.J. Sanders, English Baronies: A Study of their Origins and Descent 1086-1327 (Oxford, 1960).

Stenton, Danelaw Documents: Documents Illustrative of the Social and Economic History of the Danelaw, ed. F.M. Stenton, British Academy: Records of the Social and Economic History of England and Wales, v (London, 1920).

The Letters of John of Salisbury: The Letters of John of Salisbury, ed. W.J. Millor, H.E. Butler, C.N.L. Brooke, 2 vols. (London and Oxford, 1955-79).

TRHS: Transactions of the Royal Historical Society.

VCH: Victoria History of the Counties of England, ed. H.A. Doubleday, W. Page, L.F. Salzman, R.B. Pugh etc (London, 1900 --).

Walter Map, de Nugis Curialum: Gualteri Mapes, De Nugis Curialum Distinctiones Quinque, ed. M.R. James, Anecdota Oxoniensia, Medieval and Modern Ser., xiv (Oxford, 1914).

Warren, Henry II: W.L. Warren, Henry II (London, 1973).

Chapter One

Earldoms in England from their Origins to 1154

The earldoms of Henry II's reign can only be understood in the context of their history. The roots of the nature of earldoms in Henry II's reign stretch back beyond the Norman Conquest to England and the Continent before 1066. It was the combination of these two traditions that shaped many of the features of the earldom under the Norman and early Angevin kings of England. Although the vast majority of the earls under these kings were Continental by descent, language and culture, it was to be the English tradition that proved the more powerful. The first part of this chapter will examine the development of the Anglo-Saxon earldom from its origins to the eve of the Norman Conquest. This will be followed by a consideration of the history of the Continental office of count ('comes') from Carolingian times, its development in Normandy in the eleventh century and its impact on England through the Norman Conquest of 1066. The history of the Anglo-Norman earldom will then be followed up to the beginning of Henry II's reign.

The Anglo-Saxon earl and the Frankish count have a common background in early Germanic society. When Tacitus wrote about the Germans, he noticed the existence of a special group that surrounded a German leader, describing it as the 'comitatus.' (1)

(1) Tacitus, Germania: Cornelii Taciti de Origine et Situ Germanorum, ed. & transl. M. Hutton, rev. E.H. Warmington, Loeb series (London, 1970), c. 13, c. 14, pp.150-3.

In a Roman context, the 'comitatus' was the retinue of an important man or the emperor. A 'comes' could be any sort of companion or associate, but, more specifically, was a member of the 'comitatus.' (2) Two Anglo-Saxon terms of the seventh and early eighth centuries appear to describe the members of similar groups around the early English kings. 'Eorl' in Kent and 'gesith' in other areas both represent the highest social rank beneath the king and the most important members of the king's entourage. Bede's Latin describes the 'gesith' of Northumbria as 'comes.' The impression given by Bede of the Northumbrian 'comes' is of an important landholder, closely connected to the king, commanding part of the king's army and surrounded by his own followers (3). A 'comes' in eighth century Kent could have his own 'comites,' his own retinue. The earliest Anglo-Saxon royal charters show 'comites' among the witnesses (4).

The terms 'eorl,' 'gesith' and 'comes,' as used in seventh and early eighth century England, tell us little about any specific functions required of the men so described. The descriptions concern social ranks and the relationship of the men with the king. They do not concern office. It was not 'eorl' or 'gesith', but a third style, 'ealdorman,' that was to

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(2) C.T. Lewis and C. Short, A Latin Dictionary (Oxford, 1879), pp.373-4.
(3) F.M. Stenton, Anglo-Saxon England, 3rd edn. (Oxford, 1971), pp.302-4; Bede's Ecclesiastical History of the English People, ed. B. Colgrave and R.A.B. Mynors, Oxford Medieval Texts (Oxford, 1969), pp.75n4, 402-5; The Old English Version of Bede's Ecclesiastical History of the English People, ed. T. Miller (London, 1890), p.t. i, pp.228-9.
(4) Stenton, Anglo-Saxon England, pp.304, 302.

become the vehicle in the Anglo-Saxon language for the idea of a local officer under the king. 'Ealdorman' originally meant 'elder' or 'senior man' and it continued to occur in this general sense (5). However, it also came to describe the chief subordinate of the king in the localities. If the terminology of King Alfred's ninth century version of the laws of Ine king of Wessex is not anachronistic, 'ealdorman' was already in use, in the sense of a royal official, in Wessex at the end of the seventh century. The laws state that an 'ealdorman' could, for certain offences, be deprived of his 'scir.' Whether 'scir' refers to the administrative unit, the shire, as it later developed, or to the more general sense of 'scir' as any sort of office, the passage does imply that the 'ealdorman' had an official role (6). This official character is brought out by the more common term 'praefectus' which seems to be used instead of 'ealdorman' in the earliest West Saxon charters (7).

During the eighth century, the Latin term 'comes' was gradually superseded by the term 'dux,' at first in phrases like 'meus dux atque comes' and then by 'dux' alone (8). The use of 'dux' in the context of the German tribes had, like 'comes,' roots in their early contacts with the Roman Empire.

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(5) In a grant of King Aethelbald of Mercia (716-57), St. Peter is described as 'apostola aldormen:' Anglo-Saxon Charters, ed. A.J. Robertson, 2nd edn. (Cambridge, 1956), no. I. The modern borough office of alderman derives from the original, general meaning of 'ealdorman.'

(6) Die Gesetze der Angelsachsen, ed. F. Liebermann (Halle, 1903), i, pp.104-5.

(7) Stenton, Anglo-Saxon England, p.306nI; e.g. Cartularium Saxonicum, ed. W. de G. Birch (London, 1885), i. no.169.

(8) Ibid., no.154. In this document, a certain Cyneberht is first described as 'comite meo' and then as 'fidele duce atque comite meo.'

Tacitus used 'dux' to describe the leaders of German war-bands (9). It is not easy to determine why 'dux' superseded 'comes' so generally in England, whereas it always remained an exceptional title on the Continent, but the eighth century in England saw developments that may have contributed to the change. In the eighth century, the kings of Mercia established a dominance over most of England which lasted into the first quarter of the ninth century. The status they achieved may have encouraged them to allow a style with greater prestige for their chief followers. The Mercian supremacy also involved the practical problem of the absorption of other kingdoms they conquered. Some of the rulers of these kingdoms were allowed to continue to rule, though with a reduced status. Sigered, the last king of Essex, witnesses charters of Cenwulf king of Mercia, first as 'rex,' then as 'subregulus,' and finally as 'dux.' (10) In this case 'dux' clearly represents a local official of the king of Mercia. While the term 'dux,' itself, carries no implication that the holder was a local official, it does imply military duties, one of the chief requirements of any local official at this date, whereas 'comes' primarily defines the holder in terms of his relationship with the king. Like 'dux', 'ealdormen' emphasises authority over others, in this case through the idea of seniority, rather than the relationship

(9) Tacitus, Germania, c. 7; pp.140-1.
(10) Stenton Anglo-Saxon England, p.305.

with the king. It should come as no surprise that under the year 800, the Anglo-Saxon chronicle refers to an 'ealdorman' who invaded Wessex from the Hwicce, another of the old kingdoms subjected by Mercia (11). That this is not simply the use of West Saxon terminology by a West Saxon author is demonstrated by a Mercian document, dating from 825, which shows an 'Ealdorman Eadwulf' involved in a judicial role at Worcester (in the old kingdom of the Hwicce) and with some authority over royal reeves (12). This example also demonstrates that the duties of the 'ealdorman' were not limited to military affairs.

When the 'ealdorman' from the Hwicce invaded Wessex, he was met and defeated by 'Ealdorman Weohstan' with the men of Wiltshire. In 840 'Ealdorman Aethelhelm' and the men of Dorset were defeated by the Danes at Portland. In 848 'Ealdorman Eanwulf' with the men of Somerset and 'Ealdorman Osric' with the men of Dorset, together with Bishop Ealhstan, defeated the Danes. In 850 'Ealdorman Ceorl' and the men of Devon also defeated the Danes (13). By the first half of the ninth century, the idea of a local official, known in Anglo-Saxon as an 'ealdorman' and normally rendered 'dux' in Latin, was established in both Wessex and Mercia. In Wessex, the 'ealdorman' seems to be associated with one of the developing shires. In Mercia,

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(11) Two of the Saxon Chronicles Parallel, ed. C. Plummer (Oxford, 1899), s.a. 800.
(12) Robertson, Anglo-Saxon Charters, no.5.
(13) Anglo-Saxon Chronicle, s.a. 800, 837, 845, 851. Chronicle 'A' s.a. 837 and chronicle 'E' s.a. 845 substitute 'dux' for 'ealdorman.'

where the shires were of much later development, the 'ealdorman' might be associated with one of the old kingdoms absorbed by Mercia, but the principle of the local official was the same.

Another factor which should be considered in an explanation of the transformation, from terms concerning social rank and membership of the 'comitatus' to terms describing the highest local official of the king, is direct influence from the Continent. While it is difficult to separate it from the results of a common Germanic background or the results of common problems of government, it is interesting that the development of the 'ealdorman'/'dux' as a local official coincided with the height of the Carolingian kingdom and empire, with its system of local counts. It would be more surprising if there was no influence crossing the Channel to England at this time (14).

If some of these early ealdormen were, like Sigered of Essex, representatives of conquered kingdoms allowed to retain local authority, this does not seem to have been general among the ealdormen of the eighth and ninth centuries. The transition implied by the Mercian King Aethelbald's description of Cyneberht as 'fidele duce atque comite meo' was probably followed by many in Mercia and Wessex (15) In the mid-ninth

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(14) For a discussion of the possibilities of direct influence from the Continent, see J. Campbell, 'Observations on English Government from the Tenth to the Twelfth Century,' TRHS, 5th Ser., xxv (1975), 43-8.

(15) Cartularium Saxonicum, i, no.154.

century, a 'pedasecus,' or personal attendant, of King Aethelred of Wessex later appeared as a 'dux.' (16) The most notable exception to this in the late-ninth century arose out of the absorption by Wessex of that part of Mercia which had escaped Danish conquest. King Alfred not only appointed the Mercian ealdorman, Aethelred, to rule that area, but arranged a marriage between Aethelred and Alfred's own daughter, Aethelflaed (17).

During the late ninth and early tenth centuries, it remained normal in Wessex and southern England in general for the ealdorman to have charge of a single shire. It is true, however, that, in the case of Kent and Essex, these 'shires' were based on earlier kingdoms (18). Mercia remained apparently undivided under first Aethelred and then his widow, Aethelflaed. After her death in 918, Mercia was sufficiently independent for the Anglo-Saxon Chronicle (B & C) to mention that Aethelflaed's daughter was deprived of all authority in Mercia and taken to Wessex (19). Between 957 and 959, during the brief reign of Eadwig king of Wessex, his younger brother, Edgar, soon to be king of Wessex himself, was allowed to rule as king of Mercia(20). Though Northumbria made its submission to King Egbert of Wessex in 829, it remained a virtually independent kingdom, until the

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(16) Stenton, Anglo-Saxon England, p.305.
(17) Anglo-Saxon Chronicle, s.a. 886, 894. In one document, Aethelred is described as 'dux partis regionis Merciorum:' Cartularium Saxonicum, i, no.577. In another, he is described as 'dux et dominator Merciorum:' Ibid., no.607.
(18) Anglo-Saxon Chronicle, s.a. 860, 897, 898.
(19) Ibid., ('B' & 'C') s.a. 919.
(20) Ibid., ('B' & 'C') s.a. 957, ('D') s.a. 955.

Danes conquered southern Northumbria (approximately the later Yorkshire) and English Northumbria was limited to the far north (21). By the beginning of King Edgar's reign, in 959, Wessex had imposed some sort of authority over both these kingdoms (22).

The role of the ealdorman over the period of the first Danish invasions and the reconquest of England by Wessex continued to appear primarily military, though the dominance of military affairs in the concerns of the Anglo-Saxon Chronicle may distort the picture. The policy of founding 'burhs' as a means of defence and of securing conquered areas inevitably involved the kings' chief military subordinates, the ealdormen. Alfred's daughter, Aethelflaed, whose position in Mercia was admittedly exceptional, built several 'burhs' in Mercia and conquered Derby and Leicester from the Danes. The later creation of shires in Mercia and the East-Midlands seems to have been partly based on the fortifications built or captured from the Danes (23).

The relationship between the king and his ealdormen was close and not limited to that between a military commander and his subordinates. Alfred's wife was the sister of an ealdorman Aethelwulf (possibly of Berkshire). King Athelstan was brought up in the household of Ealdorman Aethelred of Mercia and Aethelflaed. King Edmund and King Edgar both married daughters

(21) Ibid., s.a. 827, 867.
(22) Ibid., s.a. 959.
(23) Among other 'burhs' captured or built by Aethelflaed were Chester, Stafford, Derby, Leicester and Warwick: Ibid., ('B' & 'C') s.a. 907.918.

of ealdormen (24). Ealdormen attended the king to give counsel and witness his acts. The development of the local role of the ealdormen did not end their role as members of the king's 'comitatus.' An interesting example of the variety of roles an ealdormen could be called on to perform occurred when an Ealdorman Beocca accompanied King Alfred's sister to Rome, taking alms (25).

The reign of King Edgar (959-975) has justifiably been regarded as the apogee of Anglo-Saxon kingship, but the stability of England in this reign was deceptive. Some of the troubles of the following reigns can be traced to Edgar's policy of using monastic reform as a means of strengthening royal authority. On Edgar's death in 975 there was a reaction amongst the lay nobility against the dominant position of the Church, a reaction which received some sympathy even from the royalist Anglo-Saxon Chronicle (26). The leader of this re-

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(24) Ibid., s.a. 903, 946, 965; Stenton, Anglo-Saxon England, p.339.

(25) Anglo-Saxon Chronicle, s.a. 888.

(26) While the Anglo-Saxon Chronicle is generally very favourable towards King Edgar, there is a reference to the introduction of unwelcome foreign practices: Anglo-Saxon Chronicle, ('E') s.a. 959. The reaction against monastic reform was not simply a reaction against royal policy or against the new monasticism as such. The lines of the struggle were drawn between the supporters of King Edward and the supporters of his brother, the future King Aethelred. For this, see D.J.V. Fisher, 'The Anti-Monastic Revival in the Reign of Edward the Martyr,' Cambridge Historical Journal, x (1950-2), 254-70. However, as an instrument of royal government, the monks were inevitably the ally of the existing king and a target for any opposition.

action was Aelfhere ealdorman of Mercia, who attacked and destroyed the offending monasteries (27). In the same year, Earl Oslac of Northumbria was banished (28). The rebellion culminated in the murder of the young King Edward in 978. Aethelred came to the throne on the back of the anti-monastic reaction, but this could not repair the damage done to the relationship between king and ealdorman, which had apparently caused few problems before Edgar's reign. There are indications that Aethelred tried and often succeeded in curbing the power of his ealdormen, who, with the circumstances of Aethelred's accession, might have expected to dominate him. Aethelred succeeded in banishing Aelfric ealdorman of Mercia, son of Ealdorman Aelfhere, in 985. He also banished Leofsige ealdorman of Essex in 1002 (29). Aethelred was also able to avoid the appointment of successors to some ealdormanries, sometimes permanently, sometimes at least for a few years. There were no successors to Eadwine ealdorman of Sussex (d. 982) or to

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(27) Anglo-Saxon Chronicle, s.a. 975.
(28) Ibid. Oslac was appointed to the 'ealdordom' in 966: Ibid., ('E') s.a. 966. In 975 he is called 'eorl.' While this may be used in its general sense as 'noble,' it could represent Oslac's official position. This change in style was to become common in later years.
(29) Anglo-Saxon Chronicle, s.a. 983, 1002.

Leofsige ealdorman of Essex (banished 1002). There was also no new ealdorman in East Anglia after 992 when Ealdorman Aethelwine died. After the banishment of Aelfric ealdorman of Mercia in 985, it was not until 1007 that Eadric 'Streona' was appointed as ealdorman of Mercia. Aethelweard ealdorman of the Western Shires died around 998, but it was not until around 1012 that he was succeeded by Aethelmaer. The appointment of a Mercian, Aelfhelm, to Northumbria in 993 was probably an attempt to limit Northumbrian independence (30).

The geographical extent of Aethelred's ealdormanries is a difficult subject. The evidence is scarce and difficult to interpret. The ealdormen rarely use styles incorporating territorial designations and where these do occur they are often of uncertain extent or are not necessarily complete. North of the Thames, Aethelred had, at various times, ealdormen in Northumbria, Mercia, the Hwicce, East Anglia and Essex. Except for Essex, these ealdormanries were all still in existence in 1016. The extent of Northumbria depended on the fluctuating influence of the earl at York over the northern part of the province, Bernicia, and over the Scandanavian-settled area in North-west England. East Anglia seems to have included Norfolk and Suffolk (31). The ealdormanry of Essex may have included some

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(30) S. Keynes, The Diplomas of King Aethelred 'the Unready' 978-1016 (Cambridge, 1980), pp.197-8 n163.

(31) In 1009, Ulfketel 'Snilling,' who seems to have held a position equivalent to that of an ealdorman, though without the title, led the levies of Norfolk and Suffolk against the Danes. The men of Cambridgeshire seem to have fought separately: Anglo-Saxon Chronicle, ('E') s.a. 1009.

counties in the South Midlands (32). The old kingdom of Mercia was an enduring problem for the English kings of the late tenth century, as the rebellion of Ealdorman Aelfhere in 975, the banishment of his son, Ealdorman Aelfric, in 985 and the later troubles with Eadric 'Streona' in that office demonstrated. The heartland of Mercia was formed by what became the counties of Staffordshire, Shropshire and Cheshire. King Edward 'the Elder' detached the area around London and Oxford when Ealdorman Aethelred, his brother-in-law, died, but it is possible that Mercia came to include the reconquered territory of the Five Boroughs by King Aethelred's reign (33). In 994, when there was no ealdorman of Mercia, Aethelred appointed Leofwine to the ealdormanry of the Hwicce, which was possibly an attempt to limit the potential extent of Mercian power. If this was the case, the plan was reversed when Eadric 'Streona' was appointed ealdorman of Mercia in 1007. The Anglo-Saxon Chronicle emphasises that he was to be the ealdorman of the whole of Mercia and Eadric certainly interfered within the Hwicce (34).

South of the Thames, there had been a dramatic change since the days of King Alfred. After the end of the ealdormanry of Sussex in 982, only two ealdormanries remained. There was an

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(32) Ealdorman Leofsige was in conflict with the king's reeves of Oxford and Buckingham, though this was not necessarily connected with the ealdorman's office: Codex Diplomaticus Aevi Saxonici, ed. J.M. Kemble (London, 1839), no.1289.

(33) Anglo-Saxon Chronicle, s.a. 912. In King Aethelred's laws, an ealdorman is involved in the court of the Five Boroughs: Liebermann, Gesetze, i, pp.228-9.

(34) Keynes, The Diplomas of King Aethelred, pp.197, 214; Anglo-Saxon Chronicle, ('C', 'D', 'F') s.a. 1007.

ealdorman of Hampshire, who may also have had authority over Wiltshire, and an ealdorman of the Western Shires (approximately Somerset, Dorset, Devon and Cornwall) (35). The number of ealdormen had certainly decreased in number, but the increase in size of the ealdormanries had done little to compensate. After 982, there was no ealdorman east of Hampshire. Aethelred was evidently able to rule without ealdormen, in some areas for a number of years, in other areas throughout the reign.

That the king could rule some areas without an ealdorman testified to the strength of royal authority in the tenth century Anglo-Saxon kingdom, but it also relied on the increased status and role of the king's reeves. Though they continued to appear, as they had long appeared, as the subordinate of the ealdorman in judicial matters, the reeves were taking on a more independent role, necessarily so in areas without an ealdorman. The king's high-reeves and reeves acted as commanders of the fyrd in Devon and Hampshire in 1001 against Danish attacks (36). In a diploma issued by King Aethelred in 995, Ealdorman Leofsige is shown to have had to appeal to the king against the actions of the king's reeves in Buckingham and Oxford. The ealdorman could not, apparently, deal with the reeves himself and the appeal was unsuccessful (37). Archbishop Wulfstan of York,

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(35) Ealdorman Aelfric led the levies of Hampshire and Wiltshire: Ibid., ('E') s.a. 1003. See also Keynes, The Diplomas of King Aethelred, pp.197-8 n163.
(36) Anglo-Saxon Chronicle, ('A') s.a. 1001.
(37) Codex Diplomaticus, no.1289.

writing shortly after Aethelred's reign, bemoans the rapacious behaviour of reeves since the death of King Edgar (38).

The ealdormen of King Aethelred continued to have a strong military role at local level and outside their own ealdormanries. Ealdorman Byrhtnoth of Essex led the fyrd of Essex at the battle of Maldon in 991. It is clear from the well known poem about this battle that the ealdorman's military power did not arise solely from his official position. His own retainers formed an important and perhaps the most effective part of his force(39). In the following year, the fleet collected by King Aethelred at London was put under the command of Ealdorman Aelfric of Hampshire and Earl Thored of Northumbria (40). ~~Archibishop~~ Archbishop Wulfstan, writing about earls, emphasised their judicial and police role(41). One aspect of this had been specified in King Edgar's laws, which directed that the ealdorman and bishop should jointly preside in the shire and borough court (42). In Aethelred's laws, it is the ealdorman or the king's reeve who is to preside over the court of the Five Boroughs (43). If the ealdorman was absent, the king's reeve seems to have acted as his deputy and

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(38) Die "Institutes of Polity, Civil and Ecclesiastical," ed. K. Jost (Bern, 1959), pp.81-2.
(39) The Battle of Maldon, ed. E.V. Gordon (London, 1937), pp. I, 23, 54-62.
(40) Anglo-Saxon Chronicle, ('E') s.a. 992.
(41) Die "Institutes of Polity," pp.78-80.
(42) Liebermann, Gesetze, i, pp.202-3.
(43) Ibid., pp.228-9. This entry seems particularly concerned with upholding the peace.

must have completely replaced him where there was no ealdorman. According to later tradition at Worcester, Eadric 'Streona' grossly exceeded his authority as ealdorman, acting like a sub-king, arbitrarily amalgamating estates and combining provinces, as well as taking land from Worcester Abbey. However justified the complaints were, the actions described were clearly thought improper (44).

As well as their local role, ealdormen continued to be important members of the king's entourage. Their attendance was usual at major councils, with the exception of some of the northern earls. There was a system of seniority among the ealdormen in the witness-lists of the royal diplomas, the most senior being the earliest appointed. This was completely upset by the rise of Eadric 'Streona,' who, after only a short period as a 'minister,' went straight to the head of the witness-lists on his appointment to the ealdormanry of Mercia(45). Much of the criticism of Eadric probably derived from his swift rise from obscurity though it was not all undeserved. Ealdormen could also be used by the king as ambassadors to the Danish armies. Aethelweard ealdorman of the Western Shires was sent with a bishop to Olaf Tryggvason in 994 and Ealdorman Leofsige of Essex was sent to negotiate a truce with a Danish fleet off the South Coast in 1002 (46).

In 975 Oslac was called 'eorl' of Northumbria. The use of

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(44) Keynes, The Diplomas of King Aethelred, p.214; Stenton, Anglo-Saxon England, pp.337 n4, 381 n3.
(45) Keynes, The Diplomas of King Aethelred, pp.157-8, 213-14.
(46) Anglo-Saxon Chronicle, ('E' & 'F') s.a. 994, ('E') s.a. 1002.

'eorl,' instead of 'ealdorman' arose as a result of Scandinavian influence. From the ninth century, the Scandinavian leaders, other than their kings, had been styled 'eorl' in Anglo-Saxon sources, representing the Scandinavian term, 'jarl.' 'Eorl,' as used in seventh and eighth century England, had largely disappeared from use by the ninth century, except in poetry where it described a noble warrior of high status or reputation, and in the phrase 'eorl and ceorl.' The Scandinavian 'jarl' was not dissimilar in meaning. It denoted status, reputation, military leadership, sometimes a close connection with the king, but not necessarily a specific office. After Oslac's time, it became usual for the subordinates of the Anglo-Saxon kings in Northumbria to be called 'eorl' rather than 'ealdorman,' though Aelfhelm, the Mercian appointed in 993 by Aethelred is always called 'ealdorman' by the Anglo-Saxon Chronicle (47). The change from 'ealdorman' to 'eorl' was limited to Northumbria until the end of Aethelred's reign, but after the accession of Cnut, 'eorl' became the usual term, whether the man was English or Danish. The change in terminology had no apparent effect on the powers and function of the official.

Changes in the number, the boundaries and the holders of earldoms between 1017 and 1066 were numerous and are sometimes difficult to trace. But however much the exact boundaries of earldoms were altered, the heartlands of the more important

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(47) Ibid., ('E') s.a. 1006, 1036.

units, such as Wessex, Mercia and Northumberland, remained largely untouched. Mercia and Northumbria had retained something of a separate identity and the rulers in Wessex usually took this into account. By the end of Cnut's reign, the earl of Mercia was Leofric, son of Leofwine, Aethelred's ealdorman of the Hwicce. Since the eighth century, the Hwicce had been closely connected with Mercia and sometimes subject to it. The descendants of Leofric continued to be earls in Mercia until after the Norman Conquest. The descendants of the English kings of Bernicia continued to rule in a subordinate position in the north under Cnut's earls of Northumbria. Though Siward earl of Northumbria had Earl Eadwulf, the latest in the Bernician line, killed in 1041, he had previously married into the English family (48). In 1065, the Northumbrians were able to depose Tostig, son of Godwin earl of Wessex, and impose on King Edward their choice, Morcar, the brother of the earl of Mercia (49). If a Mercian earl was a compromise by the Northumbrians, it was also a compromise by King Edward.

The formation of the earldom of Wessex continued the tendency towards larger ealdormanries seen in Aethelred's reign, though the new earldom seems to have absorbed areas previously kept without an ealdorman. Godwin's rise from obscurity has a parallel with the rise of Eadric 'Streona' in Aethelred's reign. In one sense, however, the earldom of Wessex grew from the

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(48) Florence E. Harmer, Anglo-Saxon Writs (Manchester, 1952), p.572.

(49) F. Barlow, Edward the Confessor (London, 1970), pp.237-8. The choice of Morcar by the rebels north of the Humber may have been due to the impossibility of agreement between the men of Yorkshire and the men of Northumberland over a local man: W.E. Kapelle, The Norman Conquest of the North (London, 1979), pp.100-1.

peculiar circumstances of Cnut's reign. His interests in Scandinavia required long absences from England. A strong earldom in Wessex under a trusted favourite may have seemed a good solution, but it became less appropriate when the English crown was separated from the Scandinavian kingdoms. The anomaly was only ended with the accession of Harold earl of Wessex to the English throne.

Towards 1066, the tenure of earldoms became increasingly restricted to two or three families. At the time of King Edward's death, the family of Godwin was represented by Harold, as earl in Wessex and in Herefordshire, Gyrth, as earl in East Anglia, and Leofwine, as earl in some of the south-eastern counties. The family of Leofric earl of Mercia was represented by his two grandsons, Edwin earl of Mercia and Morcar earl of Northumbria. Siward's son, Waltheof, had not succeeded to Northumbria on his father's death in 1055 because of his youth, but by 1066 he may have had an earldom around Northamptonshire and Huntingdonshire, an area attached to Northumbria during Siward's earldom (50). None of these earls owed their position solely to King Edward. Edward's marriage to Godwin's daughter had cemented the position gained by Godwin under Cnut, Harold 'Harefoot' and Harthacnut. Pressure towards hereditary tenure of the main earldoms was strong in the eleventh century. Godwin, despite his temporary banishment in 1051-2, handed Wessex to

(50) Barlow, Edward the Confessor, pp.194 n3, 238 nI. An alternative theory is that Waltheof was made sub-earl in Yorkshire: Kapelle, The Norman Conquest of the North, p.101 n44.

his eldest son Harold. Aelfgar succeeded his father, Leofric, in the earldom of Mercia. Like Godwin, he suffered temporary banishment, but his son Edwin succeeded to Mercia on his death. Waltheof did not succeed his father, Siward, until after the Norman Conquest, but Northumbria was no place for a child to govern. East Anglia was used as a stepping-stone by Harold and Aelfgar before they inherited Wessex and Mercia respectively (51). When vacated by Aelfgar in 1057, East Anglia was given to Harold's younger brother Gyrth. None of the other, lesser earldoms seems to have been passed from father to son (52).

At the local level, the earl had the duty of presiding over the shire and borough courts with the bishop, though the developing sheriff often took the earl's place (53). The earls raised and led the fyrds of their shires, though the sheriff might have led a lesser force, perhaps of a single shire (54). In return for their judicial and military role, the earls received a share of various royal rights in the shires, hundreds and boroughs, usually a third. This will be discussed fully in the next chapter. The earls also received lands attached to the

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(51) Harmer, Anglo-Saxon Writs, pp.546-7, 563.
(52) Ibid., p.562. Odda of Deerhurst, who appears as an earl in western Wessex in 1051-2 and in Worcestershire with perhaps Gloucestershire after 1052 was not only a kinsman of King Edward, but apparently a descendant of the great Earl Aelfhere, the leader of the anti-monastic reaction: Barlow, Edward the Confessor, pp.114-15.
(53) Liebermann, Gesetze, i, pp.202-3. 320-1; W.A. Morris, The Medieval English Sheriff (Manchester, 1927), pp.24-5.
(54) Anglo-Saxon Chronicle ('D' & 'E') s.a. 1064, 1065; C. Warren Hollister, Anglo-Saxon Military Institutions (Oxford, 1962), pp.94-5.

office (55). The sheriff, however, remained directly responsible to the king for the royal lands which remained extensive in most shires and boroughs (56). The undoubtedly great power of earls such as Godwin, Harold, Edwin and Morcar did not derive from their official position in any particular shire. The large number of shires in which they held such rights was a partial explanation, but there were other factors. They had extensive lands and many retainers, though Godwin found it difficult to keep these in open opposition to the king in 1051 (57). More than anything, Godwin, Leofric and Siward, and their families, represented the established situation between Cnut's reign and 1066. Edward was the newcomer in 1042. Royal power was sufficient to banish both Godwin and Aelfgar, Leofric's son, when they directly defied the king, but not to

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(55) The name of the vill of Aldermaston in Berkshire, suggests that it was originally held by an ealdorman. In 1066 it belonged to King Harold, though it is not known whether he had possessed it as ealdorman before he became king. It was a fairly large manor, valued at over £22, and had passed to King William by 1086: Domesday Book, i, fo 58r. Lands in Northamptonshire and Huntingdonshire apparently passed from Earl Siward to Earl Tostig and then to Earl Waltheof as 'official' lands: Barlow, Edward the Confessor, p.194 n3. In the late Saxon period, Huntingdon, a royal borough, was virtually surrounded by royal estates, probably as a result of large-scale forfeiture or acquisition after the surrender of the Danes of Huntingdon in 917. When some of these large royal manors were eventually released by the king, they passed to the ealdorman, perhaps as 'official' lands: C. Hart, 'The Church of St. Mary of Huntingdon,' Cambridge Antiquarian Society: Proceedings, lix (1966), 109-10.

(56) Stenton, Anglo-Saxon England, pp.549-50.

(57) Anglo-Saxon Chronicle, ('E') s.a. 1048, ('D') s.a. 1052.

make the banishments permanent. Harold's acquisition of the throne was only possible because of a combination of factors. Edward left no secure successor, there was a threat of invasion and Harold obtained the acquiescence of Earls Edwin and Morcar; the power of Harold's earldom was not alone sufficient.

When the Normans invaded England in 1066, they brought with them the tradition of the count ('comes') as it had developed in 'Francia' and, more immediately, in eleventh century Normandy. The history of the term 'comes' as something more than a description of a member of a 'comitatus' is a long one. In the late Roman Empire, 'comes' was sometimes used to describe someone with responsibility for a particular locality(58). The use of the term in this way referred to the man's theoretical origin in the 'comitatus' and therefore the source of his authority. The Merovingian kings in 'Francia' used counts as local officials, but the development of the Frankish count as a local official subordinate to the king reached its high point in the reigns of the early Carolingian kings, particularly that of Charlemagne.

The Carolingians' acquisition of the Frankish crown reinforced the link between the count as a local official and the count as a member of the 'comitatus.' Many of their counts were chosen from the aristocracy of Austrasia where the Carolingians' own family lands and connections were. From a

(58) For example, the 'Comes Orientis,' the Roman governor of Syria: A.H.M. Jones, The Later Roman Empire (Oxford, 1964), pp.373-4.

relatively small area around the centre of Carolingian power, the Austrasian counts were sent to the corners of the empire to govern the localities (59). Though they became local officials, the connections with the royal court were maintained. The counts had to attend assemblies at court, where they might be consulted or asked to assent to royal acts. They could be called to court for other less formal reasons. They could be used by the king on missions unconnected with their own localities for military, administrative or ambassadorial purposes. Some counts were not local officers at all. The 'comes palatii' acted as king's deputy at court, presiding in judicial affairs in the absence of the king. The 'comes stabuli' controlled much of the routine organisation of the royal court (60).

Under Charlemagne, the count was normally the chief local official of the emperor, with authority over a particular territory, known, confusingly, as the 'comitatus' - the county. The count was the emperor's representative in all aspects of local administration, with a general duty to enforce and protect imperial rights. He supervised the administration of imperial demesnes and collected imperial taxes and other imposts. He published imperial capitularies and enforced their execution. In collaboration with the 'missi dominici,' the count collected oaths of fidelity from the emperor's subjects. The count shared

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(59) F.L. Ganshof, Frankish Institutions under Charlemagne (Providence, R.I., 1968), p.27.
(60) Ibid., pp.29-30; L. Halphen, Charlemagne et L'Empire Carolingien (Paris, 1947), pp.148, 157, 159-60.

the emperors's right to command obedience, the 'bannum'. In this context it was sometimes known as the 'comitatus.' The fine for breaking the count's 'bannum' or 'comitatus' was a quarter of the fine for breaking the emperor's 'bannum.' The count directed public works, such as the maintenance and construction of roads and bridges. He organised and led the county's military contingents, whether for service locally or with the imperial army. He was the head of the judicial administration of the county and was responsible for the preservation of peace and order. He was to cooperate with the bishops and other ecclesiastical authorities. The count had control over the lesser officials of the county. He did not escape supervision himself. The emperor sent frequent instructions and visitations by 'missi dominici' were intended to keep the count in line. The count received substantial benefits in return for his official duties. He received a proportion, usually a third, of certain judicial profits and other imperial receipts. He also received an endowment in lands from the imperial demesne lands to support his position. This was variously referred to as the 'ministerium,' 'beneficium' or 'comitatus.' (61) The basic similarities between the count under Charlemagne and the developing office of ealdorman in England are obvious.

During the disorders created by the rivalry of later Carolingian claimants, and by the invasions of the Scandinavians,

(61) Ibid., pp.147-8, 176-7; Ganshof, Frankish Institutions, pp.27-9.

Arabs and Magyars, the office of count in many areas of western 'Francia' moved away from the position of subordination to the king, to an extent never achieved by the ealdorman or earl in England. In the ninth and tenth centuries, the links between the Frankish kings and their counts were weakened, while the local position of the count became more secure and independent. There had always been a tendency for counties to be inherited, but it was only in the course of the ninth century that it became firmly established, in spite of occasional attempts to resist this by the kings. The functions and powers of the count came to be regarded as fiefs, held like the count's own lands. His supervision of the royal estates became indistinguishable from both his official endowment and his tenure of his own lands. The practice of a single count holding more than one county, sometimes distinguished by the greater title of duke ('dux'), became more common (62). It was into this situation of semi-independent counties and principalities that the lands carved out by the Normans were to be fitted.

Though the actual degree of continuity between Carolingian administrative units and those that became apparent under the Normans is doubtful, the Normans regarded the divisions of late tenth and early eleventh centuries in Carolingian terms. Normandy came to be seen as a series of units, known variously

(62) Halphen, Charlemagne, pp.434, 490-3. Large groupings of counties grew up, such as that of the Robertine dukes of France, the duchy of Burgundy, the lands of the counts of Flanders, the counts of Blois and Champagne, the counts of Anjou, and the dukes of Aquitaine.

by the terms 'pagus,' 'territorium,' 'comitatus' and 'consulatus.' (63) The early Norman rulers soon adopted the style 'comes.' Though it was often used in conjunction with other styles, they were all from the Carolingian tradition (64). This was part of the swift absorption of the Normans by the Romanised Frankish culture and language of the area. The Norman ruler was a count who possessed several counties. In the tenth century, there were no other counts in Normandy. 'Comitatus' could be used to represent the count's lands and rights, the lands and rights of the ruler of Normandy. It did not imply the existence of any other count.

Counts, other than the ruler of Normandy, first appeared under Richard II in the early eleventh century. They were all very closely related to the ruling family. One was a stepson of Richard's grandfather, others were Richard's brothers and half-brothers, yet another was a younger son of Richard (65). Between Richard II's death, in 1026, and the Norman Conquest of England, only two Norman counts were not descended from this group. One of these two was a son of Richard II by his second marriage; the other was William the Conqueror's half-brother(66). During the first half of the eleventh century, the Norman rulers

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(63) For a discussion of the problem of continuity, see J. Le Patourel, The Norman Empire (Oxford, 1976), pp.3-4, 8-10, 13. There are many examples of the terms used to describe the units that made up Normandy, e.g. 'in pago Baiocasini,' 'in comitatu Baiocensi,' 'in territorio Rotomagensi' and 'in consulatu Talou:' Recueil des Actes de Ducs de Normandie de 911 à 1066, ed. M. Fauroux (Caen, 1961), nos.7, 58, 119, 197.

(64) 'Comes,' 'dux,' 'marchio,' 'princeps,' 'patritius' and 'rector' were all used: Fauroux, Recueil, pp.49-50, 57.

(65) D.C. Douglas, 'The Earliest Norman Counts,' EHR, lxi (1946), 131-46.

(66) Ibid., 141, 146.

began to adopt the title 'dux.' The use of this style and the creation of subsidiary counts had parallels in contemporary Brittany. Though it became automatic for members of the Breton ducal family to use the style 'comes,' this never quite happened in Normandy. The difference cannot, however, have been very clear sometimes (67). The counts were clearly a family group, representing the chief members of the ducal 'familia' and 'comitatus.' Their title derived from their membership of the ducal family. They were all descended from the dukes or the wives and concubines of the dukes. This contrasted with the earls in England. Godwin's marriage to Cnut's sister-in-law may have helped him, but this was hardly a connection of the same order. After Godwin's daughter married King Edward, Harold and Godwin's other sons were King Edward's brothers-in-law, but the marriage was a result of Godwin's position, not a source of it. The marriage of King Harold to the sister of Edwin and Morcar was an alliance between established powers.

Several factors may have contributed to the creation of subsidiary counts in Normandy in the early eleventh century. The example of Brittany in this and the adoption of the title 'dux' may have had some influence. The counts were also the clearest example of the ducal policy of creating an aristocracy

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(67) Ibid., 130; Le Patourel, Norman Empire, pp.258 n4, 342-3 n5; EYC, iv, pp.98-9.

closely bound to the dukes. The powerful position in north-western France gained by the Norman rulers may have encouraged the appearance of titled men among the ducal retinue, emphasising the duke's own status. The Normans were familiar with the use of 'comes' to mean companion, linking the holder of the title to the duke and signifying the holder's membership of the duke's 'comitatus.' (68). From their neighbours, and from the Norman rulers' own oldest and most common style, 'comes,' the Normans also recognised the use of 'comes' for a man in charge of a particular territory. In the eleventh century, the Norman rulers began to use members of the ducal family to govern parts of Normandy. In this context, the style 'comes' linked the holders to the lands and rights they were to administer - the 'comitatus.' The early eleventh century was a time when the frontiers of Normandy were becoming more defined. There was an obvious advantage in using men closely connected to the duke to govern these areas.

From the earliest appearance of subsidiary counts in Normandy, the title seems to have carried with it a role in the administration of a particular area. These areas were generally some of the 'pagi' or 'comitatus' into which Normandy was divided. The count was not the first type of local officer in Normandy. Before the counts appeared in the early eleventh

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(68) The 'comites exercitus' of Rollo, noted by Dudo in the eleventh century were leading companions of Rollo, not local administrators: Patrologia Latina Cursus Completus, ed. J-P. Migne, 2nd Ser., T.141 (1853), p.643.

century, the normal chief local officer in these 'pagi' was the 'vicecomes.' This officer had originated in western 'Francia' under the Carolingians, as a deputy for the frequently absent counts. It was as deputy to the count/duke of Normandy that the 'vicecomes' appeared in Normandy. He held the lands and revenues of the duke at farm, administered the duke's justice, had custody of the duke's castles and commanded the military forces of the 'pagus.' (69) Where the count superseded the 'vicecomes' in a 'pagus' his role was not very different, with the important difference that the revenues would be kept for the count's own use. The ducal rights, the 'comitatus,' were held as a kind of fief by the count (70). There was a tendency for a county to pass from father to son, though the duke could and did interfere with inheritance and a count could be dispossessed for

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(69) C.H. Haskins, Norman Institutions (Cambridge, Mass., 1918), pp.45-7.

(70) Le Patourel, Norman Empire, p.258. A grant made by Robert count of Mortain to his new foundation, the collegiate church of Mortain, in 1082, included rights concerning fairs and tolls that a 'vicecomes' might administer, but could hardly grant away: J. Boussard, 'Le comté de Mortain au xi^{e} siècle,' Le Moyen Age, lviii (1952), 258-68. When King John granted part of the comté of Evreux to Philip Augustus, king of France, the grant included the 'civitatem Ebroicarum et Ebroicinum cum omnibus feodis et dominis sicut subsequentes mete determinant.' Later in the document, the following statement was included: 'Hec autem omnia, que comes Ebroicensis infra has metas tenebat, fecimus domino regi Francie quietari a recto herede Ebroicarum:' Sir Maurice Powicke, The Loss of Normandy 1189-1204, 2nd edn. (Manchester, 1961), pp.170-2. King John was granting part of the fief of his vassal. When the Norman Exchequer Rolls first appear in Henry II's reign, there is no record of a farm being paid to the exchequer by a county with a count.

disloyalty or rebellion (71). The Norman count had much greater power in his county than the English earls possessed in the shires that made up their earldoms. In the Norman counties the ducal lands were administered by the count as his own. In England, the sheriff administered the royal demesne in shires within the earldoms and was directly responsible for them to the king. The independence of the Norman count was not controlled by a limitation of his rights, but by his close connections to the duke and the duke's ultimate military dominance. This was maintained by keeping most of the 'pagi' of Normandy under less independent officials.

1066 did not mark the end of the Anglo-Saxon earldom. The deaths at Hastings of King Harold and his brothers, Earls Leofwine and Gyrth, left Wessex, the area round Herefordshire,

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(71) In 1052, William count of Arques was dispossessed of his comté for rebellion: Douglas, 'The Earliest Norman Counts,' p.146. The succession to the position of count of Eu illustrates both the hereditary tendencies of the title and the interference of the duke. Godfrey, a son of Duke Richard I, was lord of Brionne and seems to have possessed the title count of Eu at the beginning of the second decade of the eleventh century. By 1012-15, however, William, another illegitimate son of Duke Richard I, was given the title count of Eu. It is quite probable that Godfrey, retaining the comital dignity, adopted the style, count of Brionne, after his chief possession. This was the origin of the peculiar title of Brionne, which, unlike the other comtés was unrelated to any of the established 'pagi.' Godfrey's son, Gilbert, may have been described as count of Brionne. The peculiarity of the title eased its disappearance after Gilbert's assassination in 1040. Gilbert may have regained the title count of Eu for a time, after the death of William count of Eu, earlier in 1040, but by 1053, Robert, the sonof William, had regained his father's position: Ibid., 134-7, 140; M. Altschul, A Baronial Family in Medieval England: The Clares 1217-1314 (Baltimore, 1965), pp.17-18.

the South-east and East Anglia without earls. However, Mercia, Northumbria and the Northamptonshire/Huntingdonshire area remained under the rule of Earls Edwin, Morcar and Waltheof. Although, after their submission to William the Conqueror at Berkhamsted, they were kept with their new lord until Whitsuntide 1068, even being taken to Normandy, there was little sign of Norman penetration outside southern England before 1068 (72). Edwin continued to be the only earl in Mercia until his death while fleeing to Scotland in 1070. Morcar, who like Edwin had been involved in the rebellion of 1069, joined Hereward at Ely. He was captured there and imprisoned for the rest of his life in Normandy (73). Morcar had used, as had become usual in Northumbria, a member of the family of Bernician earls, Osulf, as a deputy. Apparently dissatisfied with this, King William appointed another member of this family, Copsi, who had been a deputy under Earl Tostig (74). Both died in 1068 in the subsequent struggle. After a brief attempt to appoint a Norman, Robert Comyn, William reverted to the Bernician line with Gospatric. Gospatric was even forgiven his part in the rebellion

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(72) D.C. Douglas, William the Conqueror (London, 1964), pp.208, 213-14. William does not seem to have gone north of Berkhamsted before departing to Normandy in 1067: Regesta, i, p.xxi.
(73) Douglas, William the Conqueror, p.222.
(74) Kapelle, The Norman Conquest of the North, pp.101, 106; cf. p.89.

of 1069. With Morcar now deposed and imprisoned, Gospatric was kept as the sole ruler of at least northern Northumbria until 1072, when further misbehaviour led to his replacement (75). That William, even in the 1070s, was prepared to use members of the pre-conquest leading families, was demonstrated by the career of Earl Waltheof. Like Gospatric, he had been forgiven his involvement in the 1069 rebellion. In 1070, he was even given Judith, the king's niece, in marriage. In 1072, he replaced Gospatric and reunited northern Northumbria and Northamptonshire/Huntingdonshire in one earldom. Except for Yorkshire, he had finally achieved his father, Siward's, inheritance. He was not forgiven his involvement in a second revolt, that of 1075, and was executed (76). He was the last Anglo-Saxon or Anglo-Dane to hold an earldom in England, but it had been the unwillingness of the pre-conquest earls to accept King William's conquest, rather than a determination on King William's part to replace them with Normans, that had spelled such complete disaster for the leading pre-conquest families.

After the submission of the surviving English earls and nobility, and after King William's coronation at Christmas, 1066, the immediate problem was the government of the areas left without earls after Hastings. The appointment of Odo bishop of Bayeux as earl in Kent, of William fitz Osbern as earl of

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(75) Ibid., pp.108, 112, 122, 125-6.
(76) Ibid., pp.127, 135-7.

Herefordshire, Gloucestershire and Worcestershire, and before 1069, of Ralph, son of the Breton Ralph the Staller, as earl in East Anglia, was clearly an attempt by King William to replace the positions held by Leofwine in the South-east, by Harold, before 1066, around Herefordshire, and by Gyrth in East Anglia. Wessex, itself, as under King Harold, was kept without an earl. The new men were referred to as 'eorl' in Anglo-Saxon, but only on one occasion as 'dux' in Latin, probably by an Anglo-Saxon scribe. 'Comes' quickly became the normal Latin style, though Odo was quite frequently known simply as bishop of Bayeux (77). The reluctance to adopt 'dux' as a translation of 'eorl' was probably a combination of the familiarity with 'comes' in Normandy and William's own status as duke in Normandy. What William did not do was to introduce generally the Norman kind of count. William fitz Osbern was given the bulk of royal lands and rights, including the rights over other landholders and control of the sheriff, in Herefordshire at least, but this was the only example among William I's early new appointments which possessed the features of a Norman

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(77) In one charter William fitz Osbern was described as 'dux:' Regesta, i, no.23. In another, Odo is described as 'consul:' Ibid., no.121.

count. (78) The position of Ralph in East Anglia is obscure as a result of his forfeiture in 1075, but there is no sign that he possessed rights like William fitz Osbern in Herefordshire. The only Norman feature, if any, in Odo's earldom of Kent was its limitation to one county. He did not possess the complete lordship of the county and all his rights as earl were derived from his Anglo-Saxon predecessors. The boundaries and extents of earldoms had been altered many times before the Conquest, so an exact correspondence of William's new earldoms with their predecessors was not important. The development of the shire as an institution in the late Anglo-Saxon period left the earl's rights in a particular shire as the basic unit of an earldom. It was therefore easy for a new earl to succeed to his predecessor's rights in one shire and not in others. In later years, Godwin could be regarded, wrongly, as the predecessor of the earls of Gloucester and Edwin as the predecessor

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(78) There is little doubt that William fitz Osbern held an almost complete lordship over Herefordshire: VCH Herefordshire, i, pp.270-2. W.E. Wightman suggested that this special kind of earldom extended to Gloucestershire and Worcestershire, though the evidence is difficult: W.E. Wightman, 'The Palatine Earldom of William fitz Osbern in Gloucestershire and Worcestershire,' EHR, lxxvii (1962), 6-16. The writs to Gloucestershire and Worcestershire, including Earl William in their address, which Wightman uses as evidence in favour of his argument, are possibly indications of another situation. While they support the idea that William was earl of these two counties, this type of writ was unusual in an earldom where the earl had almost complete lordship. There is no reason to presume that the counties were held on the same terms as Herefordshire, simply because they were held by the same man. The writs perhaps point to a more traditional kind of earldom in Gloucestershire and Worcestershire, distinct from the 'Norman' earldom of Herefordshire: Regesta, i, nos.32, 36.

of the earls of Leicester (79). The survival of some of the English earls, together with the nature of King William's first new earldoms, confirm the impression that the new king did not immediately intend a thorough Normanisation of the office of earl. Even among his new earls, Ralph, as the son of Ralph, King Edward's staller, though a Breton, was a figure with strong connections with the old regime.

Northumbria, particularly the northern part, presents a special problem. It had never been fully integrated into the Anglo-Saxon kingdom based on Wessex. The 'eorls' there had always had something of the character of sub-kings, North of the Tees, the Anglo-Saxon and Anglo-Danish kings had never had any direct influence. The first attempt to establish Norman authority had been made with the appointment of Robert Comyn as earl, but after his expedition had ended in disaster, King William had reverted to the use of Anglo-Saxons. After the execution of Earl Waltheof, King William appointed Walcher bishop of Durham as earl, but he and his followers were massacred after the murder of a descendant of Earl Siward, who had been used as a subordinate. King William's next appointment, a Norman knight Aubrey de Coucy, soon retired to Normandy. This was an understandable decision, given the fate of previous earls. In 1081, King William finally found a Norman able and willing to hold the earldom - Robert de Mowbray, who held the earldom until

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(79) Walter Map, De Nugis Curialum, p.208; 'Gesta Herewardi Incliti Exulis et Militis' in Lestorie des Engles solum Maistre Geffrei Gaimar, ed. T.D. Hardy and C.T. Martin, R.S.91 (London, 1888), i, p.376. This source also calls Morcar earl of Warwick: Ibid.

1095, only losing the earldom as a result of his rebellion against William II (80). There was no clear change in Northumbria between the Anglo-Danish and the Norman earldom. The question of limiting the power of the earl of Northumbria within his earldom had never been a problem to the kings in the South, before or after the Norman Conquest. They were quite willing to allow complete authority north of the Tees to any loyal servant who could establish that authority.

1068 saw the first Norman penetration into the Midlands. King William made a progress to York via Warwick and Nottingham, and back via Lincoln, Huntingdon and Cambridge, building castles at each of these places (81). While this was obviously intended to establish Norman military power throughout the kingdom, there were no new earldoms created in the Midlands until after Edwin lost his earldom of Mercia and died during the revolt of 1069-70. Faced by this rebellion and the Scandanavian incursions that accompanied it, King William marched north again. After ravaging Yorkshire, he marched to Chester and then Stafford, building castles at these places (82). This march and Edwin's death and forfeiture signalled the end of Mercia as an earldom. Gerbod 'Flandrensis' was appointed as earl at Chester (83). His tenure was too brief to leave much mark, but it seems unlikely that his earldom was to cover all Mercia. Gerbod soon abandoned

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(80) Kapelle, The Norman Conquest of the North, pp.138-40, 142, 154-6.
(81) Douglas, William the Conqueror, p.214.
(82) Ibid., pp.219-20.
(83) Ibid., p.267.

England, but at some time before 1077, Hugh, 'vicecomes' of the Avranchin, was made earl of Chester, his earldom limited to Cheshire. In 1074, another earldom was carved out of the old earldom of Mercia. Roger de Montgomery, 'vicecomes' of the Hiemois, was made earl of Shrewsbury, with an earldom limited to Shropshire (84). King William finally destroyed the separate political identity of Mercia, which had lasted for several hundred years. The earldoms of Chester and Shrewsbury resembled the earldom of William fitz Osbern in Herefordshire, in that the earl was given an almost complete lordship over the shire, similar to that of the Norman counts. The complete line of 'marcher' earldoms along the Welsh frontier only existed briefly, if at all. Roger, the son of William fitz Osbern, succeeded his father in Herefordshire in 1071, but lost his lands and earldom in the rebellion of 1075 (85).

King William's need to find suitable holders of his earldoms, led to a much greater variety of types of men than had characterised the Norman counts or the Anglo-Danish earls before 1066. None of the existing Norman counts was made an earl in England. Robert count of Mortain was given the bulk of the county of Cornwall, but it is doubtful whether he was made earl. His predecessor in Cornwall, Brian, held the title count as the son of Eudo de Penthievre in Brittany. The Anglo-Saxon chronicle

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(84) CP, iii, pp.164-5; xi, p.685, App. K, pp.155-8.
(85) The complete line of 'marcher-type' earldoms probably only lasted from 1074, when the earldom of Shrewsbury was created, to 1075, when Roger earl of Hereford lost his earldom: CP, vi, pp.449-50.

calls him 'eorl,' but this was probably simply an attempt to translate his Breton style 'comes.' (86) The Norman counts all received lands in England, but not office, either to avoid putting too much power into their hands or creating too great a conflict in their responsibilities between Normandy and England. Odo bishop of Bayeux, as King William's half-brother, came from the same stable as the Norman counts. William fitz Osbern was King William's steward, though he was the grandson of a Norman count (87). Like Roger de Montgomery, the 'vicecomes' of the Hiemois, Hugh d'Avranches, 'vicecomes' of the Avranchin, and Robert de Mowbray, nephew and heir (in 1093) of the powerful Geoffrey bishop of Coutances, he was one of the leading members of the Norman aristocracy. Waltheof, Gospatric and, to some extent, Ralph de Gael, owed their positions to their connections with England before the Conquest, though the latter's lordship of Gael in Brittany was an important factor in King William's struggle to gain lordship over Brittany (88). Robert Comyn, Gerbod 'Flandrensis' and Aubrey de Coucy were figures of relative obscurity, presumably promoted on military grounds, though with a spectacular lack of success. Walcher bishop of Durham fits into no category. Brought from Lorraine with a reputation for personal sanctity to help with Church reform in Normandy, he was given the bishopric of Durham. This

(86) Anglo-Saxon Chronicle ('D') s.a. 1067.
(87) Douglas, William the Conqueror, pp.61, 90.
(88) Ibid., pp.231-5.

involved him in the exercise of secular power, which was extended over Northumberland after the execution of Waltheof. This proved eventually disastrous for Walcher (89).

Two distinct types of earldoms are found in William I's reign. The earldoms of Chester, Shrewsbury and Hereford, where the earl possessed an almost complete lordship over the shire, resemble the counties of the Norman counts in the powers of the earl and their frontier position. Northumberland could be added to this list, but the powers of the Norman earl here were not really different from those of the pre-conquest earls, except for its more limited size. For convenience, this type of earldom will be referred to as a 'marcher-type' earldom, even when not on a frontier. The earldoms of Kent, East Anglia and perhaps the earldom of William fitz Osbern in Gloucestershire and Worcestershire were of a different type (90). In these, the earls derived their powers, privileges and functions from their Anglo-Saxon predecessors. Though they had extensive lands in their counties, these earls did not have a complete lordship over the shires. This type of earldom will be referred to as a 'non-marcher' earldom.

At the end of William I's reign, only the earls of Chester, Shrewsbury, and Northumberland remained in possession of their earldom. It would, however, be wrong to infer from this that

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(89) Ibid., pp.240-1, 327.
(90) See above note 78.

William I had deliberately created a situation where, in England as in Normandy, only 'marcher-type' earldoms around the frontier survived. Neither type of earldom had proved immune from political problems as the rebellion of Roger earl of Hereford showed. Odo bishop of Bayeux had been imprisoned in 1082, but his lands had been kept distinct (91). Whether or not William I ever intended to restore his position, he was restored by William II (92). The 'marcher-type' earldoms of the Welsh frontier had been created through the appropriateness of their structure to the military significance of these areas. Northumberland's special character has already been noted. It was through the political accidents of William I's reign, that at the point of William's death, only the 'marcher-type' earldoms remained. William I's reign did produce great changes in the English earldoms. Mercia was broken up, Yorkshire was separated from the rest of the earldom of Northumbria and, after 1070, most of the counties of England were governed without earls. Most earldoms would also in the future be limited to a single shire. The history of earldoms in England after William I's reign was to be the history of both types of earldom, 'marcher-type' and 'non-marcher.'

Any impression given by the situation in 1087, that the Norman, 'marcher-type' earldom had triumphed, was emphatically

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(91) In Domesday Book, Odo's lands appear as those of any other tenant-in-chief: e.g. in Kent - Domesday Book, i, fos. 2r, 6r-IIv.

(92) The restoration did not last long. Odo was forced to leave England after his support of Robert Curthose against William Rufus: CP, vii, pp.178-9.

contradicted by the earldoms created during the next two reigns. The earldoms of Surrey, Warwick, Northampton and Buckingham, created by William II, and the earldoms of Leicester and Gloucester, created by Henry I, were all of the 'non-marcher' type. The forfeitures of the 'marcher-type' earldoms of Northumberland, in 1095, and Shrewsbury, in 1102, left Chester as the only 'marcher-type' earldom by 1135. Many of the earldoms of William I had been created partly, at least, out of administrative and military necessity. This was not true of the earldoms created by William II and Henry I. Most counties functioned without an earl and the counties concerned had no special military significance. The granting of an earldom was a useful way of rewarding and encouraging a faithful servant or of raising to the highest status a royal favourite.

There was considerable variety in the situations behind the new creations of William II's and Henry I's reigns. Walter Giffard, who became earl of Buckingham ca. 1093, Robert, Henry I's illegitimate son who became earl of Gloucester in 1121-2, and Robert de Beaumont, who became earl of Leicester 'circa' 1118, were all important landholders in their counties before the creation of their earldoms. William de Warenne, who became earl of Surrey in 1088, had no lands in Surrey before this, but was given a very modest endowment in the county on his creation as earl (93). Henry de Beaumont, who became earl of Warwick in

(93) His endowment in Surrey appears to have consisted of a few manors, including Reigate and Dorking and some lands in Southwark. He also seems to have been granted the Third Penny of the boroughs of Guildford and Southwark: VCH Surrey, i, p.340 & n3.

1088, may have had the custodianship of Warwick castle before this, but received most of his Warwickshire lands on his creation, through a family arrangement with his elder brother and a royal grant of the lands of Turchil of Arden, who still held these in 1086 (94). Simon de Senlis, who became earl of Northampton ca. 1090, obtained his lands at the same time through his marriage to Matilda, daughter of Earl Waltheof and Countess Judith. While it would be too simple to say that Simon inherited Waltheof's earldom, Matilda's descent must have been a factor in Simon's creation as earl (95). Most of the new earls were drawn from leading Anglo-Norman families - Warenne, Giffard and in two cases Beaumont. Simon de Senlis, whose origin is uncertain, rose from obscurity to importance through royal favour. While Robert, Henry I's illegitimate son, can hardly be said to be of obscure origin, he received more than usual paternal favour. The grant in marriage of the daughter and heiress of Robert fitz Hamon and other grants made him one of the two greatest landholders in the kingdom, apart from the king himself. His elevation to the earldom of Gloucester merely completed his rise. Though Gloucestershire was not the county where Robert held most lands, Bristol was his most valuable single possession (96). The creation as earl of Leicester of Robert de Beaumont (d. 1168) sheds interesting light on attitudes concerning the status of an earl and inherit-

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(94) Orderic Vitalis, ii, pp.218-19 and n.1; VCH Warwickshire, i, pp.276-7.

(95) Not all of Earl Waltheof's lands passed to Countess Judith, nor did all her lands pass to later holders of the honour of Huntingdon: K.J. Stringer, 'The Career and Estates of David, earl of Huntingdon (d. 1219)' (Univ. of Cambridge, Ph.D. thesis, 1971), pp.79-80.

(96) In 1185-6, the render of Bristol was £134 4s 9d: PR 32 Henry II, p.200.

ance. In 1081, Robert de Beaumont (d. 1118) became count of Meulan. Thereafter he always used this style. During the early part of Henry I's reign, he built up a powerful position in Leicester and Leicestershire, with the help of the king. Immediately after Robert count of Meulan's death, his son Robert, though still a minor, was styled earl of Leicester (97). It has been argued that it would be unlikely that a new title would be granted to a minor and that therefore the father possessed the title and office, even if he did not use the title (98). While this is plausible, there is an alternative explanation. Ca. 1107, Robert count of Meulan obtained a confirmation from Henry I of the division of the count's inheritance between his twin sons, Waleran and Robert. Waleran was to receive the Norman lands and Robert most of the English lands (99). Apart from the lands in this document, Waleran, as the elder twin was to receive the county of Meulan. Given the considerable royal favour towards the family, it would seem quite possible that Robert was given the earldom of Leicester to give him equivalent status with his brother.

In 1135, at the end of Henry I's reign, there were seven earldoms in England: Buckingham; Chester; Gloucester, Huntingdon/Northampton; Leicester; Surrey, and Warwick. 'Marcher-type' earldoms seemed a thing of the past, now only represented by the

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(97) Regesta, ii, no.1214.
(98) CP, vii, p.525 & n(d); Dictionary of National Biography, 'sub' Beaumont, Robert de (d. 1118).
(99) Regesta, ii, no.843.

earldom of Chester. The number of earldoms had fluctuated between 1066 and 1135, but the trend was a slow, rather wavering increase. Both these features were dramatically upset by the events of King Stephen's reign.

The reign of King Stephen produced an unprecedented increase in the numbers of earldoms. Stephen himself created twelve new earldoms: Bedford; Cambridge; Cornwall; Derby; Essex; Hertford; Lincoln; Pembroke; Sussex; Wiltshire; Worcester, and York. Emress Matilda created five new earldoms: Devon; Hereford; Norfolk; Oxford and Somerset. King Stephen also revived the earldom of Northumberland (100). To this picture must be added the grants of certain counties ('comitatus') to men who were already earls. Robert earl of Leicester was granted the 'comitatus' of Herefordshire. King Stephen's younger son, William earl of Surrey, was granted the 'comitatus' of Norfolk. Both these grants were made by King Stephen. Henry fitz Empress also granted the 'comitatus' of Staffordshire to Ranulf earl of Chester. Though not actually grants of earldoms, they should be included in any consideration of the proliferation of earldoms in King Stephen's reign (101). The earldom of Richmond was another earldom that appeared in this reign, but it is difficult to speak of a creation. The holders of the lordship of Richmond since the Conquest had usually used the style 'comes' as

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(100) There had been no earl of Northumberland since the forfeiture of Robert de Mowbray in 1095. King Stephen granted it to Henry, son of King David of Scotland, in 1139. Henry had a claim to the earldom as the grandson of Earl Waltheof, and therefore the great-grandson of Earl Siward: CP, ix, pp.705-6.

(101) See Appendix II.

members of the ducal family of Brittany (102). Though the style became attached to Richmond during King Stephen's reign, it would always be a peculiar earldom. The adoption of the title did not change the complete lordship of Richmondshire the holders had always had. It added nothing to their social status as 'comites.' It was exceptional also in that it was the only earldom that did not involve a county. The attachment of the title to Richmond was probably due to the long tenure there of the family and the fact that Richmond must have seemed a more secure anchor than troubled Brittany.

Even though some of the new earldoms that appeared in King Stephen's reign had only a brief existence, the increase in the number of earldoms was much more marked than any previous change in their numbers and demands explanation. The most revealing starting-point is the interesting pattern of the dates of creation. The twelve new earldoms created by King Stephen and the revival by King Stephen of the earldom of Northumberland all appeared between the years 1137 and 1141, while eight of these appeared in the years 1138 and 1139 (103). Of the five earldoms created by Empress Matilda, all of them seem to have been established by the end of July 1141 and none can be demonstrated to have existed before June 1141 (104). The dates

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(102) EYC, iv, pp.98-9.

(103) Bedford, (1137); Derby, Hertford, Pembroke, York, (1138); Worcester, (1138-9); Cambridge, Lincoln, (1139); Cornwall, Essex, Wiltshire, (1140); Sussex, (1141). The best account of the dates of creation of the new earldoms of King Stephen's reign is R.H.C. Davis, King Stephen (London, 1967), Appendix I: Earls and Earldoms, pp.129-144.

(104) Devon (by June 1141), Hereford (25 July 1141), Norfolk (by 25-31 July 1141), Oxford (25-31 July 1141), Somerset (by June 1141).

of King Stephen's creations suggest certain points. King Stephen did not buy his way to the throne with the grant of earldoms. Only one new earldom, Bedford, was granted before 1138. The density of creations in the years 1138 and 1139 points to a connection between the creation of new earldoms and the serious Angevin challenge to Stephen that began in those years. Some of these earldoms can be linked to Stephen's military problems. The earldoms of York and Derby were granted as a reward to William of Aumale and Robert de Ferrers for their services against the Scots at the Battle of the Standard in 1138 (105). However, although linked in this way to past military services, only in the case of York could this imply a particular military role for the office. There is no reason to see the earldom of Derby as a military governorship of Derbyshire, when the services rendered by Robert de Ferrers had been in North Yorkshire. The creation of the earldom of Pembroke had a strong military implication as an incentive for Gilbert de Clare to re-establish Norman rule in south-western Wales (106). The proximity of Stephen's new earldoms of Cornwall, Wiltshire and Worcester to the main areas of Angevin support suggests an, at least partially, military purpose in their creation.

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(105) Chronicles, iii, p.105; Orderic Vitalis, vi, pp.520-1 & nl, 522-3 & n3.

(106) This creation grew out of the events of the Welsh rising of 1136. Gilbert's elder brother, Richard fitz Gilbert, had been killed in the revolt. Another brother, Baldwin, had failed to re-establish Norman authority. Gilbert did manage to capture or rebuild Carmarthen Castle 'circa' 1144: Davis, King Stephen, p.136.

There is a more general factor which linked King Stephen's military needs and the creation of new earldoms. War was an expensive business. For a sustained campaign, mercenaries were the most effective instrument, but were costly. Also, with the defection of considerable areas of England from Stephen's authority, his income would have been considerably reduced. When Stephen failed to achieve a quick victory over his enemies in 1138, the need to finance the war would have encouraged the creation of earldoms in two ways. Shortage of money to pay mercenaries may have forced Stephen to rely more on military contributions from his great vassals. The grant of an earldom would have been a useful incentive and reward. The grant of an earldom could also be a direct method of raising cash. It was not usual for a charter recording such a grant to mention any payment and none of the charters granting earldoms in King Stephen's reign do so, but it is hard to believe that money did not change hands in some cases at least (107).

It is relatively easy to construct plausible reasons why a certain noble should be granted an earldom at a particular time, but such explanations cannot show why Stephen responded to so many worthy candidates. Stephen may have been of a generous nature, but was not noticeably generous in 1136 or 1137. The military needs, explained above, are part of the explanation of

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(107) When Hugh de Puiset, bishop of Durham, was granted the earldom of Northumberland by King Richard, no payment was mentioned by the charter. However, the pipe rolls record that Hugh profferred 2000 marks 'pro comitatu Norhumbrie habendo:' Appendix I (f); PRS Richard I, p.21.

the change, but there is reason to believe that the pressure from below for the grant of earldoms was increasing. Up to 1135, the number of earls, though it had increased, was still small. Most had been granted to members of the leading Anglo-Norman families. The more earldoms Stephen created, the greater the proportion of these leading families possessed an earldom. It would have been surprising if this had not encouraged the remainder to seek equivalent status. The process was not an infinite one. By 1141, not only were there fewer counties in Stephen's control that did not possess an earl, but there were few members of the leading aristocracy, loyal to Stephen and without a comital title.

The dating of the creation of Empress Matilda's new earldoms has an even more specific significance than that of Stephen's. All five were established during Stephen's captivity, after Matilda adopted the style 'Domina Anglorum' and before her defeat at Winchester, which put an end to her hopes of a coronation and acceptance as queen (108). These limits argue overwhelmingly that the primary reason for the creations was the Empress's assumption that she was about to become the recognised ruler of England. Three of those made earl by Empress Matilda in 1141 had supported her since 1139, in one case even earlier(109).

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(108) Empress Matilda adopted the title 'Domina Anglorum' on 7 April 1141 and was defeated at Winchester at the end of July 1141: Regesta, iii, p.xliv.

(109) Baldwin de Redvers joined the Angevins after his expulsion from Exeter and the Isle of Wight in 1136. William de Mohun joined the Angevin cause shortly before the Empress's landing in September 1139. Miles of Gloucester joined the Empress soon after her landing: H.A. Cronne, The Reign of Stephen 1135-54 (London, 1970), pp.33, 39.

The creation of new earldoms was an assertion of royal power, at a time when few would have disputed that the Empress was about to be crowned. The defeat at Winchester, the capture of Robert earl of Gloucester and the release of King Stephen put an end to the Empress's 'royal' position. She never created another earldom. The appointment or recognition of new earls in already existing earldoms did not suffer from the same restriction. Empress Matilda replaced King Stephen's appointment in Cornwall and in Wiltshire, in the latter case probably some time after 1141. She also recognised Geoffrey, the son of Geoffrey de Mandeville earl of Essex (d. 1144), as earl of Essex, despite Stephen's confiscation of his father's lands and earldom. Empress Matilda also recognised hereditary successions in the earldoms of Gloucester and Hereford, and recognised William de Roumare as earl of Lincoln after he had been replaced in that office by King Stephen's new earl, Gilbert de Gant.

If the right to create new earldoms was not divisible between King Stephen and Empress Matilda, but could only be exercised by the one with a real claim to 'royal' power, it would be surprising if they were to appoint rival earls to the same counties. R.H.C. Davis has suggested five counties in which rival earls were appointed: Cornwall; Wiltshire; Herefordshire; Lincolnshire, and Norfolk (110). The inclusion of Herefordshire

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(110) Davis, King Stephen, p.130.

and Norfolk relies on the mistaken equation of a grant of a 'comitatus' with a grant of an earldom (111). In Wiltshire, Stephen's earl, Hervey Brito, had lost his earldom before Empress Matilda appointed Patrick of Salisbury as earl (112). As far as Lincolnshire was concerned, Empress Matilda did recognise William de Roumare as earl of Lincoln after King Stephen had replaced him with Gilbert de Gant, but both appointments were made by King Stephen (113). In Cornwall, according to the 'Gesta Stephani,' Reginald, the illegitimate son of Henry I, was granted the 'comitatus' of Cornwall, before King Stephen's earl, Alan of Richmond, had been ejected from the county (114). However, though we know that Reginald was later earl of Cornwall, the grant of the 'comitatus' did not necessarily make him earl before Alan was ejected (115).

The men appointed to earldoms since 1066 had been of such a variety of backgrounds, that it would be difficult for the appointments of King Stephen and Empress Matilda to surprise us. Men from established families, relations of the protagonists, men who had risen through the royal household and those given status through favourable marriages, were all familiar types (116).

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(111) See Appendix II.
(112) Davis, King Stephen, p.140.
(113) Ibid., pp.137-8.
(114) Gesta Stephani, ed. K.R. Potter & R.H.C. Davis, Oxford Medieval Texts (Oxford, 1979), pp.102-3, 116-17. Neither of the men is called 'earl' of Cornwall here.
(115) The first occasion Reginald witnesses as earl of Cornwall appears to have been around 3 March 1141: Regesta, iii, no.343.
(116) For example, the Ferrers family had been important landholders since the time of Domesday Book, long before the creation of the earldom of Derby in 1138. Hervey Brito, made earl of Wiltshire by King Stephen, was the king's son-in-law. William d'Aubigny inherited his father's position as royal butler and gained status and the honour of Arundel by his marriage to Henry I's widow, around the time when he became earl of Lincoln.

As in previous reigns, some were already important landholders in the counties of their new offices, some were not (117). Some were given additional lands in their counties on their creation as earl, some received no fresh lands (118). There was no fixed landed endowment thought appropriate for earls, though it was rare for an earl to be left no land in his county (119).

During the course of King Stephen's reign, the balance between 'marcher-type' and 'non-marcher' earldoms was altered. The new earldom of Cornwall became a 'marcher-type' earldom, as did the new earldom of Pembroke when the earl's authority was finally made effective. In the latter case, it was predictable that the earl would have complete authority in his 'shire,' as baronial lordships in Wales traditionally excluded royal jurisdiction except through the holder of the lordship. The grants of 'comitatus,' though not grants of earldoms, would, if they had been made effective, have created lordships almost equivalent in power to 'marcher-type' earldoms (120). The revived earldom of Northumberland was certainly a 'marcher-type' earldom. Richmondshire, regarded as an earldom from King Stephen's reign was equivalent to a 'marcher-type' earldom. The sharp contrast between 'marcher-type' (in 1135 , only Chester)

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(117) For example, William count of Aumale was already an important Yorkshire landholder before being made earl of York. Gilbert fitz Richard de Clare held only a single manor in Hertfordshire before being made earl of Hertford.

(118) For example, Miles of Gloucester received substantial grants of land with his earldom of Hereford: Regesta, iii, no.393. The earl of Hertford did not apparently receive any additional lands with his earldom.

(119) Aubrey de Vere seems to have had no land in Oxfordshire, either before or after his creation as earl of Oxford.

(120) See Appendix II.

and 'non-marcher' earldoms at the end of Henry I's reign began to break down in King Stephen's reign. Several earldoms were held by men who were either sheriff of the county or exercised authority over the sheriff of the county. This situation left intact, theoretically at least, the financial relationship between the county and the exchequer, but considerably increased the power of the earl. In other counties, the alienation to the earl of royal lands and services due to the king was so extensive as to give the earl an almost 'marcher-type' position(121). Some of the earldoms of King Stephen's reign, particularly those who supported Empress Matilda, were in a peculiar position because of the lack of an effective royal authority. The Empress had little material power of her own. More than Stephen, she depended on the power of her chief supporters and the authority they chose to give her. In such a situation, the theoretical and practical position of an earl might be very different.

Under the undisputed authority of Henry II, the distinction between 'marcher-type' earldoms and 'non-marcher' earldoms became clearer again. Resumption of crown lands and the gradual reduction of comital control over the shrieval office achieved this. These matters will be more fully discussed in the next chapter. King Stephen's reign was the only time, apart from a brief period in William I's reign, when the 'marcher-type' earldom looked like becoming anything other than exceptional. King

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(121) Geoffrey de Mandeville (d. 1144) received very extensive grants of lands and services from Empress Matilda and King Stephen: Regesta, iii, nos.274-6.

Stephen's reign was also peculiar in the extent of the pressures, much greater than before or after, to create new earldoms.

Chapter Two

The Office of Earl

Before examining the official duties, rights and perquisites of earls, it is worth looking at the actual creation of earls. Only two of the extant charters concerned with the creation of earldoms before 1216 make any reference to the ceremony involved. Richard I's grant in 1189 of the earldom of Northumberland to Hugh de Puiset, bishop of Durham, contains the formula: 'Et inde eum per ensem et annulum saisivimus.' (1) King John's charter of 1199 to William earl of Derby states: 'Et ipsem tanquam comitem propria manu gladio cinximus.' (2) Unfortunately, evidence from other sources of the nature of the ceremony does not much predate the charter evidence, though it does confirm the general picture. Walter Map, writing towards the end of Henry II's reign, provides the earliest evidence. Walter wrote that King Aethelred granted the earldom of Gloucester to Godwin. Though completely false, the terms used to describe the grant are interesting: 'cum cingule milicie comitatum ei Gloucestrie contulit.' (3) Though this could simply mean that Aethelred knighted Godwin and made him earl, it seems likely that Walter was trying to describe the girding of an earl

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(1) Appendix I (f).
(2) Cartae Antiquae Rolls 1-10, ed. L. London, Pipe Roll Soc., New Ser., xvii (London, 1939), no.60.
(3) Walter Map. De Nugis Curialum, p.208. In this letter, written 1164-9, John of Salisbury writes: "Nam sicut alii praesules in partem sollicitudinis a summo pontifice evocantur ut spiritualem exerceant gladium, sic a principe in ensis materialis communionem comites quasi quidam mundani iuris praesules asciscuntur:" The Letters of John of Salisbury, ii, no.269.

with the sword of the county. The ceremonies of knighting and of girding an earl were essentially similar - the grant of arms. Walter Map's account has no relevance for the study of Aethelred's reign, but it does indicate current ideas of the late twelfth century. Indirect evidence for the nature of the earl's creation ceremony is provided by Richard I's accession to the duchy of Normandy in 1189. Though obviously no ordinary office, the duchy of Normandy was essentially similar to any county or earldom. The 'Gesta Henrici Secundi' described the ceremony as follows: 'Suscepit gladium ducatus Normanniae de altari Sanctae Mariae Rotomagensis, praesente Waltero archiepiscopo eiusdem civitatis et episcopis Normanniae et comitibus et baronibus ducatus illius, et praesentibus omnibus episcopis. Deinde excepit fidelitatem cleri et populi ducatus illius.' (4) The symbolic acquisition of a sword is again the centre of the ceremony. That Richard took the sword from the altar reflects both the special relationship between the duke of Normandy and his theoretical lord, the king of France, and contemporary ideas that such ceremonies should be religious. It was at this period that the ceremony of knighting was being placed in a more religious context, involving the taking of arms from the altar (5). Ralph de Diceto gave a slightly different account of Richard's accession to the duchy: 'Inde Rothomagum veniens, ab archiepiscopo Rothomagensis tam ensem quam vexillum

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(4) Gesta Henrici, ii, p.73.
(5) R.W. Southern, The Making of the Middle Ages (London, 1953), pp.108-9.

de ducatu Normanniae, proceribus multis praesentibus, in ecclesia Beatae Virginis ante majus altare suscepit.' (6) The addition of a standard, as well as a sword, like Hugh de Puiset's ring and sword, is interesting. Diceto elevated the role of the archbishop, but the altar was still involved.

It is difficult to measure the importance of the ceremony in the creation of an earl. Writing of the girding of William Marshal and Geoffrey fitz Peter as earl of Pembroke and earl of Essex respectively, Roger de Hoveden states that the two men 'qui licet antea vocati essent comites et administrationem suorum comitatuum habuissent tamen non erant accincti gladio comitatus.' (7) The ceremony took place at the coronation of King John in 1199, but William Marshal had had possession of the honour of the earldom of Pembroke since 1189 and Geoffrey fitz Peter had had possession of the honour of the earldom of Essex since 1190 (8). The girding seems to have had no practical effect on their position, but was still necessary to make them full earls. By this period, the local official position was of little practical importance, except in the case of 'marcher-type' earldoms, such as Pembroke, where the honour, the county and the

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(6) Diceto, ii, p.67.
(7) Hoveden, iv, p.90.
(8) Sanders, English Baronies, pp.71, 111.

earl's official position were indistinguishable. However, the girding could still have had importance for the status of the earl at court, especially at such a ceremonial occasion as a royal coronation.

Before 1216, the references to the creation of earls that give details of the ceremony of creation are a very small minority. The vast majority of creations are recorded very simply. The 'Gesta Henrici Secundi' describes the creation as earl of William earl of Arundel (d. 1193) as follows: 'Rex dedit comitatum Sutsexae Willelmo de Albenio, filio comitis Willelmi de Arundel, et reddidit ei totam terram quae fuit patris sui.' (9) Robert of Torigny describes the grant, in 1157, of the earldom of Huntingdon to King Malcolm of Scotland in simple terms: 'Et rex reddidit ei comitatum Huntindoniae.' (10) Even more commonly, the creation is ignored altogether in cases of hereditary succession. Compare the following two examples: 'Obiit Rogerius comes de Clara; cui successit Ricardus filius eius' and 'Obiit Hugo Bigot comes et successit ei Rogerius filius eius.' (11) Without other information, it would be impossible to deduce the fact that although Richard de Clare succeeded his father in both lands and earldom, Roger Bigot succeeded only to his father's lands, not to the earldom.

After 1216, references to the girding of earls with the sword of the county become more common. It is interesting that

(9) Gesta Henrici, i, p.133.
(10) Chronicles, iv, p.192.
(11) Ibid., pp.258, 273.

the ceremony of knighting continued to be closely connected with it. In the thirteenth century, Hugh earl of Oxford and Thomas earl of Warwick were girded as earls on coming of age in 1231. Henry de Lacy was knighted and girded as earl of Lincoln in 1272, on coming of age, as was Baldwin de Redvers as earl of Devon in 1239 (12).

It is hard to believe, despite the lack of evidence, that there was no ceremony associated with the grant of an earldom before the late twelfth century. The less important the practical official position of the earl in the localities became, the more important grew the status attached to the office and therefore the ceremony. This may help to explain why the ceremony begins to be mentioned more in the late twelfth century. The form of the ceremony was not necessarily Anglo-Saxon in origin. The close link with the ceremony of knighting suggests a Continental origin. The ideas and practice of knighthood first develop in the mid-eleventh century, and it is perhaps at this period that we should look for the origins of the ceremony of girding an earl.

The most direct evidence of the creation or granting of earldoms occurs in the extant royal charters concerning these acts. Though several survive, none concern the period before 1135. The absence of such documents before 1135 does not necessarily indicate that they were never written. It is probable that such grants were increasingly likely to be recorded in

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(12 G. Ellis, Earldoms in Fee (London, 1963), p.78n1.

documentary form as the twelfth century progressed, but loss or destruction of such documents may have exaggerated the contrast between the periods before and after 1135.

The charters that most clearly make someone into an earl are those that include a clause involving the words 'facere' and 'comes.' The simplest of these use the clause: 'Sciatis me fecisse .... (name of person) .... comitem de .... (name of county or of a prominent place in the county).' The first extant example of this occurs in Empress Matilda's charter to Miles of Gloucester, making him earl of Hereford: 'Sciatis me fecisse Milonem de Glocestria comitem de Hereford.' (13) Other examples of this clause are contained in Henry II's charters making Hugh Bigod earl of Norfolk and Geoffrey de Mandeville (d. 1166) earl of Essex (14). Richard I's charter making Roger Bigod earl of Norfolk has the same clause except for the use of the royal plural (15). Stephen's charter making Geoffrey de Mandeville (d. 1144) earl of Essex, the earliest of all extant charters granting earldoms, differs slightly in form, though not in meaning: 'Sciatis me fecisse comitem de Gaufrido de Magnavilla de comitatu Essexie.' (16) Even more different in form, but with the same meaning, is the clause in Richard I's charter making Hugh de Puiset earl of Northumberland: 'Et (eum) comitem fecimus.' (17) The charter had already made the county clear.

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(13) Regesta, iii, no.393.
(14) Appendix I (d), (b).
(15) Cartae Antiquae Rolls 11-20, ed. J. Conway Davies, Pipe Roll Soc., xxxiii (London, 1960), no.554.
(16) Regesta, iii, no.273.
(17) Appendix I (f).

Two other charters use a form of this clause, which does have significance for its meaning. These two charters, Henry II's charter making Roger fitz Miles earl of Hereford and John's charter making Henry de Bohun earl of Hereford, are linked, in that the only extant copy of the first charter is contained within the second charter, and they both concern the same earldom (18). The charter to Roger contains the statement: 'Preterea dedi ei et concessi motam Herefordecum toto castello et tertium denarium redditus burgi Herefordequicquid unquam reddat et tertium denarium placitorum totius comitatus Herefordie unde feci eum comitem.' The grant to Henry de Bohun states: 'Sciatis nos dedisse et concessisse et presenti carta confirmasse Henrico de Bohun xx^{ti} libras de tertio denario comitatus Herefordie annuatim percipiendas unde eum fecimus comitem Herefordie.' The importance of these versions of the formula lies in the word 'unde' which links the grants in the first parts of the two statements with the earldom itself.

Despite the variations in form, the charters that use the verb 'facere' all indicate a definite act that made a man an earl. In the case of Henry II's charters to Hugh Bigod and Roger fitz Miles making them earl of Norfolk and Hereford respectively, it might seem that the men concerned were already earls. Hugh Bigod had been made earl probably by Empress Matilda in 1141 (19).

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(18) Appendix I (c).
(19) R.H.C. Davis, King Stephen (London, 1967), pp.141-2.

Roger's father, Miles of Gloucester, had been made earl of Hereford by Empress Matilda and Roger had apparently succeeded to the earldom on his father's death in 1143 (20). This point had not escaped the scribe of Henry II's charter to Roger fitz Miles. Before the statement of Roger's creation as earl, the charter records other grants to Roger earl of Hereford. (21) The confusion arose from the ambiguous status of Empress Matilda, who, though fully expected to be crowned when she made the grants, never achieved a coronation. The question of Empress Matilda's status was important, even in King Stephen's reign. After realistic hopes of her coronation had faded, she did not create any further new earldoms. Henry II made 'new' grants to those earls whose status was placed in doubt by the ambiguous position of the original grantor. It is significant that there were no 'new' grants of earldoms by Henry II to earls who owed their title to King Stephen, or to the direct heirs of these who had inherited their earldoms during King Stephen's reign. Henry II's grant of an earldom to Geoffrey de Mandeville (d. 1166), which was in the form of a 'new' grant, was not an exception to this. Geoffrey's father had been made earl by King Stephen, but had forfeited his earldom. Though the younger Geoffrey had apparently been recognised by Empress Matilda, this, as in the case of Hugh Bigod and Roger fitz Miles, carried little weight

(20) Regesta, iii, no.393. Roger first witnesses for Empress Matilda as earl of Hereford in 1144: Ibid., no.111.
(21) Appendix I (c).

with Henry II.

A second group of formulae deal with the grant of an earldom to someone who already possessed comital status, the definition of the county of a man's earldom, or the recognition of an existing earldom. In July 1141, Aubrey de Vere was already count of Guisnes by right of his wife (22). Empress Matilda's charter to Aubrey at that time refers to 'Comes Albericus' before there is any mention of an earldom. When the charter reaches the question of the earldom, there is no statement that Empress Matilda makes Aubrey an earl. Instead, the charter states: 'Do ei et concedo quod sit comes de Cantebruggescira et habeat inde tertium denarium sicut debet habere.' As this grant was conditional on the county's not forming part of the King of Scotland's earldom in the Midlands, Aubrey was offered a choice of four alternative counties, should the King of Scotland's claim prevail, as in fact happened. The formula covering this eventuality was identical with the originally proposed grant: 'Et si non potero tunc do ei et concedo quod sit comes de quolibet quatuor comitatuum subscriptorum, videlicet Oxenefordscira, Berkscira, Wiltescira et Dorsetescira.' (23) The charter issued by Empress Matilda to Geoffrey de Mandeville (d. 1144) in 1141, at Midsummer, uses almost exactly the same formula: 'Do et concedo Gaufrido de Magnavilla pro servitio suo et heredibus suis post eum hereditabiliter ut sit comes de Essexa et habeat tertium denarium

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(22) CP, x, pp.201 & n (c), 202, 204-5.
(23) Regesta, iii, no.634.

vicecomitatus de placitis sicut comes habere debet in comitatu suo in omnibus rebus.' (24) Although this statement refers to Geoffrey without any title, he had been made earl of Essex by King Stephen before the end of 1140. There was no question of granting comital status to these men. 'Comes' Aubrey was given an earldom to supplement his French county; 'Comes' Geoffrey had his earldom further defined.

Other charters, like Empress Matilda's charters to Aubrey de Vere and Geoffrey de Mandeville, assume the grantees's comital status, but unlike the last two charters, do not directly concern the grant of an earldom at all. These other charters contain a grant of the third penny of the pleas of a particular shire. The form in which this grant appears does imply the recognition and definition of the earldom concerned, not simply through the link between this perquisite and earldoms, but also in the particular formulae used. Henry II's charter to William earl of Arundel grants the 'tertium denarium de placitis de Suthsexaunde comes est.' (25) The grant was made to 'Willelmo Comiti Arundelli' implying that William's title was not in question, but the form of the grant of the third penny makes it clear that it was the earldom of the county of Sussex that was concerned, and that the grant of the third penny confirmed that earldom to William. Richard I's charter to William's son and

(24) Ibid., no.274.
(25) Appendix I (a).

heir contains exactly the same formula (26). In 1199, King John granted to 'Willelmo de Ferrariis comite de Dereby tercium denarium de omnibus placitis placitatis per vicecomitem de Dereby tam in Dereby quam extra unde ipse comes est.' (27) This, for all its elaboration, carries the same meaning as the charters to the earls of Arundel. In King John's charter setting out the division of the lands of Robert earl of Leicester (d. 1204), Simon de Montfort, referred at the opening of the document as earl of Leicester, was granted the 'tercio denario comitatus Leircestr' unde ipse comes est.' (28) In all these cases, the grantees's right to the status 'comes' was not in doubt. We should not expect the form of document making a 'new' earl. There is one grant where we might expect such a form. Henry II granted to Aubrey de Vere the 'tertium denarium de placitis comitatus Oxenfordscyre.' (29) Aubrey had first received this earldom as one of the alternatives offered by Empress Matilda, but Henry II normally made 'new' grants to men who owed their title to his mother. However, although Aubrey could only claim to be an earl through a grant of Empress Matilda and although the marriage which had made him count of Guisnes had been dissolved, Aubrey seems to have retained his comital status (30). Henry II made his grant to 'Comiti Alberico.' The confirmation of Oxfordshire as his earl-

(26) P.R.O. Cartae Antiquae, Roll 22, no.29.
(27) Cartae Antiquae Rolls 1-10, no.60.
(28) Ibid., no.300.
(29) Appendix I (e).
(30) The marriage was dissolved 'circa' 1146: CP, x, pp.204-5.

dom was of special importance in view of the uncertainty at the time of the Empress's grant.

The surviving charters connected with the granting, the recognition or definition of earldoms leave little doubt that earldoms, at least of the middle and late twelfth century, were normally granted in some form of hereditary tenure. The forms in which this was expressed were various. Sometimes the earldom itself was specifically stated to be hereditary. King Stephen made Geoffrey de Mandeville (d. 1144) earl of Essex 'hereditarie.' (31) The third penny of the pleas of Oxfordshire was granted to Aubrey de Vere by Henry II 'in feodo et hereditate,' 'ut sit inde comes.' (32) Henry II's charter to Hugh Bigod, after stating his creation as earl of Norfolk and the grant of the third penny of Norfolk and Norwich, adds: 'Et volo et precicio quod ipse et heredes sui ita libere quiete et honorifice teneant de me et de meis heredibus.' (33) Sometimes hereditability is not mentioned until a general statement applying to grants in the charter, which includes grants other than the earldom. In Henry II's charter to Roger fitz Miles, grants of land, of the keep ('motam') and castle of Hereford, of the third pennies of Hereford and Herefordshire, of the earldom of Hereford and of the service of certain men, are followed by the statement:

(31) Regesta, iii, no.273.
(32) Appendix I (e).
(33) Appendix I (d).

'Et hec omnia supradicta dedi et concessi eidem Rogero comiti Herefordie' in feudo et hereditate sibi et heredibus suis ad tenendum de me et heredibus meis.' (34) There is no reason to exclude the earldom from this clause. Only one earldom granted during the period 1135-1216 was explicitly not granted in hereditary tenure. Richard I granted the earldom of Northumberland to Hugh de Puiset, bishop of Durham, only 'toto tempore vite sue .' (35) When the bishop died, the earldom was to revert to the king or his heirs. In fact, the earldom was resumed by the king in 1194, while Hugh de Puiset was still alive (36).

In most cases, the inheritance of earldoms was treated in exactly the same way as the fiefs held by the earls. There were, however, occasions when the two received different treatment, or when the existence of a comital title influenced the inheritance settlement. Robert earl of Leicester (d. 1168) probably acquired his earldom in order that the comital status of his father, Robert count of Meulan, should be fairly divided, as were the lands, between Robert earl of Leicester and his twin brother, Waleran count of Meulan (37). The same principle was followed when Saher de Quincy was made earl of Winchester, as well as succeeding to half the lands of his brother-in-law

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(34) Appendix I (c).
(35) Appendix I (f).
(36) G.V. Scammell, Hugh du Puiset, Bishop of Durham (Cambridge, 1956), PP.59-60.
(37) Regesta, ii, no.843.

Robert earl of Leicester (d. 1204), while Simon de Montfort, the son of the earl of Leicester's other sister, succeeded to the other half of the lands and the title earl of Leicester (38). Where a new earldom was not created, the indivisibility of a single comital title could have different consequences in a situation where the inheritance would normally be divided. Henry II and William earl of Gloucester (d. 1183) anticipated this problem in 1176. The king and earl agreed that the king's son, John, should marry Isabel, the earl's youngest daughter, and succeed to the earldom and almost the whole honour (39). When John and Isabel were divorced in 1199, John retained the lands, but allowed Amaury de Montfort, count of Evreux, to have the title earl of Gloucester. Amaury was the son of Mabel, one of William earl of Gloucester's three daughters. Amaury died 1210-13 without children and in 1214 Isabel was married to Geoffrey earl of Essex (d. 1216), who gained the lands until his death. Isabel, too, died in 1217, without children. William earl of Gloucester's third daughter, Amice, had married Richard earl of Hertford (d. 1217) and in 1217, Amice received the honour and the earldom on behalf of her son, Gilbert. It is interesting that, although the honour was kept undivided, all three daughters of William earl of Gloucester eventually enjoyed some share in the inheritance, though consecutively, rather than simultaneously (40).

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(38) CP, vii, pp.536-7; Cartae Antiquae Rolls 1-10, no.300.
(39) Gesta Henrici, i, pp.124-5: Diceto, i, p.415.
(40) Sanders, English Baronies, p.6.

In 1189, William Marshal married Isabel, the daughter and sole heiress of Richard earl of Pembroke (d. 1176). He received control of the honour at that date, but had to wait ten years before being formally girded earl of Pembroke. He was, however, known as earl before this (41). When Roger earl of Hereford died in 1155, his lands and offices passed to his brother, except for the earldom (42). Though Roger had made his peace with Henry II before his death, it was probably his recalcitrant behaviour, earlier in the year, over the control of royal castles, that prompted Henry II to resume the earldom. At the end of King Stephen's reign, there were two claimants to the earldom of Lincoln - William de Roumare (d. bef. 1161) and Gilbert de Gant (d. 1156). Henry II seems to have ignored both claims and did not allow the title to descend to the heirs of either claimant, presumably as one way of settling the dispute. Comital status could sometimes survive the loss of the earldom or countship that originated it. Simon de Senlis (d. 1184) was apparently recognised as 'comes,' even though his earldom had been given to Malcolm king of Scotland in 1157 (43).

It is clear that there was normally a special reason in cases where the earldom was treated differently from the honour, but apart from being slightly more prone to interference for political reasons, the departures from the normal were not greatly

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(41) Ibid., p.111; Hoveden, iv, p.90.
(42) Chronicles, iv, p.185.
(43) RBE, i, pp.381-4. Simon is styled 'comes' throughout his 'carta' in 1166.

different in type from those which occurred in the inheritance of lands. A particularly interesting dispute over inheritance, which involved both lands and an earldom, occurred in 1177. After the death in that year of Hugh earl of Norfolk, a dispute arose between Earl Hugh's son by his first marriage, Roger, and his son by his latest marriage, Hugh. The young Hugh, supported by his mother, Gundreda de Warenne, claimed the acquisitions made by Earl Hugh. Roger, understandably, claimed the whole inheritance. The dispute was brought before Henry II, who postponed the settlement by the profitable expedient of holding the disputed lands in his own hands for the rest of the reign(44). He also withheld the earldom from Roger, possibly on the pretext that the earldom, like the disputed lands, was an acquisition and not part of the patrimony. Roger eventually regained the lands and the earldom from Richard I in 1190 (45).

The men who composed the charters granting or confirming earldoms clearly believed that the office carried with it attributes common to all earls, or at least all 'non-marcher' earls. Although King Stephen's charter making Geoffrey de Mandeville (d. 1144) earl of Essex does not record any specific rights, it states that Geoffrey should hold the earldom 'sicut alii comites mei de terra mea melius vel liberius vel honorificentius tenent comitatus suos unde comites sunt cum omnibus

(44) Gesta Henrici, i, pp.143-4.
(45) PR 2 Rich. I, pp.91-2

dignitatibus et libertatibus et consuetudinibus cum quibus alii comites mei prefati dignius vel liberius tenent.' (46) Empress Matilda's charter confirming Geoffrey's earldom states that he should hold the earldom 'sicut aliquis comes terrae meae melius et quietius et liberius tenet ad modum comitis in omnibus rebus.' (47) Empress Matilda granted that Miles of Gloucester should hold the earldom of Hereford 'sicut unquam aliquis comes melius et honorabilius et quietius et liberius et plenarius tenet aliquod tenementum vel dominium de me in Anglia, vel unquam tenuit de aliquo antecessore meo.' (48) Her grant of an earldom to Aubrey de Vere ordered that he should hold his earldom 'cum omnibus rebus quo ad comitatum suum pertinent; ita bene et in pace et libere et quiete et honorifice et plenarie sicut unquam aliquis comes melius vel liberius tenuit vel tenet comitatum suum.' (49) It should be remembered that when this charter was issued, the particular earldom which Aubrey was to receive had yet to be definitely determined. Henry II's charter to Hugh Bigod making him earl of Norfolk stated that he should hold his earldom 'sicut aliquis comes Anglie melius vel liberius comitatum suum tenet.' (50) The corresponding clause concerning lands granted in the same charter

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(46) Regesta, iii, no.273.
(47) Ibid., no.274.
(48) Ibid., no.393.
(49) Ibid., no.634.
(50) Appendix I (d).

includes no such statement. This indicates that the 'sicut aliquis comes' clause was not just a meaningless formality. It applied specifically to the earldom and the rights and perquisites that went with it. Richard I's charter making Roger Bigod earl of Norfolk repeats these features (51). Henry II's charter granting the earldom of Essex to Geoffrey de Mandeville (d. 1166) states that he should hold the earldom 'sicut aliquis comes in Anglia vel Normannia .... tenet comitatum suum.' (52) The clause is almost exactly repeated later in the charter. The inclusion of Normandy in the clause is unique to this charter. If it is not a mistake, it is difficult to interpret its significance. Henry II's grant of the third penny of Oxfordshire to Aubrey de Vere orders that he should hold it 'sicut aliquis comitum Anglie liberius et quietius et horificentius habet.' (53)

With the exception of Richard I's grant of the earldom of Norfolk to Roger Bigod, which was very much modelled on Henry II's grant to Hugh Bigod, none of the later charters include a 'sicut aliquis comes' clause or an equivalent formula. It is true that most of these charters are strictly grants of the third penny of the shire, as a confirmation or definition of the earldom, rather than 'new' grants of earldoms. Henry II's charter to William earl of Arundel (d. 1176) was of this type and did not

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(51) Cartae Antiquae Rolls 11-20, no.554.
(52) Appendix I (b).
(53) Appendix I (e).

include any 'sicut aliquis comes' clause (54). Though a 'new' grant, Henry II's charter to Roger fitz Miles also included no 'sicut aliquis comes' clause (55). These qualifications make it difficult to place any significance on the apparent disappearance of the 'sicut aliquis comes' clause.

The 'marcher-type' earldoms must be examined as a separate group. The 'sicut aliquis comes' clause does not appear in the one extant charter granting a 'marcher-type' earldom, Richard I's charter granting the earldom of Northumberland to Hugh de Puiset. The 'sicut aliquis comes' clause cannot be taken to refer to the special rights conferred with a 'marcher-type' earldom. The charter to Hugh de Puiset gives us direct evidence of these special rights and deserves careful examination. The value of its evidence is not affected by the fact that the earldom was granted only for a life term, or that it did not even last that long.

Hugh de Puiset's earldom was not granted free, even after the sum paid to obtain the grant (56). He was to owe the king the service owed by previous earls of Northumbria (57). The charter does not specify this service, but it presumably included the traditional role of the earls of Northumbria as a defence against the Scots. It possibly included an obligation to provide a military contribution elsewhere, though it is impossible to know whether there was a fixed 'servitium debitum.' The general

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(54) Appendix I (a).
(55) Appendix I (c).
(56) He proffered 2000 marks for the earldom: PR 2 Rich. I, p.21.
(57) 'Reddendo nobis inde servicium, quod antecessores sui Norhumbriae Comites antecessoribus nostris regibus facere solent et debent:' Appendix I (f).

point, that a 'marcher-type' earldom would owe some kind of service, is important. The creation of 'marcher-type' earldoms is sometimes represented as a loss of royal power. However, although it placed a much greater importance on the personal loyalty of the holder, it was one system by which the king might choose to exploit the resources of his kingdom. It was a method of government, not an abdication of government.

Hugh de Puiset's charter contains a clause, which, in some ways, parallels the 'sicut aliquis comes' clause. His earldom was to be held, not as any earl held his earldom, but as the king had held the 'comitatus': 'sicut nos ipsi in propria manu nostra habebamus et tenebamus.' The charter then proceeds to elaborate on this position:

> 'in castellis et burgis et in portubus et dominicis maneriis, in stagnis et molendinis et piscariis, in pratis et pascuis, in terra cultis et incultis, in forestis et minariis argenti, plumbi et ferri, et in feodis et homagiis et serviciis, et in wardis et eschaetis baronum, militum, et theinorum et drengorum ad predictum comitatum, ubicunque sint in Anglie pertinentibus, et cum omnibus libertatibus et liberis consuetudinibus et placitis et querelis et omnibus aliis rebus ad coronam nostram pertinentibus.'

The document adds: 'Ita quod nullus ballivorum nostrorum inde se super ipsum vel ballivos suos intromittat.' (58) Though the detail of the document is complex, its total meaning is clear. All the king's rights in Northumberland, including the royal demesne and the rights over other landholders, were to be delegated to Hugh de Puiset. This corresponds with the picture of

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(58) Ibid.

other 'marcher-type' earldoms. According to Domesday Book, the earl of Chester received all the lands and rights of the king in Cheshire, except over the fief of the bishop of Chester (59). Had Hugh de Puiset not been bishop of Durham, Richard I's grant of the earldom of Northumberland might also have included such an exception. In Henry II's reign, the earl of Cornwall did not account to the exchequer for the county of Cornwall. This was also true of the earl of Pembroke, in respect of Pembrokeshire, though in Wales, all the 'marcher' lordships enjoyed this position.

The administrative and official position of the 'marcher-type' earls in their counties was simple. The earl was the sole intermediary between the king and the men or lands of the county. The shire court was the earl's court, the sheriff was the earl's sheriff, and the king's justice, in so far as it was administered, was administered through the earl. Every landholder of the county, except sometimes the local bishop, looked to the earl as his ultimate lord beneath the king. Any military or financial contribution to the king would be made through the earl.

Defining the administrative, official position of the 'non-marcher' earls is a more difficult problem. What common body of rights, duties and perquisites did they possess? What common features did the 'sicut aliquis comes' clauses represent? It was not the extent of the land or lordship held by a 'non-marcher'

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(59) Domesday Book, i, fo. 262v.

earl in his county that determined his official position. Whereas the 'marcher-type' earls all held an almost complete lordship over their counties, the extent of land and lordship held by the 'non-marcher' earls in their counties varied enormously. While many held substantial lands and lordship in their counties, the earls of Surrey had a relatively small holding in Surrey, the earls of Hertford only a single manor in Hertfordshire, and the first earl of Oxford no land at all in Oxfordshire (60). This is not to say that landholding and lordship had no importance for the position of a man in a county, but it was nothing to do with being a 'non-marcher' earl. It has been shown above that an earl might be given lands on his creation, but it was neither necessary, nor always done. To uncover the administrative and official position of the 'non-marcher' earl, and its development from Anglo-Saxon times to the early thirteenth century, it is necessary to examine several subjects: the role of the earl in the shire court; the relationship between the earl and the other shire officials; the third penny of the borough and the connection between earls and boroughs, and the third penny of the shire.

The best starting point for an examination of the role of the 'non-marcher' earl in the shire court is in the tenth century laws of King Edgar. Here it is specified that the shire court should be held twice a year and that the bishop and ealdorman

(60) For the holdings of the earls of Surrey, see VCH Surrey, i, p.340 & n3. The manor held by the earls of Hertford in Hertfordshire was Standon, brought to the Clares through the marriage of Richard fitz Count Gilbert (d. 'circa' 1090) to Rohese Giffard: Domesday Book, i, fo. 143r; M. Altschul, A Baronial Family in Medieval England: The Clares 1217-1314 (Baltimore, 1965), pp.18-19.

should direct the observance of both ecclesiastical and secular law (61). Cnut repeated the law, adding that the court *might* be held more frequently if necessary (62). As early as the year 825, in the reign of King Beornwulf of Mercia, an Ealdorman Eadwulf was involved in settling a dispute between the bishop of Worcester and the king's reeves in charge of the swineherds, at an assembly with the appearance of some sort of shire court (63). In Cnut's reign, at a shire court in Herefordshire, both the bishop and an Earl Ranig were recorded first among those present at the settlement of a dispute. The sheriff was also there. In this dispute, the bishop asked who was to answer on behalf of one of the claimants, but neither the earl nor the bishop seems to have been personally involved in the dispute (64). The bishop of Worcester and Earl Leofwine were present at a shire court of Worcestershire in Cnut's reign, where another dispute was settled. This time the bishop was involved in the case. The earl was named first among those who gave the judgement; the bishop was not in this list (65). In Edward the Confessor's reign, three more examples occur. In Herefordshire, a purchase of land was recognised by Earl Swegn, Bishop Aethelstan, Thurkil the White, Ulfketel the sheriff, all the thegns of Hereford and the monastic communities of St. Aethelbert's and St. Guthlac's(66).

(61) Die Gesetze der Angelsachsen, ed. F. Liebermann (Halle, 1903), i, pp.202-3.
(62) Ibid., pp.320-1.
(63) Anglo-Saxon Charters, ed. A.J. Robertson, 2nd edn. (Cambridge, 1956), no.5.
(64) Ibid., no.78.
(65) Ibid., no.83.
(66) Ibid., no.99.

This assembly looks very much like a shire court. A dispute between the monastery at Sherborne, supported by the bishop of Dorchester, and a certain Care, son of Toki, was settled before Earl Godwin (of Wessex) and the whole shire, together with another bishop and two local abbots (67). An agreement concerning land donated to the Old Minister at Winchester was witnessed by Bishop Stigand, Earl Harold, the community of the Old Minister, Abbot Aelfwine and the community at the New Minster, Lyfing the Staller, Raulf the Staller, Esgar the Staller, Eadsige the sheriff, Wulfric of Warnford, Aelfwine, Aelfweard, Cupping and all the thegns in Hampshire (68). This list surely represents a shire court, headed by bishop and earl. There were occasions when shire courts met without an earl. Though it is difficult to be sure of the reasons, we have seen how involvement in a dispute could disqualify one of the presiding officers. Also, some shires were without earls, sometimes for long periods, and, despite the laws of Edgar and Cnut, it could not have been always possible for an earl, perhaps on royal business elsewhere, to attend.

The picture of the composition of the shire court presented by the above examples is confirmed by the evidence of the address clauses of Anglo-Saxon royal writs. The majority of these writs are addressed "to the officers and suitors of shire courts, and

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(67) Ibid., no.105.
(68) Ibid., no.114.

other courts, at a meeting of which it was intended that the king's writ should be read." (69) The address of writs to the shire court almost always included the bishop or archbishop, though not in cases involving the bishop personally. Occasionally, an abbot was included. The earl or ealdorman was usually included, and sometimes, where he was absent, there were particular circumstances, such as the interval between the death or removal of an earl and the appointment of his replacement. The sheriff was frequently, though not always, included. Other men could be mentioned by name: sometimes royal stallers; sometimes local notables; royal reeves, or persons involved in the subject of the writ (70). It seems probable that where a royal staller was named, he was sometimes there as a special representative of the king. The three stallers present at the agreement, cited above, concerning land donated to the Old Minster, Winchester, must surely have been there on the king's behalf. In the dispute at the shire court of Herefordshire, in Cnut's reign, Tofi the Proud was named as one of those present. He was an important royal servant, possibly a staller, and appeared in this case as the king's messenger. Another of those named in this dispute was Thurkil the White, an important local landowner. One of the parties in the dispute was a kinswoman of his wife, who was summoned to the court during the meeting. Thurkil's wife was granted the land in dispute by her kinswoman

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(69) Florence E. Harmer, Anglo-Saxon Writs (Manchester, 1952), pp.45-6.
(70) Ibid., pp.47-52.

and Thurkil persuaded the thegns in the court to accept this (71). If we possessed a writ to this court, ordering it to deal with this dispute, we would not be surprised if such a writ were to include both Tofi the Proud and Thurkil the White in the address, as well as the bishop, earl and sheriff, who were also present.

The last section of the address of royal writs to the shire court usually concerned the thegns of the shire. These were the ordinary suitors to the court and probably the most important part of the court. Although they would undoubtedly be influenced by the officers of the court, by the persons involved in the dispute and by the king or his representatives, Thurkil the White asked the thegns of Herefordshire to accept the grant made to his wife, he did not ask the earl, the bishop, or the sheriff (72).

To put the earl's position in the shire court into perspective, it is necessary to look at the functions of the shire court in the Anglo-Saxon kingdom. One important function was the settlement of disputes over lands and rights. These disputes could be referred by royal writ to the shire court for settlement (73). The other principal function of the shire court was to receive and publicise the notification of royal decisions or

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(71) Robertson, Anglo-Saxon Charters, no.78 & p.400.
(72) Ibid.
(73) Two writs with this purpose are referred to and partly copied in documents recording the settlement of two disputes in Aethelred II's reign: Ibid., nos.66,69.

grants by royal writ. Most of the extant royal writs are notifications of this kind. In these cases, the writ would be given to the beneficiary of the royal decision or grant, who would then present it to be read in the shire court (74). The shire court was an extremely important institution - the principal centre of local decision-making and the medium through which the king communicated with the localities. The earl and the bishop were the chief presiding officers of this important institution. Yet although this position undoubtedly gave opportunities to protect and advance their own interests, neither the earl nor the bishop appears to have dominated the court. Too close a personal involvement in a dispute might even disqualify an earl or bishop from his presiding role. It is far from clear that the presiding officers could easily alter the course of customary law.

The Norman Conquest had profound consequences for the role of the earl in the shire court, though these consequences were neither all immediate nor evenly spread. Even before the Conquest, not all shires had always had an earl. In 1066, Harold's accession to the throne left the shires of Wessex without an earl. Though the death of Earls Gyrth and Leofwine deprived the kingdom of two more earls, the appointment of William fitz Osbern as earl in Herefordshire, Worcestershire and Gloucestershire, of Odo bishop of Bayeux as earl in Kent, and of

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(74) Harmer, Anglo-Saxon Writs, pp.55-7.

Ralph de Gael as earl in East Anglia, partially halted the retreat of the earldom cover of English shires. The end of the Mercian earldom was more decisive, especially as it was soon followed by the end of the earldoms of Herefordshire/Worcestershire/Gloucestershire and of East Anglia, and the detachment of Yorkshire from the earldom of Northumbria. The creation of the earldoms of Chester and Shrewsbury did little to offset this process. All the creations of earldoms in William II's and Henry I's reign still left most counties without an earl. It was only in King Stephen's reign that the majority of counties again had an earldom. Under the pressure of the reduction of the number of shires with an earldom, it would hardly have been surprising if the structure of the Anglo-Saxon court had crumbled. However, although forced to adapt to these changes, the shire court only changed gradually.

The functions of the shire court after the Conquest remained at first little changed. It was still involved in the settlement of disputes over lands and rights, even important cases such as the claims of Lanfranc archbishop of Canterbury against the encroachments of Odo, bishop of Bayeux and earl of Kent. This case was heard by the shire court of Kent held at Penenden Heath (75). Just as in Anglo-Saxon times, the king could refer a dispute or claim to the shire court, ordering the

(75) J. Le Patourel, 'The Reports of the Trial on Penenden Heath,' in Studies in Medieval History presented to F.M. Powicke, ed. R.W. Hunt and others (Oxford, 1948), 15-26. Odo seems to have inherited most of his encroachments from Earl Godwin: P.R. Bates, 'The Land Pleas of William I's Reign: Penenden Heath Revisited,' Bulletin of the Institute of Historical Research, li (1978), 14-19.

court to meet by royal writ. The most common function remained the publicising and implementation of royal grants, confirmations and decisions.

While the composition of the shire court had to change in the shires that had lost their earls, little seems to have changed in those shires that still had 'non-marcher' earls. A writ, dateable to the years 1066-8, was addressed by William I to Leofwine bishop of Lichfield, Edwin earl of Mercia and all the thegns of Staffordshire. The writ notified them of a grant to Westminster Abbey. It is notable that the executive part of the writ did not concern the addressees. Aegelwy abbot of Evesham, acting as some kind of special royal representative in the area, and Thurkill the sheriff were to protect the land for the abbey (76). The writ could just as well have been read in a shire court of Edward the Confessor's reign. In East Anglia, three notifications of grants to the abbey of St. Edmund, Bury, possess addresses with writs to the shire court. Two of these have the address: Aegelmar bishop of Elmham; Earl Ralph, and the thegns of Norfolk and Suffolk. The third is addressed to Aegelmar bishop of Elmham, Earl Ralph, Northman the sheriff of Suffolk and the thegns of Suffolk (77). In Kent, William II addressed a writ to Lanfranc archbishop of Canterbury, Odo bishop of Bayeux (earl of Kent), Haimo Dapifer the sheriff of Kent and

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(76) Regesta, i, no.35. For another writ addressed to Abbot Aegelwy in an administrative capacity, see Ibid., no.63.
(77) Ibid., nos.40,42,41.

all the king's lieges of Kent. This writ notified a grant to St. Augustine's Canterbury (78). Two further writs concern Earl William fitz Osbern. The first, notifying of a grant to Westminster Abbey, is addressed to Aldred archbishop of York, Wulfstan bishop of Worcester, Earl William and the thegns of Gloucestershire and Worcestershire. The second, notifying of a grant to Gloucester Abbey, is addressed to Wulfstan bishop of Worcester, Earl William and all the king's barons and officials of Gloucestershire and Worcestershire (79). Note that Herefordshire appears in neither (80).

All the above writs to the shire court show the earl and bishop in their traditional position as the two leading officers of the shire court. However, as in the period before the Conquest, there were occasions when one or both of these officers were not included in the address of writs. An example of this occurred when William I made a grant to Lanfranc archbishop of Canterbury. The writ was addressed to Odo bishop of Bayeux, as earl of Kent, Haimo the sheriff and the king's lieges of Kent (81). Three writs to the shire court of Kent, all confirming grants made by Odo, bishop of Bayeux and earl of Kent, do not include Odo in the address (82). As before the Conquest, an earl or bishop involved in the subject of a writ, was not included in the address. He could only preside in the shire court when not personally involved.

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(78) Ibid., no.304.
(79) Ibid., nos.32,36
(80) See Chapter One, note 78.
(81) Regesta, i, no.176.
(82) Ibid., nos.66, 100, 102.

In the writs to the shire court without Odo in the address, individuals other than the usual officials appear in the addresses: Richard son of Count Gilbert; H. the sheriff (not of Kent), and Hugh de Montfort. Such individuals did appear fairly frequently before the Conquest, but in early Norman Kent it is notable that they only appear in the absence of the earl, as if the absence of the earl encouraged the naming of other important men of the county. This practice was to become particularly important in Henry I's reign. Where there was no earl in a county, he could not, of course be included in the address of a writ to the shire court. An interesting example of the kind of address this situation could produce is contained in a writ of William II to the joint shire courts of Nottinghamshire and Derbyshire. The writ concerned a grant of churches and chapels to the see of Lincoln. It was addressed to Thomas archbishop of York, Robert bishop of Chester, Earl Roger (of Shrewsbury), E(arnwig) the sheriff, Henry de Ferrers, William Peverel and the king's lieges of Nottinghamshire and Derbyshire (83). Nottinghamshire was in the diocese of York and Derbyshire in the diocese of Chester. The sheriff was probably sheriff of both counties. Henry de Ferrers was the most important landowner in Derbyshire. William Peverel was the most important landowner in Nottinghamshire. Earl Roger was probably there as a royal representative. It may have been thought

(83) Regesta, i, no.337.

desirable to have an earl present, though not a local earl, particularly at a meeting of a shire court for two counties. This was one attempt to manage without a local earl.

Earls, together with other important royal servants such as Archbishop Lanfranc, Remigius bishop of Lincoln, Geoffrey bishop of Coutances and Robert count of Mortain, were addressed in shire courts, other than in their own counties, as royal representatives sometimes as regents in the king's absence from England and sometimes simply because it was appropriate that they should be included in the address (84). These writs, where the earl was addressed other than in his 'ex officio' role in his own shire court, were more common after 1066 than before. This partly reflected the disappearance of the wide-ranging earldoms of the Confessor's day, which left a vacuum of established local representatives of sufficient status. It also reflects the fact that men like Odo bishop of Bayeux, William fitz Osbern and Roger de Montgomery were true 'comites,' companions of the king, whose new local offices were less important than their link with the king.

In many respects, the position and functions of the shire courts remained the same during the reign of Henry I. Henry I issued a writ to the shire court of Worcestershire, ordering that the shire and hundred courts should be held as in the days of Edward the Confessor (85). Nevertheless, there were important

(84) Ibid., nos.53, 57, 66, 43, 106, 160, 179, 185, 337, 343, 352. Odo bishop of Bayeux and earl of Kent, and William fitz Osbern, issued writs as regents for the king: Ibid., nos.7, 186.
(85) Regesta, ii, no.892.

developments during Henry I's reign. The reign saw the first extensive use of justices sent from the royal 'curia' to try pleas of the crown. Some of these justices were itinerant, others seem to have held a position in a particular locality (86). Though it was not new for people to be sent to protect and further the interests of the king, the more regular use of itinerant or local justices signalled the beginning of the decline of the shire court's independent importance. The grouping of several counties under one sheriff or set of joint-sheriffs reinforced the central control over shire courts. Hugh de Buckland held as many as eight counties in the early years of the reign. Later, Richard Basset and Aubrey de Vere jointly held eleven counties (87). The sheriff had always been a royal official, but with these multiple sheriffdoms, he ceased to be a local royal official and became a representative of the court and household of the king. Another symptom of the greater central control appears in the form of addresses of writs. More frequently than before, writs were addressed only to the officers of the shire, whether with or without an earl, and did not include the suitors of the shire court, especially where the writ

(86) Ibid., p.xix; W.A. Morris, The Medieval English Sheriff (Manchester, 1927), pp.100-2. For a local justice in Devon and Cornwall, see Regesta, ii, no.1068. For Roger bishop of Salisbury and Alured of Lincoln, acting as royal justices with respect to the lands of the abbey of Abbotsbury in Dorset, see Ibid., no.754. For the bishop of Lincoln as local justice in Lincolnshire in Henry I's reign and King Stephen's reign, see Regesta, iii, no.490.

(87) Morris, Medieval English Sheriff, pp.77, 86.

concerned the collection of royal revenue (88). Writs addressed only to the officers of the shire became even more common in King Stephen's reign.

In spite of these changes, the role of the relatively few earls of Henry I's reign in the shire courts appears to have changed little. Where writs to the shire court of a county with an earl survive in any number, the earl is included in the addresses of some. There are examples for Robert earl of Gloucester in Gloucestershire, Earl Simon de Senlis in Northamptonshire and Huntingdonshire, Earl David in Huntingdonshire and perhaps Northamptonshire, William earl of Surrey in Surrey, and for Henry and Roger earls of Warwick in Warwickshire (89). There are no extant writs to the shire courts of Leicestershire and Buckinghamshire. The earls were not always included. This inconsistency is not easy to explain with confidence. The earls may not always have taken up their role in the shire court. Many of the earls had lands and responsibilities in Normandy.

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(88) e.g. a writ addressed solely to the sheriff of Worcestershire, quitting the salt of the monks of Abingdon of all toll and custom: Regesta, ii, no.566. The administration of justice seems to have attracted this kind of writ. A writ addressed to Henry earl of Warwick and William the sheriff of Warwickshire directed a case to the court of the abbot of Abingdon, rather than to the shire court: Ibid., no.654.

(89) Ibid., nos.1657 (Gloucester); 732, 743, 744, 770, 929 (Northamptonshire-Earl Simon); 966-7 (Huntingdonshire-Earl Simon); 1064, 1359 (Huntingdonshire-Earl David); 1317 (Northamptonshire-Earl David - addressed to Robert bishop of Lincoln, Earl David, and all the king's barons and lieges, concerning grants by Earl Simon to St. Andrew's Northampton); 639 (Surrey); 1044, 1151, 1415, 1445, 1446, 1845, 1052 (Warwick).

In the case of David earl of Huntingdon, his Scottish commitments must have taken him far away from his earldom at times, particularly after 1124, when he became king of Scotland. However, the number of writs including the earl are numerous enough to confirm that the earl's role in the shire court was still accepted and the fact that the earl was sometimes omitted argues against the likelihood that the earl's inclusion was purely formal.

The addresses of writs to shire courts in counties without an earl confirm the need for an important lay landholder to have a leading role in the court. The appearance in the addresses of writs to shire courts of Ranulf Meschin in Lincolnshire, William Peverel in Nottinghamshire, Robert de Ferrers in Derbyshire, Robert de Lacy in Yorkshire, Guy de Balliol in Northumberland, Richard de Redvers in Devon and the Isle of Wight and Gilbert de Clare in Kent suggests that these men were taking the place of the earl, no longer present in these shires (90). The need for a man of great landed status in the shire court would have been made greater by the tendency to appoint sheriffs of lesser landed status in Henry I's reign. It is misleading to describe these men as local justices (91). These men were not primarily representatives of the royal court. They were major tenants-in-chief, addressed in shires where they

(90) Ibid., p.xviii.
(91) Ibid.

held extensive lands. In King Stephen's reign, some of these men would take on the title, earl, as well.

In spite of, or perhaps partly because of, the special problems for royal authority in King Stephen's reign, central control and direction of the shire courts continued to increase. Royal justices, itinerant or local, continued to play an important role in the king's contact with the localities. Richard de Lucy as Stephen's local justice in London and Essex actually headed the addresses of several royal writs (92). Geoffrey earl of Essex (d. 1144) was justice and sheriff of London, Middlesex, Essex and Hertfordshire before his arrest and revolt in 1143 (93). Robert de Chesney, bishop of Lincoln, was granted the king's 'justitiam .... de Lincolnie et Lincolnescira.' This had been held by the previous bishops of Lincoln, Robert Bloet and Alexander, though Alexander had lost it after his arrest in 1139. The document by which this was granted is interesting because it suggests that the justice would use his own subordinates and summon his own court, enforcing its judgements through his own authority. The justice's court's business would be crown pleas (94). The lack of a pipe roll for King Stephen's reign makes it more difficult to discover the extent of the use of itinerant justices. Often it is difficult to distinguish between an itinerant justice, a justice sent to hear a particular plea, or a local justice. William Martel attended

(92) Regesta, iii, nos.534, 546-50, 552, 559.
(93) Ibid., nos.274-6.
(94) Ibid., no.490.

a joint shire court of Norfolk and Suffolk as a royal justice (95). He was ordered to judge a dispute between the abbots of Chertsey and Westminster over danegeld (96). Together with Aubrey de Vere, William heard a case in Huntingdonshire (97). Robert fitz Walter visited Suffolk as a justice, or was a local justice there (98). He certainly seems to have been hearing pleas with Adam de Beaunay in the area where the abbey of St. Edmund had lands (99). Adam de Beaunay, with Henry de Essex, was involved in pleas concerning assarts in Essex. (100) More writs to the officials of the shires, or to the shire courts, included clauses in the form: 'Et nisi feceris .... X .... faciat fieri.' 'X' could be a royal justice or any other special representative of the king (101). The king was authorising particular individuals to oversee the actions of his normal shire officers. The shire court's function in settling disputes or in making inquiries was changing. Specific juries, rather than the whole shire court, selected by the king's officers, were increasingly used in disputes and inquiries (102).

At first sight, the number and nature of royal writs including earls in the address in King Stephen's reign seems similar to that in Henry I's reign. However, as the number of earldoms more than doubled in King Stephen's reign, this alone would make the apparent similarity between the two reigns mis-

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(95) The Pinchbeck Register, ed. Lord Francis Hervey (Oxford, 1925), ii, pp.297-9; of H. Cam, 'An East-Anglian Shire Moot of Stephen's Reign 1148-53,' EHR, xxxix (1924), 569-71.
(96) Regesta, iii, no.934.
(97) Ibid., no.883.
(98) Pinchbeck Register, pp.297-9; Cam, 'An East-Anglian Shire Moot,' 569-71.
(99) Regesta, iii, no.752.
(100) Ibid., no.318.
(101) Ibid., p.xxvi & no. 143.
(102) e.g. Ibid., nos.382, 546.

leading. Even more important is the difference in number of writs to the full shire court, including the earl in the address. In King Stephen's reign, there are only six of these extant (103). To these one could add the equivalent type of writ to the borough or city court, of which there are two (104). The number of writs in Henry I's reign, comparable to these two types, is nineteen(105). There is no shortage in King Stephen's reign of writs to the full shire court, if one includes writs without the earl in the address, but writs of other kinds become proportionally more numerous. The addresses of writs are more varied than before, as can be seen from the writs with earls in the address, but not to the shire court.

The biggest group of these writs consists of those addressed to the officials of the shire, including the earl, but without the suitors of the shire court. A writ ordering the protection of the rights of Thorney Abbey's market and wharf at Yaxley (Hunts.) was addressed to Earl Simon, the justice, the sheriff and the officers of Huntingdonshire (106). A writ notifying of a grant by Alan de Craon to William fitz Roger was addressed to Gilbert earl of Lincoln (107). A writ to an earl as an officer

(103) Ibid., nos.101, 597, 611, 657, 688, 991.
(104) Ibid., nos.210, 533. One writ, including William earl of York in the address, is to the court of the city of York and the court of Yorkshire: Ibid., no.991.
(105) See above, note 89.
(106) Regesta, iii, no.884.
(107) Ibid., no.414.

of the shire, with the earl alone in the address, was unusual and there may have been some personal connection between Earl Gilbert and the grant. Duke Henry addressed William bishop of Norwich and Hugh earl of Norfolk in a writ ordering that Gloucester Abbey should have all its possessions in Norfolk (108). When this writ was issued, Earl Hugh was probably sheriff of the county as well (109). King Stephen addressed a writ to Earl Alan (of Richmond) and the king's officers, ordering that Bridlington Priory be reseised of the church of East Cowton (N. Yorks.) (110). In Richmondshire, the officers would be the subordinates of the earl. Empress Matilda addressed a writ to the bishop of Bath, Earl William (of Somerset), the sheriff, the forester and the officers of Somerset, notifying them of a grant to the church of Frome (111). King Stephen addressed a writ to Roger earl of Warwick and the king's officers, ordering that Reading Abbey's land at Rowington (Warws.) should be quit of danegeld (112). King Stephen notified a grant to Worcester Abbey to Waleran count of Meulan, Philip de Belmeis and the officers of Worcestershire and Staffordshire (113). Waleran is addressed here as earl of Worcester. Another writ, ordering that the bishop of Worcester should return land at Bedwardine (Worcs.)

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(108) Ibid., no.364.
(109) He was sheriff of Norfolk and Suffolk at the beginning of Henry II's reign: RBE, ii, p.651.
(110) Regesta, iii, no.122.
(111) Ibid., no.190.
(112) Ibid., no.689.
(113) Ibid., no.966.

to Worcester Abbey, is addressed to the count of Meulan (as earl) and the officers of Worcestershire (114). A writ, issued by King Stephen, ordering that Bridlington Priory should hold the port of Bridlington in peace, is addressed to the earl of York (William count of Aumale) and the king's officers (115). A notification by King Stephen of a grant of estovers in the forest of Yorkshire to St. Peter's Hospital, York, is addressed to William count of Aumale (as earl of York) and all the foresters of Yorkshire (116). These writs clearly show that the earl was regarded as the chief lay officer of the shire, but cannot tell us how far this position was formal or practical. The crux of this question lies in the relationship between the earl and the other officers of the shire, which will be dealt with below.

Writs were sometimes addressed to earls in official capacities unconnected with their earldom. King Stephen, granting freedom from toll and passage to Glastonbury Abbey, addressed his writ to William earl of Gloucester, the men of Bristol and the officers of all England (117). Earl William is addressed here, not as earl, but as custodian and lord of Bristol. Similarly, Empress Matilda addressed a writ to Miles earl of Hereford and the reeves of Gloucester, notifying them of a grant to Ralph fitz Picard (118). Earl Miles is addressed, not as earl,

(114) Ibid., no.967.
(115) Ibid., no.124.
(116) Ibid., no.992.
(117) Regesta, iii, no.344.
(118) Ibid., no.316a.

but as constable of Gloucester castle. Apart from writs to earls in official capacities, earls, like any other tenant-in-chief, could be addressed in writs concerning their own fiefs(119).

The shire court seems to have continued to diminish in importance during King Stephen's reign. The traditional role of the earl seems to have continued, but is less marked than in previous reigns. This is not to say that the official role of the earl in his shire diminished during King Stephen's reign, but that the shire court was a less important element in that official role than other factors, particularly the relationship between the earl and the other officials of the shire.

In the England of Edward the Confessor, the shire court was both the chief medium for contact between the king and the localities, and the principal local court. Its role in receiving and publicising royal writs continued under Henry II, though writs directed to a particular county became less frequent in favour of general notifications. In its role as a court, the shire court was very firmly consigned to a subsidiary, minor role by the legal developments under the early Angevin kings. Of crimes punishable by loss of life or limb, only theft was tried before the county court. Small disturbances and breaches of the peace, and the outlawing of fugitives, could still be dealt with by the shire, together with some cases for

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(119) Ibid., nos.411, 671, 692.

trial by dual. Recognitions by jury could still be held in the court. Even on this minor level, the shire court was firmly subject to supervision and correction. A county could be amerced 'pro falso judicio.' The shire court often continued to play a part in higher legal cases, but only as a tool of the royal justices or as an initial processor for a case on its way to the justices or the king's court. As the regularity of judicial eyres increased, so did the subjection of the shire court to the direction of royal justices (120).

In Henry II's reign, the earl, as an official of the shire, almost disappears from the addresses of royal writs, either to the shire court or to the officers of the shire. Even the exceptions to this have special explanations behind them. One writ of Henry II, addressed to William earl of Northumberland (the future William king of Scotland), the barons, sheriffs and faithful men of Northumberland, notifies them of a grant to a certain Jacob fitz Gilbert (121). As the king held no land or direct lordship in Northumberland, it seems probable that the land granted, the wood of 'Harewuda,' was outside of Northumberland (122). Jacob fitz Gilbert is described as 'de Novo Castello' (Newcastle upon Tyne). The writ is therefore informing the 'marcher-type' earl of Northumberland of a grant of land outside the earl's lordship to a man who was almost certainly the

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(120) Morris, Medieval English Sheriff, pp.120-2.
(121) Delisle, 'Notes sur les Chartes de Henri II,' 277.
(122) Jacob or James was the holder of the barony of Bolam in Northumberland: Sanders, English Baronies, p.17. It is probable that 'Harewuda' was Harewood in the West Riding of Yorkshire. It was a member of the honour of Skipton, which had passed to Alice de Rumilly, whose first husband was William fitz Duncan, grandson of King Duncan II of Scotland: Ibid., p.142; EYC, iii, no.1862.

earl's vassal. The only other writ where an earl is addressed apparently as an officer of the shire is a writ addressed to the sheriffs and officers in the bailiwicks where Romsey Abbey had lands, and namely to Earl Patrick and the officers of Wiltshire (123). Earl Patrick, however, was sheriff of Wiltshire and is almost certainly addressed in this capacity, not as earl (124). Roger earl of Hereford, as sheriff of Gloucestershire, wrote a letter to Henry II, reporting the verdict of a hundred on a claim made by the abbot of Gloucester. He suggested that, if this verdict was not sufficient, the plea should be held before the king's justices and the matter inquired 'per comitatum.' (125).

Unless an earl was sheriff of a county, the practical connection between the earl and the shire court had disappeared by the reign of Henry II. A role which had been one of the most important elements of the Anglo-Saxon earldom had gone. It had not been a sudden end. The link had never quite recovered from the end of the great Anglo-Saxon earldoms, and the developments of Henry I's reign and Stephen's reign, by beginning to diminish the importance of the shire court, had made the earl's role there less important. At the beginning of his reign, Henry II was determined to restore royal control over the localities, but if he would not encourage an active role for the earl in the shire court, there was little in the shire court of Henry II's

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(123) Calendar of the Charter Rolls (P.R.O., 1906), ii, p.104.
(124) List of Sheriffs, p.152.
(125) Historia et Cartularium Monasterii Sancti Petri Gloucestriae, ed. W.H. Hart, R.S. 33 (London, 1865), ii,p.98.

reign to make an active role in the shire court desirable to the earl. The earl's role, even at its height, had been an onerous duty, with limited advantages apart from the prestige. By Henry II's reign, there was little prestige to be gained in the shire court.

The earl's relationship with other shire officials, particularly the sheriff, was crucial in determining the extent of the earl's local, official power. An earl who developed a measure of control over the sheriff and the other officials could give himself some power over the whole county: his own fief; the royal demesne, and the fiefs of other tenants-in-chief. Without power over the other officials, the earl had very little practical official power in the shire.

In Edward the Confessor's reign, the sheriff was in an ambiguous position. The office of sheriff had developed from the many varieties of king's reeve, whose principal duty was to administer the king's demesne and rights. The sheriff also came to act as the ealdorman's or earl's deputy in judicial, police and military duties. The sheriff was therefore directly responsible to the king for the administration of royal lands and rights, but the earl's deputy in other respects (126). The military role of the earl, as the leader of the fyrd from the shires of his earldom, was an important element in his official

(126) Morris, Medieval English Sheriff, p.37.

position. The sheriff was associated with smaller forces, perhaps of a single shire, as the earl's deputy, though both earl and sheriff led their forces on the king's behalf (127). The Norman Conquest and the changes in military organisation that followed it altered this position significantly. Not only did the fyrd become gradually much less important, and eventually insignificant, but no sustained connection developed between the Norman earls and the fyrd. The shire only remained a unit of military organisation as a logistical support for the shire's principal castles, and where, in 'marcher-type' earldoms, the feudal structure coincided with the shire's boundaries. Except in 'marcher-type' earldoms, the sheriff ceased to be the earl's military deputy. Both earls and sheriffs became custodians of royal castles, but there was no question of anything other than direct responsibility to the king. Earls remained important military leaders, but this had nothing to do with the shire. There was no longer a specific relationship between the earl and sheriff in military affairs.

The Norman Conquest brought changes to other aspects of the sheriff's position in relation to the earl. With the end of the large Anglo-Saxon earldoms, the sheriff was left as the leading royal official in most shires. Sheriffs under the first two Norman kings were often chosen from among substantial tenants-in-

(127) C. Warren Hollister, Anglo-Saxon Military Institutions (Oxford, 1962), pp.93-4. In 1051, it was difficult for Earl Godwin to retain his levies in opposition to the king: Two of the Saxon Chronicles Parallel, ed. C. Plummer (Oxford, 1899), ('E') s.a. 1048.

chief. Without an earl, the sheriff needed more local power of his own. As opposed to where the sheriff functioned without an earl, in the 'marcher-type' earldoms the sheriff became completely the earl's subordinate. The conclusions must be tentative on the sheriff's position in the counties which continued to have a 'non-marcher' earldom. These counties were few in number and the evidence is scarce. There is no evidence that the position of sheriffs in these counties changed much in their relationship with the earls, though they did share in the general rise in the landed status of sheriffs. Thurkill the sheriff of Staffordshire seems to have been responsible to the king for grants made from royal lands. Earl Edwin only appeared as the first lay official in the address of the king's notification of the grant to the shire court (128). While it was difficult for the new sheriffs to escape some tenurial connection with the earls, it does not seem to have made them unduly dependent on the earls. Roger earl of Hereford had trouble with unspecified sheriffs before his revolt of 1075 (129). In Kent, the sheriff for most of the period of Odo bishop of Bayeux's earldom was Hamo Dapifer (130). Hamo did have a substantial holding from Odo, but had other lands from the king and others (131). Two interesting writs issued by Odo survive. The writs were notifications of grants by Odo to St. Augustine's and

(128) Regesta, i, no.25.
(129) Ibid., no.78.
(130) Morris, Medieval English Sheriff, p.46 n47.
(131) In Kent, for example, Hamo held lands in chief worth £42 6s 6d, lands from the bishop of Bayeux worth £48 5s, and lands from the archbishop of Canterbury worth £22: Domesday Book, i, fos. 3v, 4r, 6v, 7r, 9v, 14r.

Christchurch, Canterbury, both probably issued around 1077. The first grant was addressed to Archbishop Lanfranc, Hamo the sheriff and the rest of the king's lieges (132). The second was addressed to Archbishop Lanfranc and Hamo the sheriff (133). Three factors should be considered in assessing these writs. Firstly, the writs were simply notifications with no executive sense. Secondly, the subject of the writs was of a rather special nature. Among the rights in Fordwich and Sandwich granted to St. Augustine's and Christchurch was the earl's third penny of the boroughs, that is a share of the royal income which would normally be collected by the sheriff. Thirdly, the special status of Odo himself should be considered. Not only was he the king's half-brother, but he was also one of the few men who acted as a regent in the king's absences from England. In 1077, King William seems to have been outside England for the whole year (134). The king's absence seems the most likely reason for these writs, but in any case, it is very doubtful that these writs represent any special authority of the earl over the sheriff. There are no other extant writs which at all resemble these writs until the reign of King Stephen, when they had a rather different explanation.

If, during Henry I's reign, the social standing of sheriffs was generally lower than under either William I or William II, it was to the king and his justices, and not to the earl, that the

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(132) Regesta, i, no.99.
(133) Ibid., no.101.
(134) Ibid., pp.xxi-xxii.

sheriffs lost some of their independent power. The most impressive display of this was the admittedly exceptional situation in the exchequer year 1129-30. Of the counties with 'non-marcher' earls, all except Gloucestershire and Warwickshire had Aubrey de Vere and Richard Basset as joint sheriffs (135). Though Aubrey de Vere was an important landowner, his sheriffdoms were based on his close connection with the king, not on his landholdings. Richard Basset, too, was a man of the royal 'familia.' (136) In Gloucestershire, Walter of Gloucester, son of the first known Norman sheriff of the county, held what already amounted to a hereditary sheriffdom (137) Walter was not at all dependent on the new earl of Gloucester, Henry I's illegitimate son, Robert. In Warwickshire, in 1129-30, Geoffrey de Clinton was sheriff. He had been sheriff since ca. 1123 and was to remain so, despite a charge of treason in 1130, until the end of the reign (138). Geoffrey, like Aubrey de Vere and Richard Basset, was a noted royal servant and was a royal chamberlain (139). The men who appear as justices during the reign - Geoffrey Ridel, Geoffrey de Clinton and Ralph Basset - were more closely tied to the king than to any local magnate, including earls (140). There was one possible exception to this royal dominance over the

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(135) Morris, Medieval English Sheriff, p.86.
(136) Aubrey's close links with the king were confirmed by his appointment as chamberlain in 1133: Regesta, ii, p.xiii; no.1777; Morris, Medieval English Sheriff, pp.86-7.
(137) Ibid., p.60 & n62.
(138) Ibid., p.86n100.
(139) Regesta, ii, p.xiii.
(140) Ibid., pp.xviii-xix.

offices of sheriff and justice, in 1129-30. Hugh of Leicester, also known as Hugh de Warelville, was sheriff of Leicestershire from ca. 1106 to Michaelmas 1129, sheriff of Warwickshire from ca. 1108 to 1123 and sheriff of Northamptonshire from before 1109 to Easter 1130. He had also been, at some time, sheriff of Lincolnshire, and in 1129-30 also held Sussex. (141) Such a collection of counties could not have been gained without considerable royal favour, yet his initial emergence may have been due to local factors. His origin is uncertain, but he was later the seneschal of Matilda de Senlis, daughter of Simon earl of Northampton (d. ca. 1111) (142). This connection with the Senlis family may also help to explain Hugh's sheriffdom of Leicestershire. Simon de Senlis (d. 1153), the son of the above Earl Simon, married Elizabeth daughter of Robert earl of Leicester (d. 1168). While this marriage was probably not arranged before King Stephen's reign, the connection between the two families could have preceded the marriage (143). At the beginning of Henry I's reign, Ivo de Grandmesnil, son of the Domesday sheriff of Leicestershire, was probably sheriff of Leicestershire (144). The power of Robert count of Meulan and his son Robert earl of Leicester in Leicestershire largely resulted from the acquisition of the Grandmesnil lands in the

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(141) Morris, Medieval English Sheriff, pp.78, 81.
(142) Ibid., p.78.
(143) CP, vi, p.643.
(144) Morris, Medieval English Sheriff, p.76.

county and city. As Robert count of Meulan was in the highest royal favour and had acquired the lands of the former sheriff of the county, it is hard to see the appointment of a new sheriff without some reference to the interests of the count (145). The fact that Hugh of Leicester was made sheriff of Warwickshire, another Beaumont earldom, strengthens the impression that he rose to his position in the Midlands counties through the favour of the Beaumont and Senlis families. The king evidently approved of their candidate.

King Stephen's reign was notable for a significant strengthening of the links between the office of earl and other local offices, particularly the sheriffdom, in many, though not all, counties. Sheriffs, members of shrieval families, or others previously connected with shire administration, gained the office of earl; earls acquired the office, or gained control over the office, of sheriff and sometimes local justice. Miles of Gloucester, the son of Walter of Gloucester and his successor in the sheriffdom of Gloucestershire, acquired the additional sheriffdom of Herefordshire and in 1141 was made earl of Hereford by Empress Matilda. Miles's son, Roger, was married to the daughter and heiress of Payn fitz John, who seems to have been local justice in Herefordshire at the beginning of the reign. When Roger succeeded his father in 1143, he succeeded to his father's sheriffdoms as well as his earldom (146). Such a

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(145) CP, vii, pp.524-5.
(146) Regesta, iii, nos.382, 393, p.xxiv.

position made deputies for the more routine tasks desirable. This explains the writs issued by Roger earl of Hereford addressed to the sheriffs, reeves and officers of Gloucestershire and Herefordshire (147). Maurice the sheriff and Osbert de Westbury accounted for the shires of Hereford and Gloucester respectively for the period from Henry II's coronation in December 1154 to Michaelmas 1155. These men had close links with the earl and were probably his deputies (148). Roger was confirmed in his sheriffdoms by Henry II's charter of 1155 confirming Roger's earldom (149). After Roger's death in the same year, it was his brother and heir, Walter, who succeeded to the sheriffdoms, though the earldom was withheld by the king (150).

Geoffrey de Mandeville, the grandfather of the first earl of Essex, held the sheriffdoms of Essex, Hertfordshire, London and Middlesex at some time during the reigns of the first two Norman kings. Geoffrey's son, William, had fallen into deep disfavour at the beginning of Henry I's reign, but the family fortunes were revived by the career of Geoffrey's grandson,

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(147) D. Walker, 'Charters of the Earldom of Hereford,' Camden Miscellany xxii, Camden Soc., 4th Ser., i (1964), nos.33, 37, 47, 58.

(148) RBE, ii, p.650. Maurice the sheriff, otherwise known as Maurice of Hereford, witnessed several charters of Earl Roger, once as 'prefectus' of Hereford, and once as 'dapifer:' Walker, 'Charters of the Earldom of Hereford,' nos.11, 17, 18, 33, 43. Osbert of Westbury witnessed several charters of Earl Roger, twice as 'dapifer.' He also received land from Earl Roger: Ibid., nos.11, 27, 36, 53, 56.

(149) Appendix I (c).

(150) Chronicles, iv, p.185; List of Sheriffs, pp.49, 59.

Geoffrey de Mandeville (d. 1144) (151). King Stephen granted him the earldom of Essex, after he had already acted as a local justice in Essex (152). During Empress Matilda's ascendancy in 1141, after King Stephen's capture, Geoffrey received the four sheriffdoms originally held by his grandfather, together with the position of local justice in these counties. These were later confirmed by King Stephen (153). Just as Roger earl of Hereford had deputies who could be described as sheriffs, so writs addressed to the officers of London could be addressed to Geoffrey earl of Essex and the sheriff and citizens of London (154).

Hugh Bigod was probably sheriff of Norfolk and Suffolk in the early years of King Stephen's reign. Both his elder brother and his father had been sheriff at various times in previous reigns (155). Empress Matilda made him earl of Norfolk, probably in 1141 (156). Hugh's control over the counties after 1141 can only have been partial. John and William de Chesney, who appear as sheriffs in the latter part of the reign, do not seem to have been dependent on Earl Hugh and though Earl Hugh managed to capture Ipswich, he was quickly driven out by King Stephen in 1153 (157). Nevertheless, it was Earl Hugh who accounted to the exchequer for both Norfolk and Suffolk at the

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(151) The story of the downfall and revival of Mandeville fortunes is told in C. Warren Hollister, 'The Misfortunes of the Mandevilles,' History, lviii (1973), 18-28.
(152) Regesta, iii, nos.40, 273, 543.
(153) Ibid., nos.274, 276.
(154) Ibid., no.533.
(155) Ibid., p. xxv; Morris, Medieval English Sheriff, pp.46-7 n47, 79.
(156) Davis, King Stephen, pp.141-2.
(157) Regesta, iii, p.xxv; H.A. Cronne, The Reign of Stephen 1135-54 (London, 1970), pp.65, 89.

beginning of Henry II's reign (158).

Edward of Salisbury was sheriff of Wiltshire from ca. 1070 to the early years of Henry I's reign (159). His son, Walter, was addressed in a royal writ as either sheriff or justice, or in some administrative capacity, in Hampshire by King Stephen before 1141 (160). Walter's son, William, was addressed, together with John fitz Gilbert, in an administrative capacity in Wiltshire in a writ of the Empress Matilda in 1141 (161). Walter's other son, Patrick, was made earl of Wiltshire by Empress Matilda ca. 1142-7 and was also sheriff of Wiltshire from Michaelmas 1154 to Michaelmas 1160 (162).

As well as men who had been sheriffs, or whose parents and grandparents had been sheriffs, the descendants of those appearing as untitled laymen in the addresses of Henry I's writs to shire courts or the officers of the shire, also became earls in King Stephen's reign. Robert de Ferrers in Derbyshire, Richard de Redvers in Devon, the two Gilberts de Clare in

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(158) RBE, ii, pp.651-2.
(159) Morris, Medieval English Sheriff, pp.46-7 n47.
(160) The writ is addressed to Walter of Salisbury and the king's officers and concerns a quittance of pleas in the shire and hundred courts, a quittance from the sheriff's aid and other things: Regesta, iii, no.684.
(161) Ibid., no.791. The writ concerned a grant of freedom from pleas in shire and hundred courts. John fitz Gilbert, as holder of Marlborough castle, was one of the other most important supporters of the Empress in Wiltshire: Cronne, The Reign of Stephen, pp.189, 203. John fitz Gilbert married a sister of Patrick and William of Salisbury: The Cartulary of Bradenstoke Priory, ed. Vera C.M. London, Wiltshire Rec. Soc., xxxv (Devizes, 1979), no.262.
(162) RBE, ii, p.649; List of Sheriffs, p.152.

Hertfordshire and Pembrokeshire and Aubrey de Vere in Oxfordshire all came from these families. Many of the earls of King Stephen's reign were from a class well used to involvement in shire government.

At least one man, already an earl, acquired the office of sheriff afterwards. On Geoffrey de Clinton's marriage to the daughter of Roger earl of Warwick (d. 1153), Earl Roger granted to Geoffrey the 'comitatum de Warr' hereditarie de me et meis heredibus eodem modo quod de rege habeo et habere potero.' (163) The 'comitatum de Warr' can only refer to the sheriffdom of Warwickshire and the implication is that Earl Roger had received it from King Stephen. In effect, the king's grant to the earl had interposed him between the king and sheriff, so that instead of holding the office in chief, he held it as a sub-tenant. Geoffrey also received a substantial fief from the earl (164). A writ of Earl Roger demonstrates the administrative consequences of the arrangement. The writ, addressed to 'omnibus baronibus suis et vicecomiti et baliis et ministris suis et collectoribus de Warewicasira,' was a quittance from various royal dues in favour of Worcester Abbey in respect of the abbey's land at Alveston (Warws.) (165). The writ repeated the instructions of writs issued by Henry I and King Stephen, as the earl's writ

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(163) The Beauchamp Cartulary Charters 1100-1268, ed. Emma Mason, Pipe Roll Soc., New Ser., xliii (London, 1980), no.285.
(164) Beauchamp Cartulary, no.285; RBE, i, p.325.
(165) The Cartulary of Worcester Cathedral Priory (Register I), ed. R.R. Darlington, Pipe Roll Soc., New Ser., xxxviii (London, 1968), no.9.

itself stated (166).

It is only in the case of the earl of Warwick that we have direct evidence of this kind of lordship over the office of sheriff, but other counties do present symptoms that point to the same condition. Two very similar writs issued by Henry earl of Huntingdon (d. 1153) confirm to Thorney Abbey rights at the abbey's market at Yaxley (Hunts.). The abbot was to pay a sum 'pro theloneo de Normancroshundred quod pertinet ad Huntendon.' The sum was to be paid to 'ministris meis de Huntendon.' The writs were addressed to 'A(lexandro) Lincolniensi episcopo et R. Foliot dapifero suo et vicecomiti et omnibus amicis et ministris et hominibus suis de Huntedescir.' (167) Although the earls of Huntingdon held land at Yaxley as part of the honour of Huntingdon, the rights granted were clearly royal. The original grant of the market at Yaxley was made by William II (168). The payment to be made by the abbot seems to have been a payment that would normally go to the sheriff and the sheriff appeared in the address of the writs (169). These writs would fit in well with a situation where the sheriff of Huntingdonshire was dependent on the earl.

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(166) Ibid; Regesta, ii, no.1044, iii, no.971.
(167) RRS, i, nos.15-16.
(168) Regesta, i, no.477.
(169) Ibid. Normancross hundred was granted to Thorney Abbey in fee-farm for 100s 'per annum,' to be paid to the sheriff of Huntingdonshire.

Earl Henry's great rival for the earldom of Northampton/ Huntingdon, Earl Simon de Senlis, was in control of the earldom in the later years of King Stephen's reign. Earl Simon issued a writ addressed to 'omnibus hominibus suis tam Francis quam Anglis de Norhantonasir.' (170) On its own, specifying no particular official of the county, this writ would mean little. However, there are other grounds for believing that Earl Simon was in control of the sheriff of Northamptonshire. In 1154-5, the sheriff of the county was Robert Grimbaud (171). He may well have been sheriff for some years before this. A writ of King Stephen, in favour of St. Andrew's Priory, Northampton, was addressed to the bishop of Lincoln, Earl Simon, the justice, the sheriff, the barons, the officers and all faithful men of Northamptonshire - i.e. the shire court. This writ was dated at Northampton and among the witnesses was 'Roberto Grimbo vicecomite.' (172) The latest date King Stephen is known to have visited Northampton is 1146 (173). Robert Grimbaud was not only a tenant of Earl Simon, but was also at one time his steward (174).

Earl Simon's father-in-law, Robert earl of Leicester, addressed a writ to 'Radulfo vicecomiti et omnibus baronibus et hominibus suis Francis et Anglis.' The writ granted ten

(170) W. Farrer, Honors and Knights' Fees (Manchester, 1925), ii, p.297.
(171) RBE, ii, p.655.
(172) Regesta, iii, no.611.
(173) Ibid., pp.xlii-iii.
(174) Farrer, Honors and Knights' Fees, ii, p.302.

burgesses in Leicester to the see of Lincoln in compensation for damages inflicted by the earl or his men (175). It was not unknown for barons to have officials of their own honour called sheriff. However, there are reasons for believing that Radulf was the sheriff of Leicestershire. The writ is datable to the years 1139-47 and there is no reason to believe that the earl's position in the shire was then weaker than at the end of the reign. In 1154-5, Geoffrey Abbas accounted to the exchequer for Leicestershire (176). Geoffrey witnessed the writ to 'Radulfo vicecomite' and was specifically identified as the man of the earl. This is not the only occasion Geoffrey witnessed the earl's charters (177). Another indication that Radulf was the sheriff of Leicestershire is his possible identity. Between Michaelmas 1159 and Michaelmas 1162, Radulf Basset was sheriff of Leicestershire and Warwickshire (178). Between 1160 and 1163, Radulf Basset witnessed a charter of the earl in favour of the see of Lincoln, witnessed also by Geoffrey Abbas (179). It is surely a plausible conjecture that the two Radulfs were the same man.

The earl of Leicester's twin brother, Waleran count of Meulan, was made earl of Worcester by King Stephen. Waleran addressed a writ, freeing the monks of Reading and Leominster

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(175) Registrum Antiquissimum of the Cathedral Church of Lincoln, ed. C.W. Foster and Kathleen Major, Lincoln Rec. Soc. (1933), ii, no.324. For two other charters of the earl addressed to a sheriff, see Records of the Borough of Leicester, ed. Mary Bateson (London, 1899), i, pp.2, 4.
(176) RBE, ii, p.655.
(177) Reg. Antiq., ii, nos.324, 315.
(178) List of Sheriffs, pp.75, 144.
(179) Reg. Antiq. ii, no.315.

from toll and passage and all customs, to 'vicecomitibus et praepositis et ministris et omnibus fidelibus suis Francis et Anglis de Wirecestr' et de Wiceo' (180). Another writ by Waleran to similar effect in favour of Gloucester Abbey was addressed to 'omnibus ballivis et ministris suis de Wyrcestresira et praepositis et ministris suis de Wyche.' (181) Though this writ does not mention the sheriff, the rights concerned would normally be collected by the sheriff. A third writ issued by Waleran, quitting the monks of Worcester Abbey of forestage, was addressed solely to William de Beauchamp, who had succeeded his father in the office of sheriff of Worcester in the early years of King Stephen's reign. In the writ, William is described as 'filio suo,' almost certainly a mistake for 'fideli suo.' (182) The use of this description suggests that William had done some kind of homage to Waleran, presumably on the instructions of King Stephen. Just as King Stephen had placed Roger earl of Warwick over Geoffrey de Clinton, he had placed Waleran over William de Beauchamp. When, in 1141, William gave his support to Empress Matilda, before Waleran had followed suit, William became Matilda's 'ligius homo contra omnes mortales et nominatim contra Gualerannum comitem de Mellent.' (183) The emphasis on Waleran in this clause may not only represent the fact that

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(180) G.H. White, 'King Stephen's Earldoms,' TRHS, 4th Ser., xiii (1930), 69; Monasticon Anglicanum, iv, p.56.
(181) White, 'King Stephen's Earldoms,' pp.69-70; Historia et Cartularium Monasterii Gloucestriae, ii, p.71.
(182) White, 'King Stephen's Earldom,' p.70; Essays in History presented to R.L. Poole, ed. H.W.C. Davis (Oxford, 1927), pp.170-1.
(183) Regesta, iii, no.68.

Waleran had not yet made his peace with the Empress, but may also have provided a release for William de Beauchamp from his homage to Waleran, through liege homage to Matilda.

There were other writs issued by earls to sheriffs and other officials of shires. These were issued by the earls of Chester, Northumberland and Gloucester (in respect of Glamorgan) (184). These earls, however, all had 'marcher-type' authority in the shires of Cheshire, Northumberland and Glamorgan, respectively. There was therefore nothing unusual in their issuing writs to their own officials.

The combination of the offices of sheriff and earl, or the control over the shrieval office by the earl, did not turn these earldoms automatically into 'marcher-type' earldoms. Geoffrey de Mandeville, earl of Essex (d. 1144), was expected, as sheriff, to render the farm of the county to the exchequer(185). While the lack of a pipe roll for King Stephen's reign, leaves us in doubt for other earldoms, there is no reason to assume that payment to the exchequer ceased. The combination of offices did not happen in every case. One of Geoffrey earl of Essex's sheriffdoms, Hertfordshire, had an earl of its own, Gilbert de Clare. The earls of Oxford and Surrey seem to have had little connection with their sheriffs. In other counties - Sussex, Cambridgeshire, Lincolnshire and Yorkshire - there is

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(184) G. Barraclough, 'Some Charters of the Earls of Chester,' A Medieval Miscellany for Doris Mary Stenton, ed. Patricia M. Barnes and C.F. Slade, Pipe Roll Soc., New Ser., xxxvi (London, 1962), p.29; RRS, i, no.23; Earldom of Gloucester Charters, no.84.

(185) Regesta, iii, no.274.

insufficient information for any conclusion on the relationship between earl and sheriff.

Only one of the counties where the earl was the sheriff or had lordship over the sheriff was firmly in the sphere of King Stephen's authority. This county was Essex. Even here, Geoffrey earl of Essex only received the sheriffdom of Essex, together with his other sheriffdoms, in the turmoil of the year 1141 (186). Geoffrey's position was still insufficient to prevent his overthrow by King Stephen in 1143 (187). While it is realistic to assume that there was an element of baronial and comital blackmail of a king clearly in difficulties, the strengthening of the link between the earl and the sheriff, particularly in areas where royal control was insecure, had advantages for the king. It was natural for the king to try to increase the power of his supporters. In the case of the earldoms granted by Empress Matilda to Miles of Gloucester, Baldwin de Redvers, Hugh Bigod, William de Mohun, and the later acquisition of the earldom of Wiltshire by Patrick of Salisbury, the boundaries between offices were necessarily blurred. It was in Empress Matilda's interest to give her chief supporters every 'official' buttress for their power.

If the undisputed rule of Henry II after 1154 removed the reasons behind the changes of King Stephen's reign, these changes

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(186) Ibid., nos.40, 543.
(187) It is true, however, that his downfall was achieved by treachery at court: Cronne, The Reign of Stephen, p.54.

were not immediately reversed. In the exchequer year 1154-5, strong links between the offices of sheriff and earl were still numerous. The son of the earl of Devon was sheriff of the county, soon to succeed to the earldom as well. The earl of Wiltshire was sheriff of Wiltshire. The earl of Norfolk accounted for the shires of Norfolk and Suffolk. Robert de Pirario, who may have been a dependent of the earls of Derby, accounted for parts of the farm of Nottinghamshire and Derbyshire. Geoffrey Abbas, the 'man' of the earl of Leicester, accounted for Leicestershire (188).

These situations persisted various lengths of time. Richard earl of Devon remained sheriff of Devon until Michaelmas 1157 (189). After Richard's death in 1162, the custodian of his lands was his father-in-law, Reginald earl of Cornwall(190). In the troubled times of Easter 1173, Earl Reginald was appointed sheriff of Devon, which office he held until Michaelmas 1175, though from Michaelmas 1174 the office was handled by deputies(191). Patrick earl of Wiltshire remained sheriff of Wiltshire until Michaelmas 1160 (192). The identity of the next sheriff, Richard

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(188) RBE, ii, pp.649, 651-3, 655. Robert de Pirario held half a knight's fee from the earl of Derby in 1166: Ibid., i, p.339. He was custodian of the honour of the earl during the minority of William earl of Derby: PR 6 Henry II, p.44; PR 7 Henry II, pp.29-30.
(189) List of Sheriffs, p.34.
(190) The lands do not appear in the king's hands until after the death of Earl Reginald in 1175, when the two sets of land are mingled together: e.g. PR 22 Henry II, pp.152-3.
(191) List of Sheriffs, p.34.
(192) Ibid., p.152.

Clericus, is uncertain, but the sheriff from Michaelmas 1162 to Michaelmas 1163 was Miles de Dauntsey, who was a tenant of the earl and witnessed a charter of the earl (193). Earl Hugh Bigod ceased to account for Norfolk and Suffolk at Michaelmas 1155, but until Michaelmas 1156, Norfolk's sheriff was William de Neville and Suffolk's sheriff was William de Fraxineto. They were both vassals of Earl Hugh (194). As the successor to both sheriffdoms in 1157 was William de Chesney, who had appeared as King Stephen's sheriff in the later years of his reign, it seems plausible that William de Neville and William de Fraxineto had been dependants of Earl Hugh (195). Their replacement by William de Chesney coincided with the confiscation of Earl Hugh's castles in 1157 (196). Robert de Pirario's sheriffdom of Derbyshire and Nottinghamshire ended at Michaelmas 1155. It is worth noting that Robert fitz Radulf, sheriff from Michaelmas 1165 to Easter 1170, held one knight's fee of the earl of Derby. He was succeeded by William fitz Radulf, presumably Robert's brother. William's loyalties were sufficiently royal to survive the earl's participation in the revolt of 1173-4 (197).

Geoffrey Abbas ceased to be sheriff of Leicestershire at Michaelmas 1155. From Michaelmas 1159 to Michaelmas 1163, Radulf Basset was sheriff of Leicestershire and Warwickshire,

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(193) Ibid.; RBE, i, p.241; Bradenstoke Cartulary, no.556.
(194) PR 2-4 Henry II, pp.6,8; RBE,i, pp.395-6.
(195) PR 2-4 Henry II, p.76; Regesta, iii, p.xxv.
(196) Chronicles, iv, p.192.
(197) List of Sheriffs, o.102; RBE, i, p.337.

though in the final year his brother, William Basset, accounted on Radulf's behalf. William Basset was then sheriff of Leicestershire in his own right from Michaelmas 1163 to Easter 1170, adding Warwickshire from Michaelmas 1164 (198). There are reasons for regarding the Bassets as clients of the earl of Leicester. Robert earl of Leicester (d. 1168) was in the highest royal favour and as justiciar would have had the right to instruct sheriffs on the king's behalf. Radulf Basset may, as I have argued above, have been the sheriff, Radulf, addressed in a writ of the earl in King Stephen's reign. The date when the Basset sheriffdoms ended may be significant, though Easter 1170, after the Inquest of Sheriffs, seems at first sight unexceptional. Robert the justiciar-earl died in 1168. He was succeeded by his son, Robert, who seems never to have enjoyed Henry II's favour and was the leading rebel in 1173-4 in England. Almost immediately after the change of sheriff at Easter 1170, Bertram de Verdun, the new sheriff, was in violent dispute with the earl or the earl's men. The result was a heavy fine against the earl (199). There is a strong possibility that the cause of the dispute, whatever it was, grew out of the replacement of William Basset by a sheriff less amenable to the earl.

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(198) List of Sheriffs, pp.75, 144.
(199) PR 18 Henry II, p.107.

Some other counties should be considered with reference to the dependence of sheriffs on earls. The combination of the offices of sheriff and earl in Herefordshire came to an end with the death of Roger earl of Hereford in 1155. His brother, Walter, succeeded to the sheriffdoms of Hereford and Gloucester. He remained sheriff until Michaelmas 1159 and Michaelmas 1157 respectively. Walter was not allowed to succeed to the earldom (200). In Essex, Maurice fitz Geoffrey of Tiltey, sheriff from Michaelmas 1157 to Christmas 1160 and from Michaelmas 1161 to Michaelmas 1163, held a third of a knight's fee of the earl of Essex, but this was probably insignificant in view of Maurice's other holdings (201). Perhaps more significant was the appointment of Otuel de Bovill, who was sheriff from Michaelmas 1163 to Michaelmas 1164. He held six and a half knight's fees of the earl (202). Geoffrey earl of Essex (d. 1166) was an important royal servant, most notably in his extensive judicial eyre with Richard de Lucy in the year 1165-6 (203). It is not inconceivable that Earl Geoffrey might have influenced the choice of sheriff. In Sussex, Richard de Humez, sheriff from Michaelmas 1156 to Michaelmas 1157, and William Rufus, sheriff from Easter 1187 to Michaelmas 1189, were both vassals of the earls of Arundel, but their connections with the royal court were almost certainly more important in their selection

(200) List of Sheriffs, pp.49, 59; Chronicles, iv, p.185.
(201) List of Sheriffs, p.43; RBE, i, p.347. Maurice held one knight's fee of the earl of Derby: Ibid., p.339.
(202) List of Sheriffs, p.43; RBE, i, p.345.
(203) Pleas before the King or his Justices III, ed. D.M. Stenton, Selden Soc., lxxxiii (London, 1967), pp.liii-iv.

than their relationship with the earl (204).

The reign of Henry II was clearly a period of declining comital influence over the sheriffs. It did not always vanish quickly or completely, but any influence left by the later part of the reign was no more than that exercised by any important landholder of the shire. The sheriff was purely the king's officer. There are no extant writs issued by 'non-marcher' earls to sheriffs in Henry II's reign. While comital control over sheriffs had risen and fallen between ca. 1138 and ca. 1160, the decline of the earl's role in the shire court had continued. The sheriff in the shire court was no longer under the presidency of the earl, but under the strict control of royal justices. By the second half of Henry II's reign, the 'non-marcher' earl no longer had a practical administrative role in the shire.

The connection between an administrative unit such as the county or 'pagus' and the town which served as the administrative centre of that unit was old and well-established. On the Continent, particularly, the Roman tradition of the 'civitas' as the administrative centre of an area had a long history. This connection was passed on from the county to the count. In 1038, Richard count of Evreux was styled 'Ricardus comes Ebroice civitatis.' (205) A charter of Duke Richard III of Normandy

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(204) List of Sheriffs, p.141; RBE, i, p.202. Richard de Humez was a royal constable, while William Rufus was a royal justice in several counties 1172-6: Delisle, Recueil, Introduction, pp.429-30, 496.

(205) Recueil des Actes de Duesde Normandie et 911 à 1066, ed. M. Fauroux (Caen, 1961), no.92.

granted the 'civitatem que appellatur Constancia cum comitatu.' (206) Later, in the twelfth century chronicle of Robert de Torigny, William, the son of King Stephen, was described as 'comes civitatis Constantiarum, id est Moritonii, et in Anglia comes Surreiae, id est de Warenna.' (207) (This passage should console us that even twelfth century chroniclers sometimes found it necessary to explain the variation in the styles used by earls and counts). In England before the Norman Conquest, ealdorman and earls came to be connected with boroughs in general, rather than necessarily a 'county town,' though in many shires the only major borough was the 'county town.' The link between earls and boroughs had arisen through the importance of borough fortifications in military affairs and the earl's role in the borough court (208). Before 1066, however, the connection between earls and boroughs had not developed into the independent control of boroughs by earls. Royal rights in the borough were usually predominant. After 1066, *some boroughs*, though by no means all, fell under the complete lordship of earls, not only in 'marcher-type' earldoms, where it was to be expected, but also in 'non-marcher' earldoms.

Odo bishop of Bayeux was the first new post-conquest, 'non-marcher' earl. Kent did not really have a 'county town,' in the

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(206) Ibid., no.58.
(207) Chronicles, iv, p.192.
(208) The earl and bishop were to be joint presidents of the borough court as well as the shire court: Liebermann, Gesetze, i, pp.202-3, 320-1.

sense of a single dominating borough, but Dover was probably the largest borough of the county. Odo's precise position in Dover is uncertain, but he seems to have established a general control over it, which went beyond the pre-conquest position (209). Norman castle-building added to the military importance of some boroughs. Sometimes, the earl was the beneficiary. Henry de Beaumont, earl of Warwick, held the new castle of Warwick, perhaps since before he became earl (210). William II may have granted the borough of Northampton to Simon de Senlis on his appointment as earl (211). Robert earl of Leicester (d. 1168) inherited a position of complete lordship in Leicester, established with royal assistance by Robert count of Meulan (212). Although not all earls obtained such a position in their boroughs, and those that did did not always obtain their position because they were earls, the examples were numerous enough to encourage the further development of the tendency in King Stephen's reign.

Stephen's new earl of Bedford, Hugh de Beaumont, was to receive Bedford castle with his earldom (213). The earl of Derby may have established complete control over Derby (214). The earl of Arundel had, with the lordship of Arundel, the lordship over

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(209) Odo received £30 to the king's £24 and 29 messuages which had belonged to the king 'revocant episcopum baiocensem ad protectorem et liberatorem vel datorem:' Domesday Book, i, fo. Ir.
(210) Orderic Vitalis, ii, pp.218-19.
(211) VCH Northamptonshire, iii, pp.3-4.
(212) CP, vii, p.524.
(213) Davis, King Stephen, p.135.
(214) The Cartulary of Darley Abbey, ed. R.R. Darlington (Kendal, 1945), i, p.572.

the boroughs of Arundel and Chichester (215). Hervey Brito, Stephen's short-lived earl of Wiltshire, was given Devizes castle (216). Patrick of Salisbury, the Empress's later appointee to the office, had custody of Salisbury castle, the other principal borough of Wiltshire (217). Miles of Gloucester received the 'motam Hereford cum toto castello' when he was created earl of Hereford (218). Baldwin de Redvers held Exeter at the beginning of Stephen's reign and though he lost it, presumably regained it during the Empress's ascendancy in 1141 (219). In the course of King Stephen's reign, Hugh Bigod seized Norwich and Ipswich, but was unable to hold on to either (220). The boroughs of Huntingdon and Northampton seems to have fallen into the hands of Earl Henry of Scotland and Earl Simon de Senlis respectively, at some time in the reign (221).

Henry II's energetic drive to regain royal rights considerably reduced the frequency of comital control over boroughs. The earldom of Hereford lapsed with the death of Roger earl of Hereford in 1155 (222). Derby, Northampton and Huntingdon were back in royal hands by 1156 (223). The only borough completely

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(215) Arundel did come into royal hands, with the rest of the honour of Arundel, when the honour was withheld from William earl of Arundel (d. 1193), after the death of his father, William earl of Arundel (d. 1176): PR 25 Henry II, pp.38-9. In 1147, William earl of Arundel (d. 1176) granted all his rights in one quarter of the city of Chichester to Chichester Cathedral: Monasticon Anglicanum, vi, p.1169.
(216) Davis, King Stephen, p.140.
(217) Cronne, The Reign of Stephen, p.145.
(218) Regesta, iii, no.393.
(219) Gesta Stephani, ed. K.R. Potter and R.H.C. Davis, Oxford Medieval Texts (Oxford, 1979), pp.32-3.
(220) Cronne, The Reign of Stephen, pp.88-9.
(221) VCH Northamptonshire, pp.3-4; K.J. Stringer, 'The Career and Estates of David Earl of Huntingdon (d.1219)' (Univ. of Cambridge, Ph.D. thesis, 1971), p.80.
(222) Chronicles, iv, p.185.
(223) PR 2-4 Henry II, pp.14, 40, 42.

controlled by a 'non-marcher' earl for the whole of the reign was Leicester. Even here, the castle was destroyed after the earl's participation in the revolt of 1173-4 (224). Complete comital control of boroughs never became general in England, though Stephen's reign showed something of a tendency in that direction.

The 'Third Penny of the Borough,' together with another perquisite, the 'Third Penny of the Shire,' has been frequently connected with the earls ~~of~~ by historians (225) The following discussion will examine the nature of these perquisites, their development and their connection with earls. Though J.H. Round correctly pointed out the distinction between the two perquisites, they did have a common background in Germanic and Carolingian history. In Charlemagne's empire, the count received a part, sometimes a third, of the profits of justice, of some taxes and of other imperial receipts (226). There are examples of Third Pennies from outside the Carolingian Empire as well (227). Third Pennies were not restricted to boroughs and shires. In England at the time of Domesday Book, there were several examples of lords in possession of the Third Penny of a Hundred, presumably a third of the profits of the hundred court (228). The pre-conquest evidence of Domesday Book provides other types of Third Penny. In Nottinghamshire/Derbyshire, Lincolnshire and

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(224) Gesta Henrici, i, p.126.
(225) e.g. W. Stubbs, The Constitutional History of England, 5th edn (Oxford, 1891) i, p.126 & nI; Round, Geoffrey de Mandeville, pp.287-96; British Borough Charters 1042-1216, ed. A. Ballard (Cambridge, 1913), p.lxxix.
(226) L. Halphen, Charlemagne et L'Empire Carolingien (Paris, 1947), pp.148, 188.
(227) Die Gesetze der Angelsachsen, ed. F. Liebermann (Halle, 1912) ii, p.355; G. Campbell, 'Observations on English Government from the Tenth to the Twelfth Century,' TRHS, 5th Ser., xxv (1975), 43-4.
(228) Domesday Book, i, fos. 38v, 87v, 101r, 253r; ii, fo. 294v.

Yorkshire, there was the earl's third of a fine against the county for infractions of the king's peace (229). In Nottinghamshire/Derbyshire, the earl had the right to certain unspecified customary dues. In the same counties, the earl had the third part of all the customary dues and works in Clifton. In the borough of Nottingham, Earl Tostig had had the Third Penny of the jurisdiction over a particular carucate of land (230). In Lincolnshire, the ridings of the county owed unspecified customs which were divided, two parts to the king, one to the earl (231). It is therefore clear that the 'tertius denarius redditus burgi' and the 'tertius denarius de placitis de comitatus,' as they later became defined, grew out of a varied collection of Third Pennies which the earl might hold. The common feature of all the Third Pennies was that they represented a share of a royal right, usually granted to a royal official involved in the administration of a locality.

The granting of a Third Penny of the Borough to earls arose from the general connections between earls and boroughs, and particularly the earl's position in the borough court. The laws of King Edgar and King Cnut stated that the earl and the bishop should jointly preside over the borough court, which was to be held at least three times a year (232). However, before Domesday Book, the evidence for the receipt by earls of a Third

(229) Ibid., i, fos. 280v, 298v, 536r.
(230) Ibid., i, fo. 280r.
(231) Ibid., i, fo. 336v.
(232) Liebermann, Gesetze, i, pp.202-3, 320-1.

Penny of the Borough is very fragmentary. An agreement (884-901), between the bishop of Worcester and Earl Aethelred of Mercia and his wife, Aethelflaed, granted the bishop half the earl's rights "in market and street" in Worcester (233). In itself, this does not look very much like a Third Penny, but a writ issued by King Edward the Confessor, addressed to Earl Aelfgar (of Mercia), Richard and all the king's thegns of Worcestershire, within the town and outside, granted the third part of the 'seamtoll' (the toll on the horse-load) and the third part of the 'ceaptoll' (the toll on trading) to Wulfstan bishop of Worcester (234). This writ is apparently addressed to the combined shire and borough court. 'Seampending' (the penny on the horse-load) and 'waegnscilling' (shilling on the wagon-load) were actually excluded from the earlier ninth century agreement as royal rights (235). In Domesday Book, Earl Eadwine, the bishop of Worcester and the king, had one third of the borough's render each (236). It is difficult to resist the conclusion that the two documents quoted above show part of the process of the construction of the bishop's third penny at Worcester. A complicated dispute over the borough of Sandwich, involving King Harold Harefoot, Christchurch Canterbury and St. Augustine's Canterbury mentions the Third Penny of the Toll at

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(233) Cartularium Saxonicum, ed. W. de G. Birch (London, 1885), ii, no.579.
(234) Harmer, Anglo-Saxon Writs, no.117 & p.410.
(235) Cartularium Saxonicum, ii, no.579.
(236) Domesday Book, i, fos. 172r, 173v.

Sandwich. The dispute ended with Christchurch in full possession of Sandwich including the Third Penny (237).

If the set of Cnut's laws which were written down in the late eleventh or early twelfth century represents a genuine pre-conquest tradition, it may give us another clue to the nature of the pre-1068 Third Penny of the Borough. These laws state that the earl should receive the 'tertius denarius in villis ubi mercatum convenerit et in castigatione latronum.' (238). The latter part of the statement probably complements the earl's police and peace-keeping roles and may correspond to the examples in Domesday Book and elsewhere of the earl's third share of fines for breaking the king's peace. The first part of the statement concerning vills with a market may have included boroughs. The emphasis on the market suggests that this Third Penny was concerned with some kind of toll. The evidence before 1066 points to a Third Penny of tolls and perhaps jurisdictional rights in boroughs. It also suggests that, as far back as we can expect the evidence to go, back to King Alfred's reign, the earl was not necessarily the only man to hold such rights. If the rights had originally been exclusive to the earl, then at Sandwich and Worcester, the earl was already prepared to grant away such rights.

Domesday Book is a disappointing source of evidence for the nature of the Third Penny of the Borough in 1066. Having examined

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(237) Robertson, Anglo-Saxon Charters, no.91.
(238) Liebermann, Gesetze, i, pp.614.15.

the Domesday evidence, J.H. Round correctly distinguished the Third Penny of the Borough from the Third Penny of the Pleas of the Shire. However, his description of the Third Penny of the Borough as of "the revenues of the town" is not as helpful as seems at first (239). J.H. Round does not ask "what revenues?" It is clear that these revenues were not the normal property rents. A glance at the boroughs in Domesday Book would make it clear that many derived income from rents in boroughs, simply according to the property they held (240). The Third Penny must therefore have concerned revenues from royal rights, probably involving jurisdictional profits and economic rights such as tolls and other market dues. An example of this kind of revenue occurs at Southwark, where King Edward had two parts of the dues of the stream ('de exitu aquae') and Earl Godwic had a third part (241). Earl Godwin had held the 'tertiam partem' at Fordwich before the Conquest. King Edward granted his two parts to St. Augustine's and Earl Godwin's post-conquest successor, Odo, bishop of Bayeux and earl of Kent, granted all his 'domos' and 'consuetudines.' (242) We have seen that, in Harold Harefoot's reign, Christchurch Canterbury had obtained full possession of Sandwich, including the Third Penny of the Toll. After the Conquest, Bishop Odo made a grant in very similar terms to his grant to Fordwich, suggesting that he had

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(239) Round, Geoffrey de Mandeville, pp.288-9.
(240) In Leicester, for example, the archbishop of York, Hugh earl of Chester, Coventry Abbey and Crowland Abbey had houses in the town in 1086, but they received no share of the 'redditus' as used in the sense 'tertius denarius redditus burgi:' Domesday Book, i, fo. 230r.
(241) Ibid., fo. 32r.
(242) Ibid., fo. 12r; see also Regesta, i, no.99.

at least claimed his right to the Third Penny of Sandwich (243).

One particular Third Penny of the Borough stands out as peculiar in Domesday Book. In 1066, Earl Gyrth held a grange in the half-hundred of Ipswich, to which were attached the 'tercio denario de burgo' and the 'tercio denario de duobus hundredis.' (244) It is interesting that the Third Pennies of a borough and of two hundreds could be described in identical terms. Bearing in mind that the latter was a share of the profits of the hundred courts, and that the earl was joint-president of the borough court, a share of the profits of the borough court seems an obvious item to include in the 'tertius denarius redditus burgi.' As Gyrth had been earl of the East Anglian counties, it was quite natural that he should hold the Third Penny of Ipswich. However, by 1086, the estate and the Third Pennies had passed to Count Alan of Brittany (245). Whether Earl Ralph, Gyrth's successor in the East Anglian earldom, had possessed the rights before his forfeiture in 1075, Domesday Book does not tell. Count Alan and his successors were never earls of East Anglia or Suffolk and by 1086, and afterwards, the Third Pennies must be treated as rights attached to the estate. Nevertheless, the connection between the Third Pennies and the old earldom was sufficient to confuse the exchequer of Henry II's reign into referring to the rights as the 'tertius denarius de comitatus.' (246)

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(243) Ibid., no.101.
(244) Domesday Book, ii, fo. 294.
(245) Ibid.
(246) PR 2-4 Henry II, p.8.

In pre-conquest England, the 'tertius denarius redditus burgi' was a fairly general phenomenon, especially as Domesday Book here, as elsewhere, probably omits some examples (247). It was not always held by the earl. At Worcester, the bishop, as well as the earl, had a share. At Exeter, Leicester and Shrewsbury, the sheriff, rather than the earl, held the Third Penny (248). It was hardly surprising if the sheriff, as the earl's deputy in many respects, should take over some of the perquisites as well as the duties. Despite these peculiarities and exceptions, the Third Penny of the Borough in 1066 was a common right clearly associated with the earldom.

In 1086, the situation was very different. Only Kent, Shropshire, Cheshire and Northumbria were still under earls, and in Kent the earl was in prison. In Shropshire, Cheshire and Northumberland, the earls were of the 'marcher-type', where the possession of all the royal rights in the shire made the Third Penny meaningless. Given this situation, it is hardly surprising that J.H. Round found the Third Penny "absolutely erratic." (249) At Stafford, the earl's share was in the king's hands, but the king had granted out a third of his own share to the sheriff, Robert de Stafford (250). Chichester was completely in the hands of Roger earl of Shrewsbury, as lord of the rape of Arundel (251). At Barnstaple, the bishop of Coutances had the Third Penny (252).

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(247) A. Ballard, The Domesday Boroughs (Oxford, 1904), pp.41-2. One possible example of an omission by Domesday Book is Bedford. There is later evidence for a Third Penny of the Borough at Bedford, but there is no mention of one in Domesday Book: RRS, nos.203-4; Domesday Book, i, fo. 209r.
(248) Ibid., fos. 100r, 230r, 252r.
(249) Round, Geoffrey de Mandeville, p.289.
(250) Domesday Book, i, fo. 246r.
(251) Ibid., fo. 23r.
(252) Ibid., fos. 100r, 102r.

At Cricklade, Westminster Abbey had a share (253). As we have seen, Bishop Odo's Third Pennies at Fordwich and Sandwich had been granted away. Judhael de Totnes had acquired the earl's Third Penny of Totnes with the manor of Langford, and had also obtained the king's share (254). At Leicester, Hugh de Grantmesnil had the Third Penny of the royal income from the moneyers - another indication of the sources of the Third Penny (255). In Dover, Earl Godwin had received the Third Penny, but although Odo bishop of Bayeux had a greater share of the borough render than the king, it had become unrecognisable as a Third Penny (256). The only other possible example of the Third Penny of the Borough held as an earl's perquisite was the £7 from the render of Northampton held by Countess Judith, widow of Earl Waltheof (257). By 1086, the Third Penny of the Borough had been thrown into complete disarray by the disappearance of almost all the 'non-marcher' earldoms.

It seems almost surprising that the principle of the earl's Third Penny of the Borough survived. That it did survive suggests that the custom was well remembered even where there was no earl for some time. It also suggests that the right was regarded as belonging to earldoms by those who might become earls. Apparently, the new 'non-marcher' earls, created after 1086, regarded themselves as successors to parts of earlier

(253) Ibid., fo. 67r.
(254) Ibid., fo. 101r.
(255) Ibid., fo. 230r.
(256) Ibid., fo. 1r.
(257) Ibid., fo. 219r.

Anglo-Saxon earldoms. The period between 1086 and 1135 creates many difficulties because of lack of evidence. Nevertheless there are indications of the new earldoms of this period receiving the Third Penny of the Borough. In 1279, John de Warenne, earl of Surrey, claimed the Third Pennies of Guildford and Southwark as having belonged to his antecessors (258). If the claim was justified, the most likely time for the grant of these rights was when the earldom was first created in 1088. Even if the claim was unjustified, it emphasises that the claim to traditional comital rights in England was long remembered. Two charters of Malcolm king of Scotland indicate that his grandfather, David, had received the Third Penny of Bedford during Henry I's reign (259). David had also apparently possessed the Third Penny of Cambridge (260). While these examples testify to the resilience of the custom, there is also evidence that the income from the perquisite was not seen as sacrosanct by the earls. David king of Scotland (earl of Huntingdon until 1136) had granted 40s to St. Andrews Northampton and 40s to Nostell Priory out of his Third Penny of Bedford. King Malcolm, in Henry II's reign, granted the rest of the Third Penny to Elstow Abbey (261). The income from the Third Penny of Cambridge also eventually found its way to the nearby Barnwell Priory (262).

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(258) VCH Surrey, i, p.340 & n3.
(259) RRS, i, nos. 203-4.
(260) Liber Memorandarum Ecclesie de Bernewelle, ed. J. Willis Clark (Cambridge, 1907), p.93.
(261) RRS, i, nos.203-4.
(262) Liber Memorandarum Ecclesie de Bernewelle, p.93.

Contemporary evidence is a little more plentiful in King Stephen's reign. Empress Matilda's charter making Miles of Gloucester earl of Hereford grants him the 'tertium denarium redditus burgi Hereford quicquid unquam reddat.' (263) It is unlikely that the latter part of this clause indicates that the sum actually varied. More likely, the amount was yet to be determined, possibly with reference to the past. Robert earl of Derby (d. 1159) granted (1139-48) a tithe of his whole 'redditus' from Derby to Darley Abbey. This charter, which also confirms the grants of the burgesses of Derby to the abbey, certainly indicates that earl had control in Derby, but it is unclear whether the 'redditus' was the Third Penny or the whole revenue of Derby (264). A similar grant by Henry earl of Huntingdon, with the same problems, is recorded in a confirmation by Henry's grandson, King William of Scotland. The charter records a *grant* of a tithe of his revenues from Huntingdon (265).

The advent of regular pipe rolls in Henry II's reign is unrewarding from the point of view of the Third Penny of the Borough. The single pipe roll of Henry I's reign does not record any Third Penny of the Borough. In Henry II's reign, the rolls only mention the rather exceptional example of the Third Penny of Ipswich (266). The fact that the Third Penny of the

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(263) Regesta, iii, no.393.
(264) Darley Cartulary, p.572.
(265) RRS, ii, no.51.
(266) PR 2-4 Henry II, p.8; PR 18 Henry II, p.5.

Borough does not, in any other case, appear on the rolls, indicates that the rolls only dealt with certain types of income and were not always consistent. Hugh Bigod received the 'tertio denario de Nordwico' in Henry II's charter making him earl of Norfolk. This grant was repeated in Richard I's charter making Hugh's son, Roger, earl of Norfolk (267). Henry II's grant to Roger fitz Miles making him earl of Hereford repeated the clause in the Empress's charter to Roger's father, Miles of Gloucester (268). It is worth noting that the Third Penny of the Borough is not included in King John's charter making Henry de Bohun earl of Hereford, though the Third Penny of the Pleas of the Shire is included (269). King John's charter to William earl of Derby grants the 'tercium denarium de omnibus placitis placitatis per vicecomitem de Dereby tam in Dereby quam extra.' (270) The inclusion of Derby in this clause is interesting, but difficult to interpret.

After these charters, the reference to the Third Penny of the Borough dry up. An obscure render throughout its history, it is difficult to speculate on the reasons for its disappearance. The increase in the twelfth and thirteenth centuries of boroughs that farmed themselves, acquired extensive liberties and organised their own affairs, may hint at an explanation. Taking the history of this Third Penny as a whole, it is clear

(267) Appendix I (d); Cartae Antiquae Rolls 11-20, no.554.
(268) Appendix I (c); Regesta, iii, no.393.
(269) Appendix I (c).
(270) Cartae Antiquae Rolls 1-10, no.60.

that despite the exceptions, the Third Penny of the Borough was associated with the earl, even though it was not always received by the earl. During the eleventh and twelfth centuries, it was part of the tradition to which earls looked to define their rights in a county.

If it is difficult to find clear evidence on the Third Penny of the Borough before Domesday Book, the pre-1066 origins of the Third Penny of the Pleas of the Shire are even more obscure. The laws of Edgar and Cnut clearly establish the connection between the earl and the shire court, but beyond that the evidence is slight and problematic. The set of laws attributed to Edward the Confessor, but written down in the early twelfth century describe an interesting system, which, while clearly different from the later Third Penny of the Pleas of the Shire, might bear some relation to it. This system divided a fine of £8 against eighteen hundreds for breaking the king's peace into £5 for the king, £2 10s for the earl and 10s for the deacon (271). What exactly these 'hundreds' were is difficult to tell. The share for the deacon is also puzzling. Despite these difficulties, the ratio between the shares of king and earl is 2:1 and the earl's share is called a 'tertium denarium.' It is quite likely that this set of laws was in fact drawn from Domesday Book. Certainly, a very similar system is to be found in the Domesday Book sections on Nottinghamshire/Derbyshire,

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(271) Liebermann, Gesetze, i, p.651.

Lincolnshire and Yorkshire. In Nottinghamshire/Derbyshire, for example, infractions of the king's peace were punished by a fine of £8 on each of eighteen 'hundreds.' Twelve hundreds were to pay the king and six to pay the earl (272). The systems described in Domesday Book for Lincolnshire and Yorkshire are substantially the same (273). This system, and the other obscure 'thirds' that the earl received in these counties, contribute little to our understanding of the pre-conquest Third Penny of the Pleas of the Shire. They should, however, warn us against assuming that a Third Penny of the Pleas of the Shire was general throughout Anglo-Saxon England, or that the Third Penny of the Pleas of the Shire and the Third Penny of the Borough were especially notable among other perquisites for the earl.

The first examples of a Third Penny of the Pleas of the Shire, as understood from the post-conquest period, are found in Domesday Book. The clearest of the two examples is found in Warwickshire. Under the entry for the manor of Cotes near Warwick, there is the entry: 'Huic terra cum burgo de Waruuic et tercio denario placitorum sirae.' (274) Thus the Third Penny of the Borough and the Third Penny of the Pleas of the Shire were both attached to a manor held by the earl before the Conquest. The second example, which is less clearly the Third Penny of

(272) Domesday Book, i, fo. 280v.
(273) Ibid., fos. 298v, 336v.
(274) Ibid., fo. 238r.

the Pleas of the Shire, is found in Dorset. Under the manor of Puddletown is the entry: 'Huic etiam manerium Piretone adjacet tercius denarius de tota scira Dorsete.' (275) J.H. Round placed great emphasis on the attachment of the perquisite to particular manors, arguing that the holder, the earl, was entitled to the perquisite not as earl, but as lord of that estate. This argument was then used to support his view that the perquisite was not received by the earl 'ex officio.' (276) This argument ignores the existence of manors held by right of the office. Once it is assumed that the manor to which the perquisite was attached was held by the earl 'ex officio,' then the practice of attaching the perquisite to a particular manor becomes an accounting convenience (277). This system was only in danger of breaking down when the manor became detached from the office, or when there was no earl in the county. The only occasions when the Third Penny of the Pleas of the Shire was received or claimed by someone other than an earl, were when the claimant or recipient had tenure of a previous earl's estates. Even these examples do not begin until the late twelfth century. There is no doubt that the evidence from Domesday Book for the frequency or precise nature of the Third Penny of the Pleas of the Shire is very slight. It would

(275) Ibid., fo. 75r.
(276) Round, Geoffrey de Mandeville, p.291.
(277) The attachment of assorted rights and renders to a particular centre was an extremely common practice in medieval England. Manors usually appear in charters 'cum pertinentiis' or 'cum appendiciis.'

be wrong to conclude from that evidence either that there was a general system applying to all, or even most, earls and shires, or that Domesday Book provides us with a full account of the incidence of the perquisite.

Odo bishop of Bayeux's earldom of Kent was the only 'non-marcher' earldom remaining by 1086, although Odo was in prison. Fortunately, there is evidence that Odo did receive the Third Penny of the Pleas of the Shire (278). Domesday Book gives no clue to this, which emphasises the danger of treating Domesday Book as a complete record. Odo's earldom, as the sole representative of the Anglo-Saxon tradition of earldoms in 1086, establishes that this tradition included the Third Penny of the Pleas of the Shire, whatever the extent of that perquisite before the Conquest. The 'marcher-type' earls necessarily had the full profits of their shire courts, making the Third Penny irrelevant.

The period between Domesday Book and the first charters granting earldoms in King Stephen's reign is a desert for evidence on the Third Penny of the Pleas of the Shire. The one oasis occurs in the single pipe roll of Henry I's reign, which recorded that Robert earl of Gloucester received the Third Penny of the Pleas of Gloucestershire (279). The roll did not credit

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(278) The Chronicle of Battle Abbey, ed. and trans. Eleanor Dearle, Oxford Medieval Texts (Oxford, 1980), pp.78-9.
(279) '£20 pro parte sua Comitatus:' PR 31 Henry I, p.77.

any of the other earldoms with the perquisite. The implications of this will be discussed below in connection with the main set of pipe rolls. There are indications from later evidence that the earl of Gloucester was not alone in receiving the perquisite during the period 1086-1135. A dispute between Robert earl of Leicester (d. 1190) and Henry II, over the amount of the Third Penny of the Pleas of Leicestershire, indicates that the earl at least claimed that his antecessors received the Third Penny in Henry I's reign (280). A writ of King John to the sheriff of Warwickshire ordered him to pay the earl of Warwick the Third Penny of Warwickshire 'sicut antecessores eius recipere consueverunt.' (281) There is no reason to disbelieve the royal writ and, while it cannot be proved, it seems most likely that the earls of Warwick had generally received the perquisite since the creation of the earldom in 1088. In Henry III's reign, a writ to the barons of the exchequer ordered them to cause John de Warenne, earl of Surrey, to have the Third Penny of Surrey, as William de Warenne, his father, and his other ancestors had had it as belonging to the earldom of Surrey (282). Here too, it seems likely that the privilege was as old as the earldom. If these suggestions are correct, four of the seven earldoms in existence at the end of Henry I's reign can be shown to have possessed the Third Penny. Of the other three, the

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(280) PR 27 Henry II, p.79.
(281) P.R.O. Close Roll 15 John, pt. 1, mem. 6.
(282) CP, iv, App. H, p.659.

earldom of Chester was a 'marcher-type' earldom. Given the scarcity of evidence for the period, the fact that there is no evidence that the earldoms of Buckingham and Huntingdon/ Northampton received the Third Penny should not surprise us.

During King Stephen's reign, the charters creating earldoms provide evidence on the Third Penny for some of the new earldoms of that reign. Though King Stephen's charter to Geoffrey de Mandeville making him earl of Essex does not mention the Third Penny, Empress Matilda's charter confirming the same earldom specifically records the grant of the 'tertium denarium vicecomitatus de placitis.' (283) The use of 'vicecomitatus' instead of 'comitatus' emphasises that in Essex the sheriff was established as the leading figure in the shire court. This valuable charter also provides some indication of the way the Third Penny could be accounted for. The Empress allowed Geoffrey a reduction of the farm of the county, of which Geoffrey also became sheriff, to allow for his possession of the Third Penny (284). By this system, the Third Penny would not have appeared on the pipe roll, even if we possessed one. Empress Matilda's charter making Miles of Gloucester earl of Hereford granted him the 'tertium denarium placitorum totius comitatus Hereford.' (285) In her provisional grant to Aubrey de Vere

(283) Regesta, iii, nos.273-4.

(284) 'Et praeterea do et concedo ei et heredibus suis in feodo et hereditate ad tenendum de me et heredibus meis vicecomitatum Essex(e) reddendo inde rectam firmam quae inde reddi solebat die qua rex Henricus pater meus fuit vivus et mortuus, ita quod auferat de summa firma vicecomitatus quantum pertinuerit ad Meldonam et Niweport quae ei donavi, et quantum pertinuerit ad tertium denarium de placitis vicecomitatus unde eum feci comitem:' Ibid., no. 274. Note that under this arrangement, Newport and Maldon would not appear as 'terrae datae' on the pipe rolls.

(285) Ibid., no.393.

of the earldom of Cambridge, Matilda granted the 'tertium denarium.' (286) The Peace Treaty of 1153, dealing with the grant of the 'totus comitatus' of Norfolk to William, the son of King Stephen, specifically reserves the 'tertium denarium' to Hugh Bigod, as earl (287). King John's charter to William de Ferrers earl of Derby granted the earl the 'tercium denarium de omnibus placitis placitatis per vicecomitem de Dereby tam in Dereby quam extra unde ipse comes est sicut aliquis unquam antecessorum suorum melius habuit.' (288) If we are to take the plural 'antecessorum' literally, and there is no reason not to, Earl William's grandfather was Robert de Ferrers, earl of Derby between 1139 and 1159. This probably takes the possession of the perquisite back to King Stephen's reign and probably to the creation of the earldom in 1138. An interesting aspect of the clause in King John's charter is the phrase 'placitatis per vicecomitem.' Was this to allow the grant to comprehend both counties of the joint sheriffdom of Derbyshire and Nottinghamshire (289).

Though strictly concerned with the first year of Henry II's reign, the abstract in the Red Book of the Exchequer from the

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(286) Ibid., no.634.
(287) Ibid., no.272.
(288) Cartae Antiquae Rolls 1-10, no.60.
(289) For a recent discussion of the earldom and the two counties, Derbyshire and Nottinghamshire, and the use by Robert earl of Derby (d. 1159) of the title earl of Nottingham, see M. Jones, 'The Charters of Robert II de Ferrers, Earl of Nottingham, Derby and Ferrers,' Nottingham Medieval Studies, xxiv (1980), 7-10, 16-20.

pipe roll for the exchequer year 1154-5 is useful as an indication of the situation in the last years of the previous reign. The earl of Gloucester is shown in receipt of £15 'in tertio denario comitatus' for the three-quarters of a year which the sheriff's account concerns. This amount corresponds with the £20 received for the full year during subsequent years of Henry II's reign (290). In Herefordshire, Earl Roger is recorded as receiving £123 0s 9d 'de tertio denario suo' for the three-quarters of a year of the sheriff's account. The enormous amount here suggests that the value of 'terrae datae' has been added in (291). In Wiltshire, the receipt of the Third Penny by Patrick earl of Wiltshire is disguised in the entry: 'Comiti Patricio £22 16s 7d numero pro parte sua comitatus.' That this is in fact the Third Penny of the Pleas is demonstrated by the fact that the amount equals that which he received in later years of the reign (292). This is less clearly so in the case of the earl of Hertford. In an account for half a year, he received £7 0s 10d 'de parte comitatus sui.' It is not clear what relationship this figure bears to the £33 1s 6d or £33 1s 8d which the earl received as the Third Penny of the Pleas in later years (293). Whether or not the entry in 1154-5 had any connection with the Third Penny is impossible to tell. The entries for the earls of Gloucester and Hereford confirm the

(290) RBE, ii, p.650; PR 2-4 Henry II, p.49.
(291) RBE, ii, p.651.
(292) Ibid., p.649; PR 2-4 Henry II, p.77.
(293) RBE, ii, p.651; PR 2-4 Henry II, p.134: PR 7 Henry II, pp.64-5.

earlier evidence for the receipt of the Third Penny by these earls. The entry for the earl of Wiltshire adds another earl who probably received the Third Penny at least during the latter part of King Stephen's reign.

The charters creating or confirming earldoms during Henry II's reign all include a grant of the Third Penny of the Pleas of the Shire. Henry II's charter to Hugh Bigod granted him the 'tertio denario de Nordwico et de Norfolkia, his charter to Roger fitz Miles granted the 'tertium denarium placitorum totius comitatus Herefordie' and his charter to Geoffrey de Mandeville (d. 1166) granted the 'tertium denarium de placitis meis ejusdem comitatus.' (294) All these confirm the charter evidence of the previous reign. Henry II's charter to Aubrey de Vere fixed his earldom as that of Oxford and granted him the 'tertium denarium de placitis comitatus de Oxenfordscyra.' (295) Henry II also granted the 'tertium denarium de placitis de Sudhsexa' to William earl of Arundel (296).

The beginning of a complete series of pipe rolls from the second exchequer year of Henry II's reign provides us with the first regular evidence of the actual receipt of the Third Penny. The pipe rolls provide evidence of receipt, in Henry II's reign, for the earls of Arundel, Devon, Essex, Gloucester, Hertford, Leicester, Norfolk and Wiltshire. A study of the entries provides

(294) Appendix I (d), (c), (b).
(295) Appendix I(e).
(296) Appendix I(a).

some interesting insights into the treatment of the Third Penny of the Pleas of the Shire.

The first receipt of the Third Penny of the Pleas of Sussex by William earl of Arundel (d. 1176) occurred in the pipe roll for the third exchequer year of Henry II's reign, 1156-7, but referred to the previous year, 1155-6. The amount credited to the sheriff's account was £12 13s 4d and the entry was accompanied by the phrase 'per breve regis.' (297) It will emerge from the examples of other earls that a considerable number of earls have their first receipt noted in the third pipe roll of the reign, even where it refers to a previous year. It would appear that the exchequer took some time to regularise their accounting entries. The pipe roll for 1156-7 contains another entry relating to the earl of Arundel's Third Penny for the current year, this time £13 6s 8d and without the phrase 'per breve regis.' (298) This revised amount, a rounding-up from 19 to 20 marks, is maintained, when paid, for the rest of the reign. There is no entry in the pipe roll for the year 1157-8. When the entry reappears in the pipe roll for the year 1158-9, it is again accompanied by 'per breve regis.' (299) Up to and including the year 1174-5, the entry, without 'per breve regis' is repeated each year. From this, it seems that 'per breve

(297) PR 2-4 Henry II, p.60.
(298) Ibid.
(299) PR 5 Henry II, p.60.

regis' represents an actual writ by the king to the sheriff authorising payment, which would then be presented to the exchequer by the sheriff. The writ in the first entry of the roll for 1156-7, referring to the year 1155-6, was the writ authorising the initiation of payments to the earl, corresponding to the king's charter to the earl, granting the Third Penny. (300) The second writ, in the roll for the year 1158-9, occurred after a gap in the payments. The writ presumably ordered the resumption of payments after this gap, perhaps caused by the earl's visit to the Holy Land, sometime between 1155 and 1158 (301).

There was no entry for the earl of Arundel's Third Penny in 1175-6, probably because of the earl's death, even though the earl died on October 12th 1176, shortly after the end of that exchequer year. He died at Waverley Abbey, perhaps indicating that his death was anticipated (302) In the pipe roll for the year 1176-7, the entry reappears, accompanied by the phrase 'per breve regis.' (303) Thus the payment of the Third Penny to the earl's son and heir, William earl of Arundel (d. 1193), was authorised by the king. For the remainder of the reign, the entry is recorded each year, with no 'per breve regis,' but from the roll for the year 1177-8, the name of the

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(300) Appendix I (a).
(301) Walter Map, De Nugis Curialum, pp.245-6.
(302) CP, i, p.235. His presence at an abbey does not necessarily indicate that he expected to die; monastic hospitality was a normal feature of an earl's travels.
(303) PR 23 Henry II, p.187.

earl is changed from William earl of Arundel to 'Comes Willelmus de Albeneio,' recognising the transfer of the honour of Arundel to the king (304).

In the third pipe roll of Henry II's reign for the year 1156-7, the first entry concerning the Third Penny of Devon appears. The amount is £35 13s 4d in respect of two years, presumably the current and previous years, giving an annual payment of £18 6s 8d. The entry is accompanied by the phrase 'per breve regis.' (305) This writ authorised the beginning of payments, backdating them for a year to the year 1155-6. The payments continue without any more writs up to and including the year 1161-2. The amount was always £18 6s 8d (306). Richard earl of Devon died in 1162 and his son, Baldwin, was a minor. When Baldwin came of age in 1183-4 and received the title earl, the Third Penny does not reappear on the pipe rolls.

The first entry for the Third Penny of the earl of Essex occurs in the third pipe roll of the reign (1156-7). There is one amount of £40 10s 10d in respect of the previous year, 1155-6; Henry II made Geoffrey de Mandeville earl of Essex in January 1156. There is also an amount in respect of the current year. There is no mention of a royal writ authorising the beginning of payments (307). The payments continue at the same

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(304) PR 24 Henry II, p.89.
(305) PR 2-4 Henry II, p.74.
(306) Ibid; PR 2-4 Henry II, p.158; PR 5 Henry II, p.4; PR 6 Henry II, p.50; PR 7 Henry II, p.67; PR 8 Henry II, p.68.
(307) PR 2-4 Henry II, p.72; Appendix I (b).

amount for the rest of the reign. There is no gap in payments when Geoffrey earl of Essex died in 1166 and was succeeded by his brother William (308).

The first full year of payment of the Third Penny of Gloucestershire accounted for on the rolls is on the second roll, 1155-6. The amount is £20 and no royal writ is mentioned (309). The payments continue every year up to and including 1182-3 (310). William earl of Gloucester died in 1183. In the following exchequer year, 1183-4, the honour of Gloucester was in the king's hands, or rather in those of his appointed custodian, Hugh Bardulf. This situation produced an interesting entry relating to the Third Penny: 'Et Hugoni Bardul' custodi terre Comitis de Gloecestr' £20 in terio denario comitatus de quibus idem Hugo debet respondere.' The money was accounted for under the honour of Gloucester, treated as part of the escheated estate, rather than as a perquisite of an unfilled office (311). For the first time, the Third Penny of the Pleas of the Shire was treated in the same way as a piece of land or a rent.

It seems to have taken the exchequer some time to regularise the payment of the Third Penny to Roger earl of Hertford. In the third pipe roll of the reign, for the year 1156-7, there is an entry for £20 in respect of the previous year, but no entry relating to the current year (312). In the rolls for the years

(308) PR 12 Henry II, p.122; PR 13 Henry II, p.152.
(309) PR 2-4 Henry II, p.49. This corresponds to the £15 for three-quarters of a year in 1154-5 and equals the amount paid in 1129-30: RBE, ii, p.650; PR 31 Henry I, p.77.
(310) e.g. PR 29 Henry II, p.92.
(311) PR 30 Henry II, pp.59, 110.
(312) PR 2-4 Henry II, p.73.

1157-8, 1158-9 and 1159-60, the amount credited to the sheriff's account for the Third Penny is £33 1s 6d (313). For the year 1160-61 and to the end of the reign, with no gap for the succession of Earl Roger's son, Richard, in 1173, the amount is slightly different at £33 1s 8d. (314) Surprisingly, in view of the apparent confusion at the beginning of the reign, there is no sign of any royal writs to the sheriff.

There are no pipe roll entries relating to the payment of the Third Penny of Leicestershire until the twenty-seventh roll of the reign, for the year 1180-81. The entry in this roll is very interesting: 'Idem vicecomes redd. comp. de £28 de tertio denario comitatus de Legercestr' de 7 annis preteritis quas comes Legercestr' accipere noluit nisi haberet similiter de cremento sicut predecessores sui recipere consueverunt tempore regis Henrici. In thesauro liberavit. Et quietus est.' (315) Several conclusions can be drawn from this entry. For seven years, from 1174-5 to 1180-81, the earl had refused to accept the Third Penny of Leicestershire at a rate of £4 a year. ~~During this period,~~ the sheriff had kept this money and was ~~paying the accumulated money into the treasury~~. During Henry I's reign, the earl of Leicester had received the Third Penny at a rate increased from £4 by an increment. As specified in the Empress's charter to Geoffrey de Mandeville earl of Essex, the

(313) PR 2-4 Henry II, p.134; PR 5 Henry II, p.6; PR 6 Henry II, p.10.
(314) e.g. PR 1 Richard I, p.20.
(315) PR 27 Henry II, p.79.

farm of the county must have been pre-adjusted for the Third Penny, so that it would not appear as a deduction on the pipe rolls. It only appears on the roll for 1180-81, because the earl had not been accepting the money. The most likely conclusion to be drawn from this is that the earls of Leicester received the Third Penny of the Shire from the beginning of the earldom in Henry I's reign. At some point, the amount had been increased from £4, though the original rate may look back to Anglo-Saxon times and the increment might have been paid from the beginning of the earldom of Leicester. The earls continued to receive the Third Penny at the increased rate until Robert earl of Leicester (d. 1190) rebelled in 1173. After the rebellion, in 1174-5, the king allowed the earl to receive the Third Penny, but only at the unaugmented rate of £4. This the earl refused to accept and the money accumulated in the sheriff's hand. After 1180-81, the sheriff continued to account for and pay to the treasury £4 a year in respect of the Third Penny the earl continued to refuse, lest it should prejudice his claim to the increment (316).

Hugh Bigod received the charter from Henry II, making him earl of Norfolk, probably at the beginning of 1155 (317). The first entry relating to his Third Penny occurs in the third pipe

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(316) PR 28 Henry II, p.96; PR 29 Henry II, p.40; PR 30 Henry II, p.50; PR 31 Henry II, p.96; PR 32 Henry II, p.133; PR 34 Henry II, p.119; PR 1 Richard I, p.128. The dispute continued into Richard I's reign and seems to have been finally settled during the year 1195-6, when the earl of Leicester was credited with £2 out of the £4: PR 8 Richard I, p.48. This suggests that the earl had finally accepted the level of the Third Penny around Easter 1196. There is no entry for the following year.

(317) Appendix I (d).

roll of the reign (1156-7), but refers to the one and a half years previous to that. The amount is £50, giving an annual rate of £33 6s 8d (50 marks). This would take payment back to Easter 1155. There is however no payment for the current year, 1156-7 (318). Payments for the years from 1157-8 to 1162-3 were recorded at the annual rate of £28 4s (319). The reason for the reduction is unclear, but Earl Hugh's castles were confiscated in 1157 and this fall from favour may have something to do with it (320). The payments from 1163-4 to 1171-2 were back at the first rate of £33 6s 8d (321). The year 1172-3 includes the outbreak of the rebellion of 1173-4 in which Earl Hugh joined. The pipe roll of 1172-3 shows a payment of £16 13s 4d 'de dimidio anno,' thus dating Earl Hugh's rebellion from Easter 1173, at least for exchequer purposes (322). Earl Hugh made his peace with Henry II around July 25th 1174. From July 25th to September 30th, Michaelmas, was nine weeks and five days. The pipe roll for 1173-4 shows a payment to Earl Hugh of £5 11s 1d 'de 9 septimanis post pacem factam cum Rege de tertio denario comitatus.' (323). This shows a remarkably cool, technical attitude towards rebellion by the exchequer. The remaining two exchequer years before Earl Hugh's death, 1174-5 and 1175-6 (Earl Hugh died in 1177) record a return to a normal payment of £33 6s 8d (324). There is no sign of any royal writs to the

(318) PR 2-4 Henry II, p.75.
(319) e.g. PR 2-4 Henry II, p.125.
(320) Chronicles, iv, p.192.
(321) e.g. PR II Henry II, p.3.
(322) PR 19 Henry II, p.116.
(323) PR 20 Henry II, p.36; Gesta Henrici, i, p.73.
(324) PR 21 Henry II, p.10; PR 22 Henry II, p.60.

sheriff concerning Earl Hugh's Third Penny. Earl Hugh's son, Roger, was denied the earldom until Richard I's reign and did not receive the Third Penny in Henry II's reign (325).

In the third pipe roll of the reign (1156-7), an entry relating to the year 1155-6 shows Patrick earl of Wiltshire in receipt of £22 16s 7d 'de parte sua comitatus.' A second entry in the same roll repeats the amount with reference to the current year, 1156-7, but this time more normally described as 'tercio denario comitatus' and accompanied by the phrase 'per breve regis.' (326) It should be noted that Patrick was himself sheriff of Wiltshire during this period. The change in terminology and the writ mark the formal royal authorisation for a payment Patrick was already making to himself. The entries continue unchanged, except without any further writs, for the rest of the reign, with no gap for the succession of Earl Patrick's son, William (327).

J.H. Round asked whether earls of the eleventh and twelfth centuries "unquestionably" received this '"official perquisite."' Using three groups of evidence - charters granting or confirming earldoms, the pipe rolls available to him and a passage in the 'Dialogus de Scaccario' - he concluded that the Third Penny of the Pleas of the Shire was not received by all earls, that it

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(325) The restoration of the Third Penny coincided with the return of the earldom: PR 2 Richard I, p.92; Cartae Antiquae Rolls 11-20, no.554. The lands withheld after Earl Hugh's death in the dispute with Roger's step-brother were also returned at this time: PR 2 Richard I, pp.91-2.
(326) PR 2-4 Henry II, p.77.
(327) PR 14 Henry II, p.156.

was not automatic and that it needed a special grant (328). A closer examination of the evidence reveals that Round's conclusions were largely mistaken.

All the charters granting or confirming 'non-marcher' earldoms between 1135 and 1216 include a grant of the Third Penny of the Pleas of the Shire except one. The exception is the first in the series, King Stephen's charter making Geoffrey de Mandeville earl of Essex (329). The absence of any mention of the Third Penny compared with the specific grants included in the other charters, led J.H. Round to conclude that the specific grant was necessary (330). Whether necessary or not, it was certainly usual. It was not the inclusion of a special grant that was exceptional, but its absence. It is difficult to place Stephen's charter to Geoffrey de Mandeville in a proper perspective. As the first extant charter granting an earldom, we have no earlier charters to compare it with. The charters which do specifically grant the Third Penny provide several indications of the relationship between the perquisite and the earldom. Empress Matilda's charter to Geoffrey de Mandeville grants the Third Penny 'sicut comes habere debet in comitatu duo.' (331) J.H. Round admitted that, "This phrase may, of course, be held to imply that an earl had, as earl, a recognised right to the sum." (332) There is really no other interpretation,

(328) Round, Geoffrey de Mandeville, p.292.
(329) Regesta, iii, no.273.
(330) Round, Geoffrey de Mandeville, p.292.
(331) Regesta, iii, no.274.
(332) Round, Geoffrey de Mandeville, p.292.

though the phrase perhaps implies that the right was not always honoured. It is even possible that this implication refers specifically to the absence of such a grant in King Stephen's charter. The Empress's charter to Geoffrey creates another link between the office and the perquisite with the clause: 'tertium denarium de placitis vicecomitatus unde eum feci comitem.' (333) Several of the other charters follow a grant of the Third Penny with clauses such as 'unde comes est' or 'ut sit inde comes'.(334) Empress Matilda's charter to Aubrey de Vere grants the Third Penny 'sicut comes debet habere.' King Stephen's grant of the 'totus comitatus' of Norfolk to his son, William, recorded in the peace treaty of 1153, excluded the Third Penny as pertaining to the earl, Hugh Bigod. The Third Penny was clearly thought to be a normal perquisite for an earl (335).

Working chiefly from the printed pipe rolls then available, 2-7 Henry II, J.H. Round argued that, because the rolls offered no evidence of receipt for the earls of Warwick, Leicester, Huntingdon/Northampton, Derby, Oxford, Surrey, Chester, Lincoln and Cornwall, these earldoms were not in receipt of the Third Penny (336). There is, however, overwhelming evidence that receipts of the Third Penny need not necessarily appear on the

(333) Regesta, iii, no.274.
(334) Appendix I (a), (c), (e); Cartae Antiquae Rolls 1-10, nos. 60, 300; P.R.O. Cartae Antiquae, Roll 22, no.29.
(335) Regesta, iii, no.634, 272.
(336) Round, Geoffrey de Mandeville, p.293.

rolls. Firstly, there are entries on the rolls themselves that are inconsistent with a complete coverage of receipts. One of these, the entry for the earl of Leicester in 1180-81, has been discussed above. A second example occurs in the pipe roll for the year 1206-7. Here there is an entry stating that Aubrey earl of Oxford (d. 1214) accounted for 200 marks 'pro habendo tercio denario.' (337) There is no record on the rolls of the earls of Oxford having the Third Penny, before or after this date. In January 1156, Aubrey earl of Oxford (d. 1194) received a charter from Henry II explicitly granting the earl the Third Penny of Oxfordshire (338). A third example from the pipe rolls occurs in the fortieth roll of Henry III's reign. A writ is quoted, ordering the barons of the exchequer to cause John de Warenne, earl of Surrey, who had just come of age, to have the Third Penny of Surrey, as William de Warenne his father and his other ancestors had had it, pertaining to his earldom of Surrey. Again, no payment, either before or after this entry, is found on the rolls (339).

Apart from the pipe rolls themselves, there is other evidence that the pipe rolls were not a complete record of Third Penny payments. King John granted the Third Penny to William earl of Derby 'sicut aliquis unquam antecessorum suorum melius habuit,' yet there is no record of this on the pipe rolls (340).

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(337) PR 9 John, p.95. Round himself noticed the inconsistencies in the cases of the earls of Leicester and Oxford, but found them only "perplexing:" Round, Geoffrey de Mandeville, p.295.
(338) Appendix I (e).
(339) CP, iv, App. H, p.659.
(340) Cartae Antiquae Rolls 1-10, no.60.

Similarly, King John ordered the sheriff of Warwickshire to pay Henry earl of Warwick the Third Penny of Warwickshire 'sicut antecessores eius eum recipere consueverunt.' Again, there is no record of this from the pipe rolls (341). The means by which the payment of the Third Penny could escape the pipe rolls is clearly set out in Empress Matilda's charter to Geoffrey de Mandeville confirming his earldom of Essex. The amount could be deducted in the process of calculating the farm of the county, thus not appearing as a deduction from the amount owed on the roll (342).

If we return to J.H. Round's list of earls who did not receive payments on the early pipe rolls of Henry II's reign, we find that the impression given by this list is almost completely false. Firstly, the inclusion of Chester and Cornwall in the list is misleading. They were both 'marcher-type' earldoms which did not account to the exchequer and would have received the full proceeds from the shire court. Lincoln, too, should be withdrawn from the list, as it is doubtful whether Henry II recognised either claimant to that earldom. From the present examination of the evidence, it has been shown that it is likely that, at the dates concerned, the earldoms of Warwick, Leicester, Derby, Oxford and Surrey were in receipt of the Third Penny. Even in the case of the remaining earldom, that of

(341) P.R.O. Close Roll 15 John, pt. 1, mem. 6.
(342) Regesta, iii, no.274; see above, note 284.

Huntingdon/Northampton, David earl of Huntingdon, who received the earldom in 1185, was later in receipt of the Third Penny of Cambridgeshire (343). J.H. Round did not include the earldom of Buckingham in his list. It is, in fact, the only earldom of Henry II's reign of the 'non-marcher' type for which there is no evidence of any receipt of the Third Penny. The earldom disappeared after 1164, when the last earl died, so that there was little reason for later references to the Third Penny of Buckinghamshire.

J.H. Round approached the passage in the 'Dialogus de Scaccario' concerning the Third Penny already convinced that there were many earls not in receipt of the Third Penny (344). The passage concerned is as follows:

> "Comes autem est qui tertiam portionem eorum que de placitis proveniunt in comitatu quolibet percipit. Summa namque illa, que nomine firme requiritur a vicecomite, tota non exurgit ex fundorum redditibus set ex magna parte de placitis provenit et horum tertiam partem comes percipit. Qui ideo sic dici dicitur quia fisco socius est et comes in percipiendis. Porro vicecomes dicitur eo quod vicem comitis suppleat in placitis illis quibus comes ex sue dignitatis ratione participat.
> (Discipulus): "Numquid ex singulis comitatibus comites ista percipiunt?"
> (Magister): "Nequaquam. Set hii tantum ista percipiunt quibus regum munificentia obsequii prestiti vel eximie probitatis intuitu comites sibi creat et ratione dignitatis illius hec conferenda decernit, quibusdam hereditarie quibusdam personaliter." (345)

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(343) Rotuli Litterarum Clausarum in Turri Londinensi Asservati, ed. T.D. Hardy (Rec. Comm., 1833), i, p.33b.
(344) Round, Geoffrey de Mandeville, pp.293-4.
(345) De Neccessariis Observantiis Scaccarii Dialogus: commonly called Dialogus de Scaccario, ed. A. Hughes, C.G. Crump and C. Johnson (Oxford, 1902), p.109.

Once it is accepted that the normal practice was for an earl to receive the Third Penny, and that at least most earls received it most of the time, the passage's significance is much reduced. While accepting Round's interpretation of the passage, that the writer was referring to the Third Penny and not to the earldom when he stated that it can be either hereditary or granted for life, this does not really help us very much. The writer was concerned with the Third Penny, not with the earldom, but what the writer does not say is that the Third Penny would be granted for life when the earldom was hereditary, or that the Third Penny would be hereditary when the earldom was granted for life. There is certainly no evidence that the earldom and the Third Penny were ever granted on different terms.

While it was normal for an earl to receive the Third Penny, this does not mean that every earl received it every year. Indeed, the evidence suggests that this was not so. Where there are gaps on the pipe rolls concerning Third Pennies that were normally accounted for on those rolls, this probably indicates that there was no payment. The writs that appear on the pipe rolls, either at the beginning of a series of entries, or after a gap in such a series, show that the sheriff would, sometimes at least, require authorisation or a reminder to make the payments. The writ from King John to the sheriff of Warwickshire ordering payment of the Third Penny to Henry earl of Warwick demonstrates the form of these writs:

'Rex vicecomiti Warewic' et cetera. Precipimus tibi quod habere facias Henrico comiti Warewic' tercium denarium de comitatu Warewic' sicut antecessores eius eum recipere consueverunt. Teste me ipso apud Wingeham j die Junii.' (346)

The evidence of the earl of Leicester's dispute in Henry II's reign and the entry in 1206-7, showing the earl of Oxford proffering an amount in order to receive the Third Penny, demonstrates the possibility of disputes and non-payment.

The following table shows the amounts recorded on the pipe rolls of Henry II's reign for the various Third Pennies of the Shire shown on the rolls. Where the amount of an individual Third Penny varies, the most common amount is given.

Table A

The Amounts of the Third Penny of the Shire in Henry II's Reign

DEVON	£18	6s	8d	LEICESTER	£4	0s	0d
ESSEX	£40.	10s	10d	NORFOLK	£33	6s	8d
GLOUCESTER	£20	0s	0d	SUSSEX	£13	6s	8d
HEREFORD	£124	0s	9d	WILTSHIRE	£22	16s	7d
HERTFORD	£33	1s	8d				

Apart from the amount of the Third Penny of Herefordshire, which is surely an error, and the amount of the Third Penny of Leicestershire, where the amount represents a figure artificially reduced for political reasons, the other amounts fall within a fairly narrow range - £13 6s 8d to £40 10s 10d. While these amounts were financially worth receiving, it was clearly not the

(346) P.R.O. Close Roll 15 John, pt. I, mem. 6.

money which gave the Third Penny its special importance. Before 1189, there was only one example - Hugh Bardulf in Gloucestershire - of a non-earl receiving the perquisite, and that was on the king's behalf. This exclusiveness, combined with the phraseology of the charters granting Third Pennies, suggest that the Third Penny of the Shire was the mark of an earl and defined the county of his earldom. The fact that the amounts were generally consistent from year to year demonstrates that they were fixed irrespective of the inevitable fluctuations in the actual profits from the pleas of the shire.

The history of the Third Penny of the Shire after 1189 shows a gradual deterioration of the official nature of the perquisite. In 1191, when Geoffrey fitz Peter gained control of the honour of the earldom of Essex, he received the Third Penny, though he was not girded as earl until 1199 (347) King John's grant of the earldom of Hereford to Henry de Bohun specifies the amount of the Third Penny - the first time this was done - at £20, which was to become something of a standard amount (348). This suggests that the amount was losing its last links with the real amount of profits from the pleas of the shire. In the thirteenth and fourteenth centuries, there were repeated attempts to challenge the principle that only an earl could possess the perquisite,

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(347) Sanders, English Baronies, p.71; Hoveden, iv, p.90; PR 3 Richard I, p.24.
(348) Appendix I (c).

by custodians of comital honours, by attempts to grant away the perquisite, by the claims of heiresses or the husbands of heiresses and widows. The exchequer seems to have tried stubbornly to resist these attempts to treat the Third Penny like a piece of land. However, the fact that the claims were made seems to suggest that it was the exchequer that was now out of step with the attitude of the nobility to the Third Penny. By the end of the fourteenth century, the exchequer had lost the battle (349).

By the late twelfth century, there were two clear types of earldom. The few 'marcher-type' earldoms remained similar to the earliest 'marcher-type' earldoms created soon after the Norman Conquest - a complete lordship over the county familiar in pre-1066 Normandy. The 'non-marcher' earldoms had changed much more. The 'non-marcher' earls had lost their role in the shire court, their authority over sheriffs and their official, local military role. All that was left of their official, local position was the Third Penny of the Shire and, sometimes, the Third Penny of certain boroughs. The 'non-marcher' earldom remained a local office, but an honorary rather than a practical one. The roots of the 'non-marcher' earldoms were in the tradition of the Anglo-Saxon earldom, though the Norman Conquest had made the single shire, rather than the multi-shire, earldom the norm and had accelerated the development of the sheriff as a royal officer. King Stephen's reign stands out as an interruption

(349) G. Ellis, Earldoms in Fee (London, 1963), pp.80-4; CP, iv, App. H, pp.660-2.

in these developments. The number of 'marcher-type' earldoms increased and other earls gained control over the shrieval office. The number of earldoms increased dramatically and some earls were granted extensive lordship in counties other than those of their earldoms. These effects were induced by the peculiar political situation of King Stephen's reign: they were not an internal crisis in shire government. Henry II's reign represented the return to a more normal political situation and a return to the path of development established before King Stephen's reign. Henry II's reign saw the completion of these developments and the end of the practical official role of the 'non-marcher' earls in their shires.

Chapter Three

Aspects of the Lives of the Earls

This chapter is an attempt to examine various aspects of the lives of the earls which illuminate and are related to other more specific topics dealt with in this thesis. The earls often appear as rather obscure figures, their actions without direct evidence of motive, their thoughts unwritten and unavailable to historians. The interpretation of specific problems demands an understanding of the kind of men the earls were, the pattern of their lives, and of the culture that surrounded them. The approach of this chapter will, necessarily, be selective and impressionistic, but should contribute to a more rounded view of the earls.

Just as Henry II spent his whole reign almost constantly on the move, most, if not all, of the earls seem to have done likewise. An activity that formed such a large part of their lives deserves considerable attention. There were many different reasons for these journeyings, but they can be conveniently divided into three main areas: an earl's movement around his own estates and fiefs; travel connected with royal service, and journeys made for other miscellaneous reasons.

Most of the evidence of an earl's visits to different parts of his own lands occurs in place-dates on the earl's own charters. Chronicles and other evidence can sometimes supplement this, but not usually to any great extent. Unfortunately,

place-dates are found much less frequently than on royal charters and for many earls they are extremely rare or completely absent. The nature of this type of movement, and the reasons for it, can be gathered from some of the earls for whom the information is relatively extensive. There is no reason to assume that the earls whose movements around their estates and fiefs are obscure, behaved very differently.

The charters of William earl of Gloucester reveal a predictable pattern of place-dates. As one would expect, by far the most common place of issue was Bristol, the caput of the earl's honour in England (1). The earl clearly visited his lordship of Glamorgan, issuing at least one charter at Cardiff (2). He was also at Cardiff in 1158, when he was taken prisoner by one of his Welsh vassals (3). On 11 January 1148 the earl issued two charters at Wareham in Dorset, both a castle and borough of the earl (4). It is well known that Henry II spent much of his time at his various hunting-lodges. Though there is less evidence of this practice among the earls, the earl of Gloucester did issue one charter at Cranborne, a hunting-lodge (5). Just as when the king was in a particular locality, nearby religious houses would obtain charters from him, the

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(1) Earldom of Gloucester Charters, nos.36, 37, 48, 69, 71, 85, 98, 124, 155, 168, 182, 282.
(2) Ibid., no.105. Another charter was issued at 'New Borough,' which R.B. Patterson identifies as probably the new borough near Cardiff: Ibid., no.122.
(3) Giraldi Cambrensis Opera, ed. J.F. Dimock, R.S., 21 (London, 1868), vi, pp.63-4.
(4) Earldom of Gloucester Charters, nos.178-9.
(5) Ibid., no.176b/284; The History of the King's Works, ed. R.A. Brown, H.M. Colvin and A.J. Taylor (London, 1963), ii, p.922.

burgesses of Burford, one of the earl's boroughs, received a charter from the earl while he was at Oxford (6). The earl also issued one charter in London, where, in 1129-30, he received exemptions from the 'auxilium civitatis' of 1129 and 1130 (7). I have found only one charter issued by the earl with a Norman place-date. This charter to Hamo de Valognes was issued at Torigni-sur-Vire and has been dated by R.B. Patterson as ca. 1155-60. It was certainly not the earl's only journey to Normandy as he witnessed a royal charter at Quevilly near Rouen, dated by L. Delisle as 1170-1172/3 (8).

The charters of the Scottish holders of the earldom of Huntingdon give a good picture of the places they stayed in when visiting the honour (9). Huntingdon itself is by far the most common place-date, occurring eight times. Earls Barton in Northamptonshire occurs twice. Cambridge, Kempton (Beds.), Northampton, Harringworth, Great Cransley and Yardley Hastings (all Northants.) occur once each (10). William the Lion also issued a charter to Sawtry Abbey, dated in 1185 at King's Cliffe, Henry II's hunting-lodge in the Rockingham Forest, not

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(6) Earldom of Gloucester Charters, no.43.
(7) Ibid., no.158; PR 31 Henry I, pp.147, 149.
(8) Earldom of Gloucester Charters, no.186; Delisle, Recueil, i, p.571. The charter issued at Torigni-sur-Vire concerned an agreement in the earl's court between Hamo de Valognes and a certain Durand, son of Robert de Torigni. Earl William also witnessed a royal charter to Bordesley Abbey, issued at Rouen, in 1158-9: Delisle, 'Notes sur les Chartes de Henri II,' 279, no.18.
(9) See Map 1.
(10) RRS, i, nos.144-50, 152-3, 205-7; ii, 51, 55, 146; Book of Seals, no.200.

the excavations were perhaps built in 1211, but there was almost certainly something there already. The walls were of timber and cob, the roofs thatched and the floor of earth. The buildings consisted of a hall, possibly containing a separate chamber; a gaol, and a kitchen. Outside there was a moat with a gate-house and a bridge. There was also a fish-pond (116).

The earls also had property in various towns and cities. Domesday Book demonstrates that this had an early beginning (117). These properties were not necessarily to house the earl himself. They were often another form of rental income and the earl might have need of accommodation for his servants, perhaps when selling produce at the borough market. A common arrangement seems to have been for the properties to be rented out, with the right of the earl to stay there when visiting the city (118). There

(116) Ibid., i, p.83; ii, pp.1019-20. Its early use as a hunting-lodge is suggested by the charters issued by King Stephen to Eustace de Barrington and his son, Humphrey. Eustace and Humphrey after him were royal foresters and some of the land granted to them was at Writtle: Regesta, iii, nos.40-2. At Christmas 1141, King Stephen granted £120 worth of land at Writtle to Geoffrey earl of Essex (d. 1144): Ibid., no.276.

(117) For example, the predecessors of the earls of Buckingham, Chester and Derby all had property in the town of Oxford in 1086: Domesday Book, i, fo 154r. F.W. Maitland found that, "It seems generally expected that the barons of the county should have a few burgages apiece in the county town." The practice did not begin with the Norman Conquest: F.W. Maitland, Domesday Book and Beyond (Cambridge, 1897), p.179.

(118) Winchester in the Early Middle Ages: An Edition and Discussion of the Winton Domesday, ed. M. Biddle (Oxford, 1976), p.389.

far from the land of the honour of Huntingdon at Fotheringay and Harringworth (11). The honour also had land further afield. The Templars held Merton (Oxon.) from the lords of the honour, but the abbey of Eynesham held the church of the manor. Between 1157 and 1165, probably in 1163, King Malcolm of Scotland, then lord of the honour of Huntingdon, issued a charter at Oxford, ordering the Templars to allow Eynesham Abbey to hold the church in peace (12). The travels of the lord made him accessible even to isolated parts of the honour, as well as covering almost every district of the main concentration of land.

William of Blois, son of King Stephen, earl of Surrey, count of Boulogne and Mortain, held the most valuable and widespread collection of honours of all Henry II's earls. His lands stretched from Boulogne to the southern borders of Normandy, and in England, from Dover to Furness in Lancashire. The place-dates of his charters show that between 1153 and 1159 he visited most of the areas in which he had lands. He issued three charters while visiting the Warenne lands in Norfolk, two at Thetford and one at Castle Acre. (13) He issued one charter at Singleton (Sussex), not far from his Warenne honour at Lewes and his honour of Pevensey (14). He was in Colchester, a borough

(11) RRS, ii, no.3; see Map 1.
(12) RRS, i, no.202.
(13) W. Farrer, The Lancashire Pipe Rolls and Early Lancashire Charters (Liverpool, 1902), pp.306, 430; BM Harley Ch.83A, 25.
(14) Book of Seals, no.211. Singleton was a manor of the honour of Arundel. In 1086 it was held in demesne by Roger de Montgomery: Domesday Book, i, fo 23r.

closely connected with the honour of Boulogne, when Henry II issued a charter to Faversham Abbey, 'prece et peticione Cognatimei Willelmi Comitis Warren.' William also witnessed the charter (15). At least one journey was made by the earl to Lancaster, where he issued a charter to Furness Abbey (16). William also issued charters at Salisbury and London (17). Across the English Channel, he issued charters at Coutances and Tinchebrai, both places connected with the earl's honour of Mortain (18). Two documents concerning William's successor to the earldom of Surrey and the honour of Warenne, Hamelin, illustrate other places where a lord of that honour might stay. One was issued at Wakefield, centre of the important soke of that name, and the other was issued at Lambeth in the earl's borough of Southwark (19).

Attendance at the court of his lord was an established duty of every vassal, part of the service he owed for his lands. The practice was as much for the vassal's benefit as for the lord's. For the tenant-in-chief the king was the ultimate source of all grants, confirmations of grants and all justice. The king needed his barons, including his earls, to witness his

(15) Cartae Antiquae, Rolls 11-20, ed. J. Conway Davies, Pipe Roll Soc., New Ser., xxxiii (London, 1960), no.423. Faversham Abbey was founded in 1148 by William's father, King Stephen, who with his queen and eldest son, Eustace, were buried there: Regesta, iii, no.300. In 1086 Eustace count of Boulogne had considerable property in Colchester: Domesday Book, ii, fos.27, 29v, 30, 104, 106v.

(16) Farrer, Lancashire Pipe Rolls and Early Charters, pp.307-8.

(17) J.H. Round, 'The Honour of Ongar,' Essex Archaeological Soc., Trans., vii (1898), 144-6.

(18) Calendar of Documents preserved in France, i, 918-1206, ed. J.H. Round (London, 1899), nos.788, 961.

(19) The Chartulary of Lewes Priory: the Portions relating to Counties other than Sussex, Sussex Rec. Soc (1943), p.312; EYC, viii, no.79. Hamelin also issued a charter at the king's court at Nottingham: Ibid., no.78.

charters, advise him on judicial and other business, even to act as sureties for his agreements. The king also needed men of power and status to carry out duties away from the king's person for administrative, judicial, military, ambassadorial and other purposes. Because of the greater survival of royal documents and the greater interest of most chroniclers in matters concerning the king, much more is known of the movements of the earls, where it was in some way connected with the king. Some examples taken from the evidence for particular earls will illustrate the varied character of these movements.

One of the earls most notable as a royal servant of Henry II was William d'Aubigny earl of Arundel (d. 1176). Though less well known in this respect than, for example, Robert earl of Leicester (d. 1168), William's commitment to royal service cannot be doubted. While his household office of butler did not determine this commitment, it can only have reinforced his connections with the court (20). His marriage to the Dowager Queen Adeliza may also have been a factor. William appears very frequently in witness-lists of royal charters and chroniclers mention him more often than is general for the earls. He occurs

(20) William was zealous in the protection of his right to perform the traditional services attached to the office of butler: Walter Map, de Nugis Curialum, pp.345-6. Even the less trusted William de Tancarville was able to protect his rights as chamberlain of Normandy: Ibid., pp.242-6. Such important household offices guaranteed their holders personal access to the king.

with the king in England at a variety of places, mostly in the South: at Westminster; Salisbury; Dover; Clarendon; Woodstock; Ludgershall, and Northampton (21). Across the Channel, we find him with the king in many different places. In Normandy he occurs at Rouen, Les Andelys, Quevilly and Breteuil (22). Further south, we find him at Le Mans (Maine), Saumur (Anjou), Fougeres (Brittany) and somewhere in Aquitaine at the agreement between Henry II and the count of Maurienne (23). Attendance on the king could obviously take a royal servant, even a powerful magnate, to any part of the Angevin dominions. Service away from the king himself led the earl to destinations just as varied. In November 1164, following Becket's flight to France, Earl William was one of Henry II's ambassadors to Louis VII at Compiègne and then to the Pope at Sens (24). Between 1166 and 1170 he was apparently a very busy man. During this time he made four expeditions to Wales or the Welsh Marches, acted as escort for the Princess Matilda to Saxony, appeared as a witness at the exchequer while the king was in Normandy and made at least

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(21) Delisle, Recueil, i, pp.163, 380; ii, 52, 53, 122; R.W. Eyton, Court, Household and Itinerary of King Henry II (London, 1878), pp.12, 60, 67, 85; Cartae Antiquae, Rolls 11-20, no.495; Delisle, 'Notes sur les Chartes de Henri II,' p.293.

(22) Delisle, Recueil, i, pp.339, 341, 344, 571, 573, 579; ii, 86; Gesta Henrici, i, p.51.

(23) Delisle, Recueil, i, pp.403-4, 511; ii, 29; Gesta Henrici, i, p.51; Cartae Antiquae, Rolls 1-10, ed. L. Landon, Pipe Roll Soc., New Ser., xvii (London, 1939), no.97.

(24) Hoveden, i, pp.229-31.

one journey to France, though in this last case perhaps to be with the king (25). During the war of 1173-4, Earl William appeared as one of the leaders of the royal forces at the battle of Fornham on 17 October 1173, after having been with the king in Normandy in August of the same year (26).

Reginald earl of Cornwall witnessed far more royal charters than the first earl of Arundel, though almost entirely on the English side of the Channel. In England, he witnessed charters at numerous places from Southampton to York and from Bridgenorth

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(25) RBE, ii, App. A, pp.cclxvii-cclxxiii. These returns to the Inquest of Sheriffs cover the period between 1166-70 when the king was on the Continent. The expeditions to the Welsh Marches must therefore have been independent of the king's person. The earl's escort of the Princess Matilda is noted in the chronicles: Diceto, i, p.330; Chronicles, iv, p.234. The accounts differ as to the earl of Arundel's companion in this escort. Ralph de Diceto gives Richard earl of Pembroke (Striguil), while Robert de Torigni has Hamelin earl of Surrey as the second member of the escort. The earl of Surrey seems more likely as he was the princess's half-uncle, though the chronicler may have confused this occasion with Hamelin's escort of Princess Joanna to Sicily: Gesta Henrici, i, p.120. In either case, it seems that an earl was regarded as a proper part both of embassies to foreign kings and of escorts of royal princesses.

(26) Gesta Henrici, i, pp.51, 61.

to Dover (27). In contrast to his plentiful appearances in England, he witnessed only six charters in the Receuil des Actes de Henri II that were issued on the Continent. No other source seems to supplement this total. The uncertain dating of these charters - two at Rouen, two at Domfront, one at 'Leones' (probably Lions-la-Foret) and one at Chinon - makes definite conclusions difficult, but they suggest only two separate visits, one including the charters at Rouen and Domfront and one including the charters at Lions-la-Foret and

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(27) Delisle, Recueil, i, pp.106, 180, 181, 199, 381. It could be argued that Reginald's lack of Continental lands explains the rarity of his appearances across the Channel. However, his lands were mostly in south-western England and York was much further from his main lands than Normandy was. He may have been encouraged to stay in England by the king, as an extra bulwark to royal authority in the king's absence. Though not usually involved in day-to-day administration like Robert earl of Leicester (d. 1168), there are some indications of connections with the government of England in the king's absence. The pipe roll for the exchequer year 1155-6 shows him as a witness to a writ of the queen: PR 2-4 Henry II, p.60. The roll for the year 1158-9, when the king was again abroad, shows a payment to a man for carrying a writ to Earl Reginald: PR 5 Henry II, p.38. His military role was perhaps more important than his administrative role. In 1159 (this may have been the occasion of the writ mentioned above) and in 1165, he was involved in fighting in Wales, and in 1173-4 he was one of the chief royal commanders in England: J.E. Lloyd, A History of Wales (London, 1911), ii, pp.510-11; PR II Henry II, pp.2, 79; PR 12 Henry II, pp.94-5; Gesta Henrici, i, pp.58, 61-2.

Chinon (28).

Robert earl of Leicester (d. 1168) also witnessed a great number of royal charters issued in England at a variety of locations. He too seems to have made few expeditions abroad. I can find only one occasion when he was definitely on the French side of the Channel. He witnessed a royal charter dated at Argentan, some time during the years 1156-9 (29). R.W. Eyton suggested that he crossed to Normandy in 1166, apparently on the strength of a charter dated at Falaise (30).

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(28) Delisle, Recueil, i, nos.33, 80, 105, 116, 227, 359. The two charters at Rouen have the same first four witnesses, suggesting the same occasion. Both Domfront charters have three witnesses, including Earl Reginald, who occur in both the Rouen charters. One of the Domfront charters (no.80) includes all the witnesses of the other (no.105). All these charters are consistent with the king's visit to the Continent between January 1156 and April 1157: Eyton, Court, Household and Itinerary, pp.16-25. The charter issued at Chinon (Delisle, Recueil, i, no.227) was issued in 1162. While the charter issued at 'Leones' (probably Lions-la-Foret) could be dated anywhere between 1156 and 1172/3 (Delisle, Recueil, i, no.359), it is significant that the three witnesses are the same as the first three in the Chinon charter (Delisle, Recueil, i, no.227). It seems reasonable to suggest that these two charters were issued at around the same period. It is possible that the reason for the first of these two visits is revealed by the contents of the charters issued at Rouen (Delisle, Recueil, i, nos.33, 116). They are both in favour of Reading Abbey, which was founded by Reginald's father, Henry I, and became the burial place of Reginald himself, as well as of his father: Gesta Henrici, i, p.105. An interesting general question arising from this is how far the intention to make important grants, or to formulate important charters, was advertised in advance so as to allow interested parties to be present.

(29) Delisle, Recueil, i, p.202.

(30) Eyton, Court, Household and Itinerary, p.92; Delisle, Recueil, i, p.544.

The problem with this charter, as with two others, dated respectively at Le Mans and Verneuil, is in distinguishing Robert earl of Leicester (d. 1168) from his son and successor Robert (31). It is true in general that Robert (d. 1168) witnessed many more royal charters than his son, but this is not true if one considers charters issued outside England. Whether Robert (d. 1168) did make more than one journey across the Channel, or whether the Argentan example was the only one, it seems safe to state that he did not leave England frequently. An important difference between Reginald earl of Cornwall and Robert earl of Leicester (d. 1168) is that whereas Reginald had no lands or important personal interests across the Channel, this was most certainly not the case with Earl Robert, who held the honours of Breteuil, Grandmesnil and Pacy (32).

It is an impressive demonstration of the widened horizons created by the extent of Henry II's dominions, that Geoffrey earl of Essex (d. 1166) could witness a royal charter at Newcastle-upon-Tyne and witness another charter of the same king at the abbey of La Sauve-Majeure near Bordeaux (33). The service to the king of Earl Geoffrey also demonstrates how demanding, in terms of travelling, involvement in the judicial side of government could be. During the exchequer year 1165-6, Earl Geoffrey partnered Richard de Lucy on a judicial circuit of

(31) Ibid., i, pp.493, 557.
(32) CP, vii, pp.529-30, 532.
(33) P.R.O., Cartae Antiquae, Roll 28, no.7; Delisle, Recueil, i, p.121.

much of eastern and central England, from Northumberland to Kent. The earl died in 1166 at Chester from wounds gained at the hands of the Welsh (34).

Geoffrey's brother and successor in the earldom appeared very frequently as a witness to Henry II's charters in the latter half of the reign, mainly, though not exclusively, on the French side of the Channel. As with Earl Geoffrey, William de Mandeville's attestations covered a wide geographical range - from York to St. Macaire in Gascony (35). Earl William's career in royal service also illustrates another interesting, though perhaps untypical, feature of that service. The Pipe Rolls indicate that between Michaelmas 1173 and Michaelmas 1187, Earl William crossed the Channel ten times. As the cost of the transfers was being borne by the exchequer in England, it seems reasonable to assume that these journeys were in the king's service. The entries are usually in the form 'et in passagio comitis Willielmi .... etc,' and where it is made explicit, the direction is always from England. One would expect that concessions on journeys in the other direction would be borne by the Norman Exchequer, so that the pipe roll entries would only reveal half the actual crossings (36). In fact, in October 1186, Earl William made two crossings each way on ambassadorial missions to the king of France, where the pipe rolls only reveal one (37).

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(34) Pleas before the King or his Justices 1198-1212, iii, ed. D.M. Stenton, Seldon Soc., lxxxiii (London, 1967 for 1966), pp. liii-liv.

(35) Calendar of the Charter Rolls (P.R.O., 1921), iv, p.26; Delisle, Recueil, ii, p.5.

(36) PR 20 Henry II, pp.133, 135; PR 22 Henry II, p.205; PR 23 Henry II, p.188; PR 25 Henry II, p.120; PR 26 Henry II, p.148; PR 27 Henry II, p.152; PR 28 Henry II, p.150; PR 29 Henry II, p.160; PR 31 Henry II, p.233; PR 33 Henry II, p.210.

(37) Gesta Henrici, i, pp.353-4; PR 33 Henry II, p.210.

In all, therefore, Earl William made around twenty-two crossings of the Channel on one sort or another of royal mission. He also made crossings for his own reasons. Before he became earl he had travelled to Flanders to join the service of the count and had to hurry back when the news of his brother's death reached him. In 1177, he left England to go on crusade with the count of Flanders, crossing first to France (38). In August 1179 he arrived in England from France with King Louis VII, the count of Flanders, Henry duke of Louvain and Baldwin count of Guisnes, though as the pipe roll for the exchequer year 1178-9 shows the earl crossing from England to France, he may already have been back to England since his crusade. In accompanying the king of France and the others, he may have been acting as an escort (39). In 1184, he returned to Flanders to help the count against the king of France (40). Earl William is perhaps the supreme example of the well-travelled earl. Within the Angevin dominions he had journeyed from Yorkshire to Gascony. Outside, he had been a knight of the count of Flanders, an ambassador to the German Emperor and a crusader to Palestine (41).

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(38) 'The Foundation Book of Walden Abbey,' BM Arundel MS, 29, fos.3v, 7. Gesta Henrici, i, p.130 n10.
(39) Gesta Henrici, i, p.241; PR 25 Henry II, p.120. Ralph de Diceto states that Earl William returned from crusade in October 1178, but does not specify whether he came to England immediately or not: Diceto, i, p.428.
(40) Diceto, ii, p.32.
(41) For Earl William's embassy to the German Emperor, see Gesta Henrici, i, pp.287-8.

The supervision of an earl's landed interests and his movements connected with the king and royal service were the occasion for most of his journeyings, but there were other reasons for travel and these often involved the longest and most exotic journeys. Pilgramages and Crusades took many earls to the edges of the Christian world. At least five of the earls of Henry II's reign went to Palestine, either during that reign as in the case of William earl of Arundel (d. 1176), William earl of Essex (d. 1189), William earl of Warwick (d. 1184) and Robert earl of Leicester (d. 1190), or with the Third Crusade in 1190, as in the case of William earl of Derby (d. 1190) and Robert earl of Leicester again (42). At least three more earls made pilgramages to Compostella: Hugh earl of Chester (d. 1181); Robert earl of Derby (d. 1159), and Patrick earl of Salisbury (d. 1168 (43). Richard earl of Hertford (d. 1217) took the cross to go to Jerusalem (44). His father, Earl Roger, seems to have planned a long journey absent from his English lands, though his destination is unknown (45). An earl who went to Palestine or to Compostella was therefore no oddity; the idea of the journeys involved was well-established.

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(42) Walter Map, De Nugis Curialum, p.245; BM Arundel M5, 29, fo.7; CP, xii, pt ii, p.363; Annales Monastici, ed. H.R. Luard, R.S., 36 (London, 1865), ii, p.241; CP, iv, pp.193-4; Ibid., viii, pp.532-3.

(43) Chronicles, iv, p.256; G. Wrottesley, 'The Burton Chartulary,' Collections for a History of Staffordshire, v, pt i, William Salt Arch. Soc. (London, 1884), p.50; Hoveden, i, pp.273-4.

(44) BM Cotton MS, App. xxi, fo. 25.

(45) F.M. Stenton, The First Century of English Feudalism, 2nd edn. (Oxford, 1961), App. no.19, p.269.

The routes taken by these earls to Palestine or Compostella are usually impossible to determine, but for William earl of Essex the Walden Abbey Chronicle shows part of his route to Palestine. He travelled across the Channel to France, then down through Burgundy, across the Alps and on to Rome, thus following one of the standard routes to the city of the Pope (46). The rest of his journey to the Holy Land is unfortunately not recorded, nor is any detail of his return journey, but unless the visit to Rome was a lengthy detour, part of his journey from Rome to Palestine would have been undertaken by ship from Italy. There are no routes recorded for the earls who went to Compostella, but there are some indications. Patrick earl of Salisbury was on his way back from the shrine when he was put in command of Henry II's forces in Poitou and subsequently killed at the hands of the Lusignan rebels (47). Hugh earl of Chester was also returning from Compostella when the revolt against Henry II broke out in 1173. Hugh joined the revolt and fought with other rebels on the borders of Normandy and Brittany (48). It seems most likely that both of these earls were returning from Compostella by land, via northern Spain and western France.

Military expeditions by the earls, for their own purposes rather than for the king's, also entailed journeys of some

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(46) BM Arundel MS, 29, fo.7.
(47) Hoveden, i, pp.273-4; Chronicles, iv, pp.235-6. It is an ironic example of the unity of Latin Christendom that a man returning from a pilgramage to Compostella was killed in Poitou in a battle with Guy de Lusignan, a man who would later become king of Jerusalem.
(48) Chronicles, iv, p.256.

length. Roger earl of Hertford travelled to Cardiganshire to re-establish control from the Welsh, Conan earl of Richmond invaded Brittany from England, and Richard earl of Pembroke went to seek a kingdom in Ireland (49). Robert earl of Leicester (d. 1190), during the revolt of 1173-4, travelled from England to the lands of the French king and then back to East Anglia with an army of mercenaries (50). Other, less momentous reasons, prompted journeys. William de Mandeville, before he became earl, travelled to Flanders to become the count's knight, seeking his fortune abroad like many other Normans before him. But for his brother's death without children, he might never have returned (51). Geoffrey, son of King Henry II, earl of Richmond and duke of Brittany, was in Paris in August 1186 when he was killed at a tournament (52). Though the attractions of political intrigue with the French king cannot be discounted, it is not unlikely that such a visit was chiefly for recreational reasons.

Itineraries such as those that have been constructed for the kings of this period are impossible for the earls of Henry II's reign. Even where place-dates among the earl's own charters are relatively plentiful, the dating of those charters can usually only be very approximate, frequently ranging over a

(49) Lloyd, A History of Wales, ii, p.506; Chronicles, iv, p.190; Hoveden, i, p.269.
(50) Diceto, i, pp.371, 377.
(51) BM Arundel MS, 29, fo.6.
(52) Gesta Henrici, i, p.350.

large part, or even the whole, of his lifetime. More definite dates can often be obtained for royal charters that are witnessed by the earl, but where royal charters are the main source for an earl's movements, this inevitably creates a distorted picture.

With Conan earl of Richmond (d. 1171) the difficulties are less than in most cases. His charters, probably because so many originals have been discovered and collected, provide the most numerous place-dates for any of the earls. Thanks to the work of C.T. Clay in the fourth volume of Early Yorkshire Charters, many of Earl Conan's charters are datable to reasonable limits. Unusually for an earl on which there is fairly full information, the attestations of royal charters do not dominate our knowledge of the earl's movements. This makes Earl Conan of great interest, though his position in Brittany makes him a rather untypical earl. Earl Conan's first appearance was a witness to a royal charter issued at Worcester and datable to the years 1155-6 (53). In July or August 1156, he invaded Brittany, successfully pursuing his claim to the county of Rennes, the northernmost of the two chief counties of Brittany, the other being Nantes. The conquest of the county of Rennes also made good his claim to the dukedom of Brittany (54). At some time before 1158, possibly before or

(53) Delisle, 'Notes sur les Chartes de Henri II,' 275.
(54) Chronicles, iv, pp.190-1. The duke had traditionally been the lord of one or both of these counties. Geoffrey, Henry II's younger brother, had installed himself as count of Nantes at the expense of the deposed Hoel, formerly count of Nantes: Ibid., p.187. This had been allowed by Henry II as some compensation for his brother's exclusion from the inheritance of Geoffrey count of Anjou.

after his invasion of Brittany, he was at his castle of Richmond, where an agreement was made before him between Fountains Abbey and various landholders of Middleton Tyas. Several charters issued by Earl Conan, with place-dates, can be dated between October 1156 and April 1158. One of these was at Richmond (N. Yorks.), two at Boston (Lincs.), two at Washingborough (Lincs.), one at Cheshunt (Herts.) and one at York. On April 22 1158, Conan was back in Brittany at Rennes, issuing a charter (55). In September 1158, he invaded the county of Nantes to complete his possession of the dukedom (56). By September 22 1158 Conan was back at Rennes issuing a charter, but a week later, on 29 September 1158, he was at Avranches with Henry II, surrendering the county of Nantes in return for Henry II's recognition of Conan's dukedom (57). Four other charters can be dated as 1158, one at Fougères and three at Rennes. On 12 March 1161-3 Conan issued a charter at Guingamp. On 2 February 1162, or possibly 1163, he issued another at Rennes, in the cathedral. On 15 August 1162 he issued a charter at Quimper (58). By the beginning of the year 1163 or 1164, Conan was back in England issuing a charter at Wilton (Wilts.).

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(55) EYC, iv, nos.45, 30, 30A, 31, 32, 33, 34, 35, 44.
(56) Chronicles, iv, p.196.
(57) EYC, iv, no.49; Chronicles, iv, pp.197-8.
(58) EYC, iv, nos.45-8, 68, 71, 69.

This was most likely in January 1164 at which time he was with the king at Clarendon (Wilts.), when he was present at the recognition by the bishops of the "Customs" of Clarendon (59). Around June 1166 Earl Conan had to defend himself in Brittany against a revolt by Ralph de Fougères. On 31 July 1166 Conan met Henry II at Angers, witnessing a royal charter there, and around August 1166 Henry II took possession of the county of Rennes on behalf of his son Geoffrey, who was betrothed to Conan's daughter Constance (60). Two of Conan's charters can be dated to the years 1158-1166, both issued at Rennes. Between 1160 and 1166 Conan issued two charters, both dated at Guingamp. In 1166 he issued a further charter at Rennes (61). At some time before 1167 Earl Conan held a court at Costessey in Norfolk (62). Between 1160 and 1167 he issued two charters at Guingamp, and a third at the same place with date limits of 1160 and 1168 (63). On 24 March 1168 Conan witnessed a royal charter at Angers. Following this, Henry II marched into Brittany to deal with rebels. Henry II issued two charters at St. Thuriau and one at Guingamp while on this campaign. Although Conan does not witness these charters, they all concern grants of his and may indicate that he accompanied the king (64). Between 1158 and 1171 Earl Conan issued a charter at Quimper. Three more charters were issued by Conan at Richmond between

(59) Ibid., no.72; Eyton, Court, Household and Itinerary, p.67.
(60) Chronicles, iv, p.228; Delisle, Recueil, i, p.405.
(61) EYC, iv, nos.50-1, 58-9, 73.
(62) Ibid., no.57. Costessey was held by the earl's mother, Bertha, as part of her dower.
(63) Ibid., nos.62-4.
(64) Delisle, Recueil, i, p.405, nos.272-4.

1159 and 1171. One charter was issued at Guingamp by Conan between 1160 and 1171 and another, at the same place, between 1162 and 1171 (65). The problem of administering an honour stretching from Yorkshire far down the eastern side of England as well as the lands in Brittany must have placed considerable strain on Earl Conan's capacity to supervise all his lands. However, from the movements indicated above, it is clear that Conan at least attempted to meet these demands. No important area of land seems to have been neglected. It is hardly surprising that Conan did not appear with Henry II very often and that when he did, it was usually at places not far from his own lands, as for example at Angers and Avranches.

It is worthwhile to look at the conditions experienced by an earl travelling in the twelfth century. Travel inland was almost all by horseback. To be carried in a cart was an indignity usually reserved for prisoners or the sick and wounded. Litters were occasionally used for the old and infirm (66). Inland water transport was certainly well-developed, but more usually for goods than individuals (67). When Becket was hiding

(65) EYC, iv, nos.52-5, 65, 70.
(66) L.F. Salzman, English Life in the Middle Ages (London, 1927), pp.272-3.
(67) This seems to be the case, at least in the fourteenth century: J.F. Willard, 'Inland transportation in England during the Fourteenth Century,' Speculum, 1 (1926), 361-74. In 1170-1, grain was sent by ship from Cambridge, via King's Lynn to supply the army for the invasion of Ireland, probably then in Pembrokeshire: PR 17 Henry II, p.113.

from the king in 1164, he did travel from Boston to Haverholme by water, but it is not clear that a great man would travel in such a way in normal circumstances (68). Of course, to travel overseas from England, ships had to be used by the earls. A few disasters such as the White Ship's sinking in 1120 or the loss of the treasure of Aaron the Jew by Henry II in 1187 should not deceive us into believing that sea-travel was feared as perilous (69). It has been made clear above that the earls crossed the sea very frequently, yet not one was drowned. To cross the Channel does not seem to have been necessarily very expensive. The king allowed 50s 'in passagio comitis Willelmi de Mandevill' in the exchequer year 1176-7. At the other end of the scale, however, the cost of transferring Earl William of Essex with the royal 'familia' in 1174 was £60 9s 6d and involved 37 ships (70). Many minor barons would have been happy to have this sum as their yearly income.

The speed of travel on land by horseback varied considerably. F.M. Stenton believed the average speed to be around twenty miles per day (71). Messages could however be transmitted much faster than this. The news of William the Lion's capture at Alnwick on July 13 1174 reached Henry II at London five days

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(68) Materials for the History of Thomas Becket, iii, p.324.
(69) Orderic Vitalis, vi, pp.294-301; Gesta Henrici, ii, p.5.
(70) PR 23 Henry II, p.188; PR 20 Henry II, p.135.
(71) F.M. Stenton, 'The Road System of Medieval England' in Preparatory to Anglo-Saxon England, ed. D.M. Stenton (Oxford, 1978), p.248.

later (72). This was a distance of some 300 miles. In 1188 a papal mandate reached Canterbury from Rome in 29 days, an average speed of over fifty miles a day (73). Such speeds could only be achieved with relays of horses, and perhaps of messengers as well. More normal examples might be taken from the movements of Henry II's court, though its size would probably tend to make it slower than the court of an earl. In 1174 Henry II was in Northampton on July 31, receiving the surrender of various rebels. By August 8 Henry II was at Barfleur having travelled via Portsmouth. The sea-crossing had only taken one day (74). In this time Henry II had travelled around 120 miles by land and around 100 miles by sea. The average speed of the land journey was therefore around 17 miles a day. This example also serves to show the relative speed of sea-travel, compared to land-travel, though it should be borne in mind that bad weather or an unfavourable wind could prevent a sea-journey from even beginning. Long journeys did take a considerable time. The normal journey-time from southern England to Rome was about seven weeks (75). It is difficult to discover how long it took to get to Palestine and anyway it probably varied enormously. When William earl of Essex went on crusade, it does not seem to have taken him more than around

(72) Gesta Henrici, i, pp.67, 72.
(73) G.B. Parks, The English Traveller to Italy - I: The Middle Ages (Stanford, 1954), p.183.
(74) Gesta Henrici, i, pp.73-4; Diceto, i, p.385.
(75) Parks, The English Traveller to Italy, p.182.

five months. He was still in England, at Canterbury, on 21 April 1177 and was certainly in Palestine by the beginning of November (76).

There is little evidence on how many or what sorts of men accompanied a great lord such as an earl. The witnesses to their charters indicate that members of the earl's family and officers of his household were frequently among his retinue. There were also often various clerks and other men who, although not apparently holding any formal household position, frequently witness their lord's charters. All these were the equivalent of the royal 'familia.' Though this kind of evidence is useful, it leaves us with little idea of the total number of men accompanying an earl. There is no reason to believe that all, or even most, of an earl's retinue would witness a charter, just because they were present at the time of issue. There is an excellent description of the retinue of Becket, when, as chancellor, he went as Henry II's ambassador to the king of France in 1158. Becket was accompanied by 200 knights, clerks, esquires and young nobles, each with their own servants. The baggage was carried in eight large carts, each with five horses

(76) Gervase Chron., i, p.262; Diceto, i, pp.422-3. Some of Richard I's crusading army of 1190 sailed from Marseilles to Tyre in around 25 days. The average journey time from Venice to the Holy Land was around 45 days and around 90 on the return journey. Richard I, on his own return journey, made the same journey in 60 days: J. Gillingham, Richard the Lionheart (London, 1978), pp.147, 217.

and a man to each horse, as well as a driver. There were twelve pack-horses with their grooms and men with watch-dogs, greyhounds and hawks (77). This makes an impressive total, but the description is clearly intended to show how exceptionally splendid Becket's embassy was. A normal retinue, even for an earl, would be smaller than this. It is probable, however, that an earl's retinue consisted of similar elements to Becket's, together with the household officers, family, and constant companions mentioned above. Though exact numbers are impossible to determine, it is easy to see that the total could quickly become considerable.

It was not always possible for an earl travelling from one place to another to stay in his own castles or on his own manors. One possibility open to the earls was to stay at a convenient monastery. Religious houses had a duty to provide hospitality, though this could prove extremely costly and in later centuries attempts were made to curtail the exploitation of this duty (78). A lord had a particular right to enjoy hospitality from a religious house of which he was patron. (79) Sometimes the nature of such rights was spelt out. In the thirteenth century the prior of Lewes held the manor of Walton (now West Walton,

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(77) Materials for the History of Thomas Becket, iii, pp.29-30.
(78) J.J. Jusserand, English Wayfaring Life in the Middle Ages, transl. L.T. Smith, 2nd edn. (London, 1920), pp.118-21.
(79) S. Wood, English Monasteries and their Patrons in the Thirteenth Century (London, 1955), pp.101-2.

Norfolk) by the service of two 'hospicia' in the year, on the way to Yorkshire and back. If the earls of Surrey required hospitality more often, they were to pay for it (80). West Walton was obviously convenient as a halt near the lowest crossing of what was then the Well-stream, between West Walton and Wisbech (81). In the chronicle of Walden Abbey there is an account of the visit to the abbey of William earl of Essex (d. 1189) on his return from the Holy Land. After a religious celebration of his return with relics from the *Holy Land*, 'ducitur ad hospitium, ubi sibi et suis est administrata splendidae refectionis abundantia.' (82) It is likely that some of the charters of earls issued at a particular religious house were granted while the earl was staying. William earl of Derby (d. 1190) issued a charter recording an agreement over the appointment of the prior of Tutbury while staying at the mother-house of St. Pierre-sur-Dives in Normandy. The English branch of the Ferrers family did not have lands in Normandy, so the earl was probably staying at the abbey itself (83). The same

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(80) Ibid., p.103.
(81) Another example of the links between the possessions of Lewes Priory in Norfolk and Yorkshire, paralleled by the links between the holdings of their patrons in Norfolk and Yorkshire, occurs in a charter issued 1164-89 by Hamelin earl of Surrey, quitting the monks' men of the Fens of carrying-service beyond the Well-Stream towards Conisbrough (Yorks.) or Wakefield (Yorks.), provided that they performed it on the return journey as far as Castle Acre or Methwold (Norfolk), possessions of the earls: EYC, viii, no.62.
(82) BM Arundel MS, 29, fo.7v.
(83) The Cartulary of Tutbury Priory, ed. A. Saltman, Hist. MSS. Comm., Jt. Publn., ii (H.M.S.O., 1962), p.13.

earl issued a charter to the abbey of St. Denis, in the chapter of the abbey. This may have been issued while the earl was staying at St. Denis on his way to the Holy Land, ca. 1189-90 (84).

As well as staying at religious houses, it is probable that travelling earls would stay at convenient castles belonging to friendly lords. Hospitality was regarded as a virtue in laymen as well as a duty for religious houses. We have already seen that many earls were frequently at the king's court. It seems that here accommodation could be a problem, exacerbated by the king's unpredictable itinerary and sudden decisions to move on (85). The charters of the earls tell us little about their lodgings away from home, but sometimes tell us of their provision of accommodation for others. One of the earls of Chester in the twelfth century granted a house on each of his manors to the monks of Chester Abbey for their visits to his court (86). William earl of Surrey (d. 1159) granted Lewes Priory land for a hospice in Surrey, for their own use (87).

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(84) Monasticon Anglicanum, vi, p.1078.
(85) Walter Map idealised the procedure of Henry I, who publicised his intended route and the length and places of his halts, in contrast to the practice under Henry II: Walter Map, de Nugis Curialum, p.235.
(86) The Chartulary or Register of the Abbey of St. Werburgh, Chester, ed. J. Tait, pt i, Chetham Soc., New Ser., lxxix (1920), p.347. The form of the record makes it difficult to determine which of the Earl Ranulfs of the twelfth century made the grant.
(87) EYC, viii, no.52.

One final aspect of the movement of the earls was the control exercised by the king over journeys between one or other of the Angevin dominions or to lands outside Angevin control. When the earl of Leicester set out to cross from England to Normandy at the beginning of the revolt in 1173, before his own disloyalty to the king was revealed, 'venit Londoniam, transfretandi licentiam a justiciariis impetravit.' (88) This was not an isolated example of this apparently general royal right. Henry II certainly attempted to control movement through the ports of Normandy and England, as is shown by his action to prevent papal legates reaching England in 1171:

> 'Attamen apostolicam timens severitatem, ad mare transvolavit, et per commune edictum praecepit justitiis et ballivis suis Normanniae, et nominatim ballivis portuum maris, quod nullo modo permitterent aliquem et nominatim clericus vel peregrinus transfretare in Angliam, nisi prius data securitate quod nullum malum vel damnum regi vel regno Angliae quaereret.'

A similar 'commune edictum' was issued to the 'justitiis et ballivis portuum maris Angliae.' (89) Sometimes instructions were given to particular ports. Most frequently, these are quittances of toll and other customs. A common list of ports included in these instructions was Dover, Hastings, Southampton, Caen, Dieppe, Barfleur and Ouistreham (near Caen) (90). After Hugh earl of Norfolk made his peace with the king in 1174, his

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(88) Diceto, i, p.371.
(89) Gesta Henrici, i, p.24.
(90) Delisle, Recueil, i, nos.44, 76, 77, 82. The same list without Caen also occurs: Ibid., nos.6, 242. Southampton to Barfleur, Caen or Ouistreham, and Hastings to Dieppe were natural cross-Channel routes. Dover probably occurs without a companion port because it was usually used for journeys to and from the county of Boulogne, chiefly the port of Wissant, which was not under Henry II's control.

Flemish mercenaries were repatriated 'cum licentia regis.' (91) In 1177, the count of Flanders, 'accepta licentia a rege peregrinandi Jerosolimam,' left England and sailed to Wissant. Interestingly, the count of Flanders and his companion, William earl of Essex, stopped at Canterbury on the way to receive 'licentia a beato Thoma.' (92) In 1182, Henry the Lion, who was in Normandy with Henry II, 'accepta licentia a domino rege peregre, profectus est ad Beatum Jacobum' (Compostella) (93). When William king of Scotland wished to return from England to Scotland to deal with the rebel Donald MacWilliam, he received 'a domine rege licentia repatriandi.' (94) When the Young King fled from his father in 1173, it was after 'non accepta ab eo licentia.' (95) The same form of words was used when the Young King was recalled by his father from the French king's court in 1172. The Young King left, 'accepta a rege Franciae licentia.' (96) An interesting reversal of this royal control over the movement of the king's subjects occurs after the Young King's coronation in 1170: 'Et ibidem cepit rex licentiam a comitibus et baronibus suis transfretandi in Normanniam.' (97)

(91) Diceto, i, p.385.
(92) Gesta Henrici, i, pp.158-9; Gervase, i, p.262.
(93) Gesta Henrici, i, p.288. Henry the Lion, himself, 'dedit comitibus et baronibus et ditioribus terrae suae, quos secum duxerat, licentiam repatriandi:' Ibid.
(94) Ibid., p.281.
(95) Ibid., pp.41-2.
(96) Ibid., p.35.
(97) Ibid., p.6.

In 1173, the earl of Leicester did not seek permission from the king himself, but, as noted above, from the justiciars in London. This could mitigate the restrictions resulting from the royal right. When, at the turn of the year 1163, John of Salisbury left England for France, William fitz Stephen reports that he was sent abroad by Henry II to separate him from Becket at the time of the Council of Clarendon (January 1164) (98). As the result of this was that John went to the lands of the king of France, the explanation seems unlikely. While in France, John was acting, at least partly, as an agent of Becket. One of the letters of John to Becket, written at this time, tells us that before he left England he received 'licentiam' to leave from the queen at Salisbury. John also saw the daughter of the French king at Salisbury and conveyed her greetings to the king of France (99). At the end of the year 1163, R.W. Eyton finds Henry II successively at Woodstock, Oxford and Berkhamsted, appearing at Clarendon for the famous council by January 13 1164 (100). Henry II certainly would not have been inaccessible to John, but John chose instead to see the queen. This might suggest that John was not confident of receiving permission to leave the country from the king and found the queen more sympathetic. This in turn suggests that the estrangement of

(98) Materials for the History of Thomas Becket, iii, p.46.
(99) The Letters of John of Salisbury, ii, no.136, p.7.
(100) Eyton, Court, Household and Itinerary, pp.66-7.

Henry II and Eleanor was already having political implications.

Severe difficulties could beset someone without a 'licentia' to depart the country. When Becket left the acrimonious council at Northampton on 14 October 1164, he left 'non impetrata licentia.' (101) He arranged for a ship to take him from Eastry (this probably indicates Sandwich, as Eastry itself is not on the coast), but this apparently took some time to prepare. Becket was therefore forced to go into hiding for the intervening time, journeying to Lincolnshire where he was sheltered at a Gilbertine hermitage. He then travelled to Eastry, where, after a further week's delay, he set off for Flanders on 2 November (102). A secret journey to France was not a simple task, particularly for a prominent person. The king could not always enforce his control over movement from British ports, particularly those outside the normal royal administration. When Richard earl of Pembroke was preparing his expedition to Ireland from his 'marcher-type' earldom of Pembroke, 'affuerunt qui ex parte regis transfretationem inhiberent.' Nevertheless, the earl defied the king and left for Ireland, though afterwards he suffered distraint against his English and Welsh lands which brought his submission (103).

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(101) Materials for the History of Thomas Becket, iii, p.69.
(102) Ibid., pp.70, 312, 323-5.
(103) Chronicles, i, pp.168-9.

While the earls made an effort to visit the often scattered groups of estates they held, the geographical difficulties involved in distributing their presence prohibited any constant personal supervision of specific groups of estates. The fact that documents concerning particular estates, fiefs or monasteries often seem to have been issued in the locality involved, implies that business often had to be delayed until the earl visited the locality. The Anstey case probably had parallels in the context of the earls' honours (104). Above all, the frequency and extent of the earls' journeys meant that their outlook was not limited to a particular locality. They were European men on a European, and sometimes wider, stage. The constant travelling which dominated the lives of many earls necessitated a physically strenuous existence. Life on horseback was often uncomfortable and sometimes hectic. Though they were rich and powerful men, much of their lifestyle was little different from that of the household knights in their retinue. R.W. Southern referred to knighthood as a "brotherhood" and the common itinerant horseback life must have reinforced this idea (105). Warfare must have come easily to men whose normal life involved many of its hardships.

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(104) Richard de Anstey's problems in dealing with an itinerant court are well illustrated in Patricia M. Barnes, 'The Anstey Case' in A Medieval Miscellany for Doris Mary Stenton, ed. Patricia M. Barnes and C.F. Slade, Pipe Roll Soc., New Ser., xxxvi (London, 1962), pp.1-24.

(105) R.W. Southern, The Making of the Middle Ages (London, 1953), p.108.

Though the journeyings of an earl's life did involve absence from his own land to a varying degree, most earls would spend a considerable amount of time at their own residences. These were of several kinds: castles; other residences on their manors; hunting-lodges, and property in the towns. Castles were the most important and elaborate of these. Even from the early days of the wooden motte and bailey castle, they had been designed as places to live in as well as to defend in war (106). In the early twelfth century, the castle of the counts of Guisnes at Ardres, though wooden-built, had three stories and included cellars, granaries, a living-room for the lord, rooms for bakers and butlers, a bed-chamber for the lord, another for the maids and children, a small room with a fire, rooms where the sons and daughters of the lord slept and a decorated chapel. Attached to the main building by passages were a kitchen, a loggia and an oratory. This was all apart from other buildings that were probably in the bailey (107). The advantages of building in stone instead of wood were soon appreciated, but few barons could afford the expense until the second half of the twelfth century. It was a sign of the increased affluence of the latter period that the change from wood to stone was most prevalent then (108).

(106) R.A. Brown, English Medieval Castles (London, 1954), pp.26-7.
(107) Ibid., pp.31-2; Monumenta Germaniae Historica, Scriptores, xxiv (Leipzig, 1925), p.624.
(108) Brown, English Medieval Castles, p.36.

One of the earliest examples of a stone keep built by a family which rose to comital rank during the reign of King Stephen was Castle Hedingham, probably constructed by Aubrey de Vere, the royal chamberlain (d. 1141), father of Aubrey de Vere earl of Oxford (d. 1194), in the first half of the twelfth century (109). The castle's exterior design was of a tall, but solidly proportioned rectangular tower, similar to, but smaller than, the castle of Rochester. The entrance was on the second level, below which was a basement area. Above the entrance level were two further floors, the first of which was a high-ceilinged hall with a gallery around the interior wall about half-way between floor and ceiling. A single spiral staircase linked the various floors and the top floor was divided into chambers. The keep has a stark, functional appearance on the whole, but there was some decorative stonework, particularly at the entrance doorway. The castle had other buildings apart from the keep - at least a hall and a chapel (110).

The building of stone castles became more sophisticated as the twelfth century progressed, both in defensive terms and in home comforts. The stone castle at Conisbrough was developed from an existing wooden motte and bailey castle by Hamelin earl of Surrey (d. 1202) in the latter years of Henry II's reign.

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(109) D.F. Renn, Norman Castles (London, 1968), p.42; Brown, English Medieval Castles, p.36.

(110) Renn, Norman Castles, pp.203-4; see diagram in Brown, English Medieval Castles, pp.44-5 and photographs nos.22, 92. The castle was apparently suitable for a queen. King Stephen's queen, Matilda, was staying at Castle Hedingham when she died in 1152: Chronicles, iv, p.166 and n8.

The bailey was surrounded by a stone curtain wall and the keep was basically cylindrical with six semi-hexagonal buttresses. The keep was attached to the curtain wall. It contained four stories and, as at Hedingham, entrance was to the second of these, with a basement below. The floor separating these was of stone, making the castle less vulnerable to fire, but the other floors were of wood. The upper floors possessed fireplaces, latrines, a richly decorated chapel with a small sacristy, and water-cisterns to avoid the necessity of continually fetching water from the well below (111).

While there was considerable variety in the construction of stone castles, Castle Hedingham and Conisbrough were probably reasonably representative of the castles built in stone by great lords such as earls. It is difficult to know whether a stone castle was actually more comfortable than a sophisticated wooden construction such as the castle at Ardres. The principle advantages of building in stone were probably more military, social and political. The military advantages are self-evident, but it must be remembered that the boom in stone construction took place in a period of relative internal peace, particularly in England. It was partly a matter of fashion. Private stone castles increased in number parallel with, and in imitation of,

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(111) Renn, Norman Castles, pp.155-6; Department of the Environment Guide: Conisbrough Castle (H.M.S.O., 1971).

royal stone castles; they represented an attempt by the king's greatest subjects to maintain their status relative to the king and probably to compete with each other. The impression created by a stone castle on the surrounding countryside, though difficult to define, was important. However, elaborate or well-sited a wooden-built castle was, it cannot have imparted the same impression of permanence and stability as a stone castle. The chief disadvantage of building a stone castle was its cost. In the first five years of the construction of Orford castle, not incomparable with a comital castle such as Conisbrough, Henry II spent £1316 16s 6d (112). These years probably represent most of the initial construction. Even allowing that Orford may have cost more than Conisbrough and that Conisbrough was an exceptionally sophisticated baronial castle, the burden of cost of a stone castle is obvious.

Less is known about the other types of residence: manor houses; hunting-lodges, and town houses. It seems unlikely that there was much difference between a hunting-lodge and any other residence on the earl's manors, except the castles. As hunting was an almost constant pastime, the difference in function can only have been a matter of degree. The earls of Gloucester in the twelfth century used their demesne manor at Cranborne as a hunting-lodge, convenient for the nearby extensive Cranborne

(112) History of the King's Works, ii, p.769.

Chase. When John became king, and probably since he had gained possession of the honour of Gloucester in 1189, he hunted there frequently, repairing existing buildings during his reign (113). Tewkesbury was one of the chief residences of the earls of Gloucester in the twelfth and thirteenth centuries. In 1140, the 'magnificam domum' of Robert earl of Gloucester was burned down by Waleran count of Meulan, then also earl of Worcester. This suggests that the house was built of wood. Again, when John was king, he stayed frequently at Tewkesbury and repaired the buildings there. The site seems to have been moated with some sort of fortification (114). It is not always easy to draw the line between "castles" and other residences. The earls of Arundel apparently had a hunting-lodge at Stansted (Sussex) before 1176, when the honour of Arundel was taken into royal hands. Henry II was there for a week in 1177 and his falconers were there in 1179 and 1181. The king spent £130 building a new chamber and on other works. There is also mention of a kitchen at Stansted (115). A clearer picture of a hunting-lodge comes from the excavations of the royal lodge at Writtle (Essex). This never belonged to any of the earls, except briefly to Geoffrey earl of Essex (d. 1144), but while it was perhaps slightly more elaborate than its baronial equivalent, it probably represents a fairly normal example. The buildings revealed by

(113) Ibid., p.922.
(114) The Chronicle of John of Worcester 1118-1140, ed. J.R.H. Weaver, Anecdota Oxoniensia, medieval and modern series, xiii (Oxford, 1908), p.60; History of the King's Works, ii, pp.1004-5.
(115) Ibid., i, p.83; ii, p.1003.

the excavations were perhaps built in 1211, but there was almost certainly something there already. The walls were of timber and cob, the roofs thatched and the floor of earth. The buildings consisted of a hall, possibly containing a separate chamber; a gaol, and a kitchen. Outside there was a moat with a gate-house and a bridge. There was also a fish-pond (116).

The earls also had property in various towns and cities. Domesday Book demonstrates that this had an early beginning (117). These properties were not necessarily to house the earl himself. They were often another form of rental income and the earl might have need of accommodation for his servants, perhaps when selling produce at the borough market. A common arrangement seems to have been for the properties to be rented out, with the right of the earl to stay there when visiting the city (118). There

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(116) Ibid., i, p.83; ii, pp.1019-20. Its early use as a hunting-lodge is suggested by the charters issued by King Stephen to Eustace de Barrington and his son, Humphrey. Eustace and Humphrey after him were royal foresters and some of the land granted to them was at Writtle: Regesta, iii, nos.40-2. At Christmas 1141, King Stephen granted £120 worth of land at Writtle to Geoffrey earl of Essex (d. 1144): Ibid., no.276.

(117) For example, the predecessors of the earls of Buckingham, Chester and Derby all had property in the town of Oxford in 1086: Domesday Book, i, fo 154r. F.W. Maitland found that, "It seems generally expected that the barons of the county should have a few burgages apiece in the county town." The practice did not begin with the Norman Conquest: F.W. Maitland, Domesday Book and Beyond (Cambridge, 1897), p.179.

(118) Winchester in the Early Middle Ages: An Edition and Discussion of the Winton Domesday, ed. M. Biddle (Oxford, 1976), p.389.

survives an example of this arrangement being formed. Between 1166 and 1183, William earl of Gloucester granted to Keynesham Abbey a house which he had in the city of Winchester, between Hyde Abbey and the city wall. The grant was made on condition that the earl would be provided with lodgings when he came to the city (119). The earls of Leicester, Warwick and Hertford also had property in Winchester, recorded in the 1148 survey, and similar arrangements may have been made with their tenants. In the early thirteenth century the earls of Chester had an inn in the same city (120). The nature of these properties is difficult to determine. The terminology is often ambiguous. 'Domus,' for example, could represent a whole group of buildings, sometimes including a church, as well as representing a single dwelling (121). Most of the houses in Winchester seem to have been built in wood, though there were some of stone. They may often have had two stories. The usual size was about five metres by two and a half metres, either parallel to, or at right angles to, the street frontage. Subsidiary one storey buildings sometimes filled in the gaps in the street frontage (122).

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(119) Earldom of Gloucester Charters, no.102.
(120) Winchester in the Early Middle Ages, p.389.
(121) Ibid., pp.337-8.
(122) Ibid., p.395. A charter of Waleran count of Meulan (d. 1166) mentions a stone house in Meulan, which had belonged to some weavers: Round, Calendar of Documents: France, no.338.

Despite all the travelling involved in the life of an important man in the twelfth century, or perhaps because of it, residences could have more than a functional significance. Gerald of Wales, who travelled very extensively during his life, left us a very affectionate description of his family's castle at Manorbier in Pembrokeshire. He seemed to attach much importance to the beauty of the view from the castle - its fish-pond, orchard, vineyard and wood, the rocks, a lake, a small river, the bay and the Bristol Channel (123).

If the residences of the earls provided a place for rest and the conduct of their business, their outdoor physical activity was not limited to the demands of their journeys. Undoubtedly the most important recreation of a twelfth century lord was hunting. Partly, this was a result of practical needs. Hunting supplied the vast quantities of meat required for the lord's table. Each honour had a considerable administration devoted to preparing the forests of the earls for hunting and assisting the lord in the hunt. Foresters, men to care for the earls' venison, falconers and other officers of the earls' forests and parks are mentioned frequently in the charters of the earls (124). Horses, dogs and birds were the living tools

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(123) Giraldi Cambrensis Opera, vi, pp.92-3.
(124) e.g. Earldom of Gloucester Charters, no.48; The Cartulary of Tutbury Priory, no.78; EYC, iii, no.1406.

of the chase (125). Hunting was so much a part of life that payments were often made in the form of hunting-birds instead of or as well as money (126). Deer from the forest were a frequent gift to a neighbouring monastery (127). It is likely that the earls were as vigorous in protecting their own forests as was the king (128). Nor was it only the king who sought an extension of his forest. A charter of Conan earl of Richmond mentions his new forest (129). An over-devotion to hunting could have its disadvantages. Walter Map alleged that the king's servants encouraged him to go hunting so that he could be kept in ignorance of their own actions (130).

Hunting was certainly useful as a training in horsemanship and in fitness, but tournaments were an even more direct preparation for the demands of warfare. They had become increasingly popular in France in the second half of the twelfth century. William Marshal went to at least twelve tournaments in his days as a virtually landless knight. He seems to have made a useful

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(125) PR 14 Henry II, pp.60-1; PR 21 Henry II, p.59.
(126) The Coucher Book of Kirkstall Abbey, ed. W.T. Lancaster and W.P. Baildon.
(127) BM Cotton MS, App. xxi, fos.20, 26.
(128) Ranulf earl of Chester (d. 1232) granted quittance to the monks of Whalley Abbey for killing or wounding of forest beasts on their land, and also quittance of 'servientibus et forestariis:' The Coucher Book of Whalley Abbey, ed. W.A. Halton, i, Chetham Soc, x (1847), pp.11-12. For the organisation of the royal forest, see C.R. Young, The Royal Forests of Medieval England (Leicester, 1979). For the granting away of forest rights by the king, see particularly Ibid., pp.42-7.
(129) EYC, iv, no.67.
(130) Walter Map, De Nugis Curialum, pp.254-5.

income from the ransoms gained in successful events (131). In 1194, Richard I set entry fees for tournaments at 20 marks for a count or an earl, 10 marks for a baron and 4 marks for a landed knight (132). Henry II, however, had prohibited tournaments in his lands, probably because the tournaments of the twelfth century were not well ordered, formalised affairs, but almost resembled a real battle. However effective this made them as a training exercise for knights, it was not conducive to good order (133). They could be dangerous for the participants, as the death at a Paris tournament of Geoffrey, son of Henry II, earl of Richmond and duke of Brittany, demonstrates (134). King William of Scotland, then also earl of Huntingdon, was at a tournament near Le Mans in 1167. At the great tournament at Lagni-sur-Marne on the lands of Count Henry of Champagne, the participants included David earl of Huntingdon and Geoffrey, earl of Richmond and duke of Brittany (135). Tournaments seem to have encouraged some identification between knights from the same area. At the tournament near Le Mans in 1167, the knights of Anjou, Maine, Poitou and Brittany fought against the knights

(131) S. Painter, William Marshal (Baltimore, 1933), pp.24, 57.
(132) S. Painter, Studies in the History of the English Feudal Barony (Baltimore, 1943), pp.172-3.
(133) Chronicles, ii, pp.422-3.
(134) Gesta Henrici, i, p.350.
(135) Painter, William Marshal, pp.23, 45.

of France, England and Normandy (136).

It is a commonplace that Anglo-Norman feudalism, or any other feudalism, was characterised by a military aristrocracy. Nevertheless, one could be forgiven for believing that by Henry II's reign or even before, with the increasing use of mercenaries and the development of scutage, that the Anglo-Norman aristocracy was less military than it had once been. In England, Henry II's reign was predominantly a time of peace, the revolt of 1173-4 being the only significant period of fighting during the thirty-five year long reign. There was, however, plenty of opportunity for military activity outside the kingdom. Very few of the earls did no fighting during the reign. Much of this was done in the king's service or in defence of the earls' own lands in Wales or Normandy, but others sought extra opportunities for fighting. In 1173-4 military activity may well have been one of the attractions of rebellion. There were the earls who went to Palestine. Earl Conan of Richmond, admittedly in pursuit of his rights, invaded Brittany in 1156 (137). Richard earl of Pembroke's invasion of Ireland was an attempt at conquest of land to which he had little claim or previous connection, except in his marriage to the daughter of the dispossessed king of Leinster. It has been suggested that this was partly stimulated

(136) Ibid., p.23.
(137) Chronicles, iv, p.190.

by the lack of opportunity for further conquests in Wales (138). This expedition and the invasion by Earl Conan of the county of Nantes in 1158 showed that earls could still conceive of military conquest independent of royal encouragement or support, though in both cases Henry II successfully opposed such independence (139). If the individual feudal soldier was becoming less important, this was not true of the great lord as military leader. The personal involvement of the earls in warfare complemented their arduous way of life and their martial recreations. It did not involve exceptional physical risks. For such men to die in warfare was an unexpected disaster and usually unwelcome to the enemy because of the loss of ransom. Only two earls died violent deaths in Henry II's reign. Geoffrey earl of Essex was fatally wounded by the Welsh, though he was at Chester when he died. Patrick earl of Salisbury's death at the hands of the Lusignans caused the expulsion from Angevin lands of Guy de Lusignan (140).

The literature of the day directed towards the lay aristocracy was increasingly full of the celebration of knightly

(138) Ibid., i, pp.165-8. L.H. Nelson, The Normans in South Wales: 1070-1171 (Austin, Texas, 1966), p.131.

(139) In Brittany, Earl Conan was forced to give up Nantes to obtain recognition of his dukedom, though subject to Henry II's lordship, and eventually, in 1166 to allow his daughter and heiress to be married to the king's son and to surrender the duchy to be held by Henry II on his son's behalf: Chronicles, i, p.114; iv, pp.196-8, 228. In Ireland, Earl Richard was firmly subjected to Henry II's lordship: Ibid., i, pp.168-9.

(140) CP, v, p.117 and n(g); Hoveden, i, pp.273-4. Earl Patrick's death was particularly widely reported: Diceto, i, p.331; Gervase, i, p.205; Chronicles, iv, p.236; Walter Map, De Nugis Curialum, P.244: Gesta Henrici, i, p.343; The Letters of John of Salisbury, ii, nos.272,277.

virtues. Jordan Fantosme's chronicle of the war and revolt of 1173-4, written in Norman-French and therefore clearly intended for lay consumption, is particularly interesting in its attitude. While believing the revolt and William king of Scotland's involvement in it to be wrong, Jordan describes the military exploits with relish. His descriptions emphasise the role of the individuals within the armies rather than the armies themselves. The fighting is described without disapproval except where it damaged the Church or involved those who were not members of the military aristocracy (141). Even the drier, semi-official historians could not resist sometimes highlighting individual or small-scale combat, such as William earl of Essex's skirmish near Gisors in September 1173, where he captured Ingeramnus de Tria (142).

Some earls developed skills other than martial or physical ones. It is extremely difficult to assess the general level of literacy among the earls. The evidence is scattered and rare. Even where information exists, the possibility that the source, commenting on powerful men, might exaggerate proficiency through politeness or flattery, is always present (143). Robert earl of

(141) Jordan's attitude was much harsher towards the Scottish troops from Galloway and the Highlands than towards the 'Norman' aristocracy of Scotland: Jordan Fantosme, pp.52-3. The description of the Battle of Fornham is full of accounts of individual exploits: Ibid., pp.76-81.
(142) Gesta Henrici, i, p.60.
(143) For a discussion of literacy and the laity, see M.T. Clanchy, From Memory to Written Record (London, 1979), pp.182-91.

Leicester was possibly literate. The 'Dialogue of the Exchequer' described him as 'litteris eruditum.' (144) Literacy was, however, not the only, or even perhaps the most important, attribute of an educated lay magnate. More commonly noticed and praised by the sources was skill with the spoken word, knowledge of law and skill in negotiation, none of which necessarily implied literacy. Other qualities, besides literacy, of the earl of Leicester were praised by Richard fitz Neal: 'virum discretum, litteris eruditum et in negotiis forensibus exercitatum. Hic ingenitam habens animi virtutem paterne quoque prudentie sedulus emulator effectus est, cuius industria pluribus examinata est penes principem nostrum, Henricus secundum.' (145) William earl of Arundel (d. 1176) was apparently well known for his ability to make speeches (146). Geoffrey earl of Essex (d. 1166) was described by the Walden Abbey Chronicle as 'lingua satis facundus, et in negotiis secularibus consilio pollens.' His brother and successor, William earl of Essex (d. 1189), an earl renowned for his knightly exploits, had some of the same skills, being 'consilio providus' and 'similis facundia.' (147)

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(144) De Necessariis Observantiis Scaccarii Dialogus, commonly called Dialogus de Scaccario, ed. A. Hughes, C.G. Crump and C. Johnson (Oxford, 1902), p.103. For the ambiguities of the terminology, see Clanchy, From Memory to Written Record, p.182.
(145) Dialogus de Scaccario, p.103.
(146) Gervase, i, p.154; Gesta Henrici, i, pp.52-3; Jordan Fantosme, pp.72-3.
(147) BM Arundel MS, 29, fos. 5, 6.

Throughout their lives the earls would be reminded of the need to provide for their own spiritual welfare. They were constantly in contact with bishops, abbots and their own chaplains and clerks. The personal religious attitudes of the earls are difficult to determine. They did not express themselves explicitly on this subject, unless in letters that have not survived. Most of the evidence on this subject must be gleaned from their charters and the few letters that do survive.

Salvation of the soul was the key to religious practice and belief. The world was a place of sin and corruption. Monastic life was an attempt to escape from a sinful world, but as secular lords the earls were not expected, nor had the inclination, to renounce secular affairs. Other means had to be found to achieve salvation. One answer was that of the ideal secular cleric, a man involved in the world but uncorrupted by it. This ideal is expressed in a letter of Gilbert Foliot, as bishop of Hereford, to William earl of Gloucester, whom he congratulates for not being corrupted by the world in which he lived. How far this was flattery aimed at supporting Gilbert's petition on behalf of Winchcombe Abbey, contained in the same letter, is difficult to tell. As flattery, however, it would be ineffective if the goal was not desired (148). Another letter of Gilbert Foliot, after he had become bishop of London, praises

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(148) The Letters and Charters of Gilbert Foliot, ed. A. Morey and C.N.L. Brooke (Cambridge, 1967), letter no.85.

the virtuous way of life of Robert earl of Leicester (149). Spiritual encouragement and advice on the way to achieve salvation would not be lacking. In a letter to Amice countess of Leicester, Gilbert Foliot tells her to listen to her own spiritual advisers, and in another letter to the same countess, he apologises that he is too busy to visit the countess himself (150). Apart from a moral life-style, the other chief method of earning salvation urged upon the lay nobility was charity, either to the materially poor, the sick and destitute, or to those embracing apostolic poverty and separation from the secular world, usually within a monastery. Gilbert Foliot, in the above letters, urges charitable works on the countess and commends the charity shown to the poor by the earl of Leicester (151).

What could be better, given a concern for salvation, than to combine spiritual welfare with the chance of military adventure and booty. This was offered by the journey to the Holy Land. Even a pilgrimage to Compostella offered a journey to more exotic lands. A further advantage of the crusades was that the crusader's land at home remained untouched by the fighting and protected by the Church. There were risks, but many clearly regarded these as acceptable. Both pilgrimages and crusades

(149) Ibid., letter no.194.
(150) Ibid., letters nos. 120, 195.
(151) Ibid., letters nos. 120, 194.

allowed an escape from the more tedious burdens of lordship. They also offered an escape from any political difficulties at home (152). However, it would be wrong to conclude that all pilgrims and crusaders left in the wake of failure at home. William earl of Arundel (d. 1176) went to Jerusalem in the early years of Henry II's reign, when he was at the height of his prestige, having been one of those instrumental in arranging the compromise in 1153 between Henry, then duke of Normandy, and King Stephen (153). William earl of Essex (d. 1189) also went to Palestine when in the highest favour with the king (154). In both a religious and in a more general sense, such journeys represented the highest form of the knightly ideal, and it is as such that most of the pilgrimages and crusades undertaken by the earls should be regarded.

When the earls did not live up to the role allotted them by the Church or when they threatened Church interests, the concern of the earls for their souls gave the Church powerful weapons against them, ultimately excommunication. It was more often used as a threat than in execution, did not work quickly, but usually succeeded in the end. If there were few immediate practical penalties, it was extremely uncomfortable for a laymen to remain long under the displeasure of the Church. William earl

(152) The journey of Robert earl of Leicester (d. 1190) to Palestine in 1179 may have resulted from his difficult political position after the revolt in 1173-4: Annales Monastici, ii, p.241.
(153) Walter Map, De Nugis Curialum, pp.245-6; Gervase, i, p.154.
(154) Gesta Henrici, i, pp.130-1.

of Arundel (d. 1176) promised to keep the terms of a certain exchange made with the bishop of Chichester. If he failed to observe the terms, his lands were to be placed under an interdict and himself under excommunication until he was compelled to do so. This appears to assume that these sanctions would be effective (155). Ecclesiastical pressure could even work against someone as powerful as Robert earl of Leicester (d. 1168) when he was justiciar, though in this case even the Pope was involved. A writ of Thomas Becket, ~~archibishop~~ archbishop of Canterbury, ordered the bishops of Lincoln and Salisbury, by mandate of the Pope, to compel the earl to restore the vill of Edington to St. Frideswide's, Oxford, under pain of anathema and interdict. The dispute was complicated by the claims of Bec Abbey, but afterwards the earl confirmed an agreement between Bec and St. Frideswide's, renouncing all his rights in Edington in favour of St. Frideswide's (156).

Grants to religious houses were the greatest material sacrifices made by the earls for the sake of their souls. Phrases such as 'pro anima' or 'pro salute anime' or 'pro salate mea' occur very frequently in charters making grants to religious houses as the reason for the grant. An unusual risk of death or a closeness to death reinforced the necessity for making these grants. Before setting out on a pilgrimage to Compostella,

(155) The Chartulary of the High Church of Chichester, ed. W.D. Peckham, Sussex Rec. Soc., xlvi (1946 for 1942-3), no.298.

(156) The Cartulary of the Monaster of St. Frideswide's Oxford, ed. S.R. Wigram, ii, Oxford Hist. Soc., xx (1896), nos. 1127, 1128.

Robert earl of Derby (d. 1159) decided to make his peace with Burton Abbey. He granted some land to the abbey in reparation for some damage done previously, possibly in King Stephen's reign, and granted his protection. He was obviously aware of the possibility of his death while on pilgrimage, promising that his heirs would carry out the grant if he failed to return (157). The approach of death, or a serious illness which appeared likely to end in death, made urgent the need to win salvation and would also act as a magnet for churchmen anxious to persuade the dying to part with his worldly goods in return for heavenly gain. One of the letters to Amice countess of Leicester from Gilbert Foliot was written after the countess had recovered from a near-fatal illness (158). William earl of Derby confirmed to Tutbury Priory a grant made on his father's death-bed (159). When Euphemia, second-wife of Aubrey earl of Oxford (d. 1194), died, she made a death-bed grant to Colne priory (160). Alan earl of Richmond (d. 1146) had given, at his death, some land to Bégard Abbey (Brittany), which his successor Earl Conan granted to Kirkstead Abbey with the consent

(157) Wrottesley, 'The Burton Chartulary,' p.50.
(158) Letters and Charters of Gilbert Foliot, letter no.120.
(159) The Cartulary of Tutbury Priory, no.84.
(160) Cartularium Prioratus de Colne, ed. J.L. Fisher, Essex Arch. Soc., Occ. Publn., i (1949), no.56.

of the abbot of Bégard (161). The needs of the soul did not end with its owner's death. William earl of Arundel (d. 1176) made grants to the canons of Chichester Cathedral in return for which they promised to keep the anniversary of the deaths of Queen Adeliza, the earl's wife, the earl himself and their children. They also promised to inscribe Adeliza's name in their martyrology (162). Ranulf earl of Chester (d. 1232) arranged to distribute alms to the lepers of St. Giles's Hospital, Chester, on the anniversary of his father, Earl Hugh (d. 1181) (163). Hamelin earl of Surrey made similar arrangements with Lewes Priory for the entertainment of visitors on the anniversary of his father, Geoffrey count of Anjou (164). Concern for the soul could be represented symbolically by the gift of candles. Aubrey earl of Oxford (d. 1194) granted, for the salvation of the souls of himself and his wife, Agnes, land which was to provide two candles to burn daily above the altar of Colne Priory (165). The above examples demonstrate clearly how important the family was to the religion of the earls. In most grants to religious houses, it was usual to include the souls of relatives and ancestors, and sometimes descendants, in the

(161) EYC, iv, no.28.
(162) Chichester Cartulary, no.294.
(163) The Chartulary of St. Werburgh's Chester, pt i, no.315.
(164) EYC, viii, no,58.
(165) Cartularium Prioratus de Colne, no.47.

reasons for the grants. It was an extension of this principle to the wider family of the honour that would have prompted William earl of Gloucester's grant of land for the salvation of one of his knights (166).

The place of burial of an earl seems to have been of great importance. It was almost always at a religious house, usually one founded by the earl or his ancestors. Burial in unconsecrated ground, the fate of an excommunicate, was a disaster. Geoffrey earl of Essex (d. 1166) and the prior of Walden Abbey eventually obtained permission to move the corpse of Geoffrey de Mandeville, earl of Essex (d. 1144), who had died while under excommunication and had been buried outside the Templegate at London. They transferred the body to Walden Abbey for reburial (167). Religious houses attached great importance to the burial of their patron and his family. This grew from the fact that the place of burial attracted the generosity of the patron. The competition between religious houses could become quite fierce. After the death of Geoffrey earl of Essex (d. 1166) at Chester, the monks of Chicksand Priory, a house patronised by the earl's mother, Rohese de Vere, tried to hijack the body on its way to Walden Abbey. The attempt failed, but this example also shows how the desire to have a body buried in a particular place

(166) Earldom of Gloucester Charters, no.18.
(167) B M Arundel MS, 29, fox.3f3v.

meant that corpses had to be transported considerable distances (168). William earl of Arundel (d. 1176) died at Waverley (Surrey) and was buried at Wymondham (Norfolk) (169). Sometimes the distances were too great. When Patrick earl of Salisbury was killed in Poitou, he was buried in Poitiers (170). When William earl of Essex (d. 1189) died in Normandy, his body was buried at the abbey of Mortimer in the duchy, but his heart was transferred to Walden (171). This kind of compromise could also occur when the patron wished to favour two places. It was common for a particular family to bury all its dead at the same religious house. Walden Abbey certainly regarded itself as the traditional resting-place for the Mandeville earls of Essex. A religious house that could present its patron with the tombs of all his ancestors had a particular claim on his favour. When Waleran count of Meulan (d. 1166) had, while still a youth, deprived Preaux Abbey of a certain house, the abbot took the count to see his father's tomb and the tombs of his other relatives. He then persuaded the count to relent, for the sake of his father's soul (172). It must have had a powerful effect on the young count to see his ancestors ranged before him. Earls would often arrange in advance where they were to be buried. Aubrey

(168) Ibid., fos.5r-5v.
(169) CP, i, p.235.
(170) Ibid., xi, p.377. Queen Eleanor made provision for an anniversary to be kept at the Abbey of St. Hilaire, Poitiers, where Earl Patrick was buried, as he died in the service of Queen Eleanor and her son, Richard: Delisle, Recueil, i, no.278.
(171) BM Arundel MS, 51, fo.17.
(172) Round, Calendar of Documents: France, no.331.

earl of Oxford (d. 1194) arranged to be buried in the priory church at Colne. His father and his grandfather, who founded the priory, were also buried there (173). Conan earl of Richmond and duke of Brittany obviously recognised that he might die in England or Brittany by arranging that he should be buried at Jervaulx Abbey if he should die in England (174).

While there are many other aspects of the lives of the earls that could be examined, a selection has been necessary. If this chapter has helped to give a better, general impression of the earls and the world in which they lived, it has succeeded.

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(173) Cartularium Prioratus de Colne, nos.36, 43, 49.
(174) EYC, iv, no.67.

Chapter Four

Aspects of the Administration of the Honours of Earls

The rights over land and over men that made up the honours of the earls were the material basis for their position. The honours provided the means for involvement in the politics of England and the Angevin Empire as a whole. It would be wrong, however, to regard estate administration simply as the means of exploiting the resources of the honours, important though this was. The kingdom of England was the greatest honour of them all, and the royal government was the administration of that honour. Each honour, at whatever level, had its own politics. The administration of the honour provided the framework for those politics. An honour was an end in itself, as well as a material basis for ambitions in higher politics and for acquiring new lands and honours. Rights over land and over men were both the means and the ends of medieval politics.

The sources for the study of the administration of the honours of earls, or of any lay honours, in the twelfth century are scanty compared with the much better documented thirteenth century. Three main groups of evidence will be used here. Considerable attention will be given to the evidence in the Pipe Roll accounts for the honours of earls in royal hands. This evidence has been under-used in the past, though use has been made of certain aspects. While there are limitations created by the often ambiguous terminology of the exchequer, these accounts are the nearest thing to lay estate accounts

extant from Henry II's reign (1). The accounts vary in their nature and usefulness from the simple 'farm' account of the honour of Lancaster in the exchequer year 1164-5 to the detailed account of the custodian for the honour of Arundel at Micaelmas 1179 for the three preceding exchequer years (2). Even in some 'farmed' accounts the lists of allowed deductions from the 'farm' provide a useful guide to the expenditure from the honour's income (3). A complication in this, which has an interest of its own, is the use made by the king of the income from the honour. Also interesting is the king's choice of 'farmer' or custodian. The second main group of evidence comes from the charters of the earls. These provide useful, if scattered, information on the administration of honours, particularly on the identity and function of honorial officials. Finally, there is the surviving set of returns to the Inquest of Sheriffs, particularly those relating to the Norfolk honour of the earls of Arundel (4). This presents a unique view of an honour's revenue being collected, and the types of revenue collected are often surprising and interesting.

The basic complete unit of administration was the honour. The word 'honor' could be used to describe almost any collection

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(1) P.D.A. Harvey, 'The Pipe Rolls and the Adoption of Demesne Farming in England,' Economic History Review, 2nd Ser., xxvii (1974), 345-59. As the title suggests, this article concentrates on one particular aspect of the pipe roll evidence. It also contains a good discussion of the problems of pipe roll terminology: Ibid., 347-50.

(2) PR II Henry II, p.52; PR 25 Henry II, pp.38-9. Fortunately, in the latter account, the three years covered are clearly separable.

(3) PR 32 Henry II, pp.200-1. This account for the honour of Gloucester is a good example of the more useful kind of 'farm' account.

(4) RBE, ii, App. A, pp. colxvii-colxxxi.

of lands of whatever size, but in the sense used here, the honour was a group of lands and rights which had represented the bulk of the possessions of one family for long enough to gain some administrative unity (5). Once this unity had been developed, the honour could retain its identity even when combined with other honours under a single lord. This was true, for example, of the various honours held before 1159 by William of Blois, earl of Surrey. When the honours of Eye, Lancaster and Boulogne, from this collection of lands, appeared in the king's hands on the pipe rolls, they appeared as completely separate accounts (6). In general, large honours which came into the king's hands kept their administrative integrity. The earls of Arundel seem to have kept separate their original lands in Norfolk and the honour of Arundel, acquired in 1139 (7). The possession of land on both sides of the English Channel could result in some degree of separation between the administration of the two parts. The earls of Gloucester and Leicester both had separate stewards responsible for their Norman lands, though it is doubtful whether this division extended to the other household offices (8). There could also be significant divisions

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(5) F.M. Stenton, The First Century of English Feudalism, 2nd edn. (Oxford, 1961), pp.56-9.
(6) PR 10 Henry II, pp.34-5; PR 11 Henry II, pp.26, 52.
(7) The returns to the Inquest of Sheriffs which concern the Norfolk lands make no mention at all of the Arundel honour. The pipe roll accounts for the honour of Arundel, taken into royal hands in 1176, reveal no complications resulting from their former holder's possessions in Norfolk: e.g. PR 25 Henry II, pp.38-9.
(8) Earldom of Gloucester Charters, nos. 38, 86; J.H. Round, Calendar of Documents preserved in France, i, 918-1206 (London, 1899), nos. 305, 306; see also no. 1012 for a charter addressed to the earl's officers of Normandy. In the case of the earl of Buckingham (d. 1164), there is mention of a house which had belonged to John the chamberlain in Longueville, but whether this chamberlain was particularly concerned with Normandy is uncertain: Ibid., no. 221.

within one country, which could not perhaps be described as separate honours. In the honour of Warenne, the earls had a chief steward for each of the main areas of the honour: one for Norfolk; one for Sussex, with perhaps Surrey; one, at least, for the Yorkshire lordships of Conisborough and Wakefield, and one for the lands in Normandy (9).

In trying to define the structure of an honour, the most common and still probably the best administrative distinction is that between lands enfeoffed and lands not enfeoffed (10). Nevertheless, the question should be asked whether this distinction was as real as it first seems? In an age when many, if not most, 'demesne' or 'un-enfeoffed' lands were leased or farmed out, and when these leases could even, under certain circumstances, become hereditary, the clearest administrative distinction could have been between lands and rights held completely in the hands of the lord, and those held by others under a contract of some sort, feudal or otherwise. The disadvantage of this distinction is that the terms of leases varied considerably and in some cases could be terminated fairly easily by the lord (11). Another minor problem with the

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(9) EYC, viii, pp.242-4. Note also of the Mowbray estates: "It seems that the Mowbray estates were conceived as a series of honours, each with its own court, held at the appropriate demesne centre:" Charters of the Honour of Mowbray 1107-1191, ed. D.E. Greenway, Records of Social and Economic History, New Ser., i, British Academy (London, 1972), p. lvi.

(10) See, for example: R. Lennard, Rural England 1086-1135 (Oxford, 1959), pp.86-7, 95; Charters of the Honour of Mowbray, p. xxxiii.

(11) Lennard, Rural England, pp.180-5.

'enfeoffed'/'not-enfeoffed' distinction is that some tenancies by knight-service, particularly those for a fraction of a knight's fee, were virtually indistinguishable from the freer kinds of peasant tenure (12). The 'enfeoffed'/'not-enfeoffed' distinction is certainly the easiest to deal with and this structure will be assumed in this chapter, but the twelfth century lord may not have seen it quite so clearly.

One way to look at the administration of lands of an honour that had been enfeoffed is through the different types of income and services that could be received from them. In a charter of William earl of Gloucester confirming the grants of Osbert of Penarth and his son to St. Augustine's, Bristol, the services attached to the land granted were listed: host-duty, escort-duty, castle-guard, castle-work, scutage, 'donum,' tallage, geld, summons and aid (13). Some of these are clearly 'feudal' services, but others raise queries. The meaning of 'donum' is not clear, beyond some kind of customary or compulsory gift. It could perhaps refer to occasions when money was demanded by the lord which did not fit the usual situations when an aid or 'auxilium' could be asked for. Alternatively, it could refer to an aid levied from non-feudal tenants on the

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(12) Charters of the Honour of Mowbray, pp. xxxix-xl. In the case of this honour, both socage tenants and small military tenants attended the same honorial court at the local manorial centre.

(13) Earldom of Gloucester Charters, no. 30. For a similar, though shorter, list, see Stenton, First Century of English Feudalism, p.172.

land concerned (14). The vagueness of the terminology makes a definite conclusion impossible. Tallage is a surprising service to be demanded of a supposedly feudal tenancy. Henry II only seems to have raised tallage from his demesnes and other lands in his own hands, not from his feudal tenants. Geld is less surprising as it was collected through the tenants-in-chief (15). The inclusion of 'de summonitione' in the list of service raises the question, not of its general meaning, but of its specific meaning here, where it is given the status of a separate service. This may have been something peculiar to Glamorgan or the Welsh Marches. In 1183-4, the pipe roll account for the honour of Gloucester shows an interesting example of this service: 'Idem (Hugh Bardulf, the custodian of the honour) debet £7 19s 7d de terra Petri de Meullent que saisita fuit in manu regis quia non venit ad summonitionem justiciarum ad rescuciendum castellum de Neth. Et de 25s de terra Henrici de Ponte Aldem' qui similiter non venit.' (16)

The pipe roll accounts for escheated or confiscated honours of earls only reveal incomes and services received from enfeoffed lands in the extra accounts which follow the main account for the lands of the honour. It is likely that some

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(14) Ibid., pp.174-5.
(15) Sometimes, a distinction was made in such grants between services due to the granter and services due through him to the king: see, for example: Stenton, Danelaw Documents, pp. cxxv and n4, cxxvi.
(16) PR 30 Henry II, pp. 111-12. This seems to suggest that this service was a kind of emergency military service.

incomes and services remain hidden in the main accounts. Accounts for escheats of tenancies of the honour are fairly common, for example: 'Idem reddit compotum de £9 4s 0d de exitu terre Roberti de Praieres de tribus partibus anni.' Robert de Praieres had held one knight's fee of the honour of Arundel in 1166 (17). Other accounts are less informative: 'Idem reddit compotum de £2 18s 0d de firmia excactorum hoc anno.' (18) There are also many accounts for reliefs, usually at the rate that was later enshrined by Magna Carta - £5 for each knight's fee. A good example of a fairly large mesne tenancy owing relief at that rate is that of Nigel, son of the chamberlain of the honour of Richmond. He accounted for £57 10s 0d relief for a tenancy of eleven and a half knight's fees (19). Less easily interpreted accounts are those of fines. Sometimes these were apparently a form of relief: Eudo de Munbi reddit Compotum de 100m pro fine terre patris sui.' (20) Often, however, there is no indication of the meaning of the fine. Occasionally, there is evidence of the profits of honorial justice: 'Helyas de Hintleston debet I marcam pro habendâ rationabili parte sua de feudo I militis in Mol' versus

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(17) PR 26 Henry II, p.33; RBE, i, p.201.
(18) This occurs in an account for the honour of the earl of Chester: PR 28 Henry II, p.148. If these escheats were of tenancies by knight-service, they must have been very small, for fractions of a knight's fee, but they may have been tenancies of a non-military nature.
(19) PR 21 Henry II, p.5.
(20) PR 18 Henry II, p.6. If this was a relief, Eudo was paying more than the customary rate. The Mumby fee was held for only five knight's service: EYC, v, p.269.

Bertram Camerarium et Mabiliam uxorem eius.' (21) In 1171-2, under the honour of Richmond there is an entry: 'Idem reddit compotum de £40 de perquisitionibus et Minutis Placitis eiusdem Honoris.' (22) It is, however, difficult to know how far these were concerned with military tenants or with other men of the honour. Other judicial profits are probably hidden behind uninformative entries such as: 'Alanus de Sancto Georgio reddit compotum de 10m pro fine terre sue.' (23)

The best evidence of the right of custody over the bodies and lands of minors succeeding to fees of an honour is in the king's exploitation of this right as the lord of an escheated honour. This is clearly shown in the Rotuli de Dominabus et Puellis et Pueris - the title reminding us of the similar rights over widows. William de Noers was the grandson of Hugh de Noers, who had held one knight's fee of Walter Giffard earl of Buckingham in 1166. In 1185, the honour of the earl of Buckingham was in the king's hands and William de Noers was

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(21) PR 29 Henry II, p.152. This dispute concerned the lands acquired by Bertram in Great and Little Meols in the Wirral Hundred of Cheshire from his marriage to Mabel, the daughter of William the Fleming. The entry conceals a favourable marriage made, no doubt with the earl's help, by Bertram the Chamberlain, who is found witnessing ten charters of Hugh earl of Chester (d.1181) and eight of Ranulf earl of Chester (d. 1232). For this and a charter of Bertram and Mabel, see Facsimiles of Early Cheshire Charters, ed. G. Barraclough (Oxford, 1957), pp.38-40. The editors of the later pipe rolls wrongly extend the 'Mol' of the entry to 'molendino:' PR 30 Henry II, p.28.

(22) PR 18 Henry II, p.6.

(23) PR 31 Henry II, p.155.

eighteen years old. The king still had him in custody and had granted that custody to Henry de Pinkney along with the lands of the fief at Missenden (Bucks.). The renders of that land went to the king. (24) It seems likely that earls would grant out custody of wards in the same manner.

In the Inquest of Sheriffs returns for the earl of Arundel, various payments are recorded from fees of his Norfolk honour. Unfortunately, the nature of these payments is not always specified. Many of them appear to be commuted military service, for example: 'Postquam Rex transivit (1166) Godefridus filius Auberti dedit Comiti 4 marcas ad exercitum.' (25) There is also mention of writs from the king ordering the tenants to pay: 'Helyas de Hechingham dedit Comiti Arundelliae, ad extremum exercitum Galliae, 30s, de feudo militis et dimidii; et hoc per breve Regis.' This may indeed be an early form of the writ 'de scutagio habendo.' (26) The aid for the marriage of the king's daughter provides the occasion for some payments (27). An 'auxilium comitis' is referred to, along with various unspecified 'auxilia,' though it is possible that all these refer to the royal aid (28). There is an example of the earl distraining a vassal because of alleged default of service (29). There are

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(24) Rotuli de Dominabus et Pueris et Puellis de XII Comitatibus (1185), ed. J.H. Round, Pipe Roll Soc., xxv (1913), p.38; RBE, i, p.312.
(25) RBE, ii, App. A, p. cclxx; see also pp. cclxix, cclxxi-cclxxiii. Scutage is even mentioned explicitly, e.g. 'Hervicus de Ingelose dedit Comiti Arundelliae de Scutagio.' Ibid., p. cclxxi.
(26) Ibid., p. cclxxii. Such a writ became necessary for all scutage in the thirteenth century: Stenton, First Century of English Feudalism, p.185.
(27) RBE, ii, App. A, pp. cclxxi, cclxxiii.
(28) Ibid., pp. cclxxi-cclxxii.
(29) Ibid., pp. cclxix-xx.

also two examples of money received through the workings of comital justice (30). Money is paid for making Radulf de Montschensy a knight (31).

The proportion of income and services that came to an earl from his enfeoffed lands would obviously depend on the proportion of his land that was enfeoffed. The income and services received from enfeoffed lands were irregular. The incidence of a scutage or an aid, or even the payment of a relief by a vassal with a large holding, would greatly influence the amount received. The irregularity reflected the purpose of the enfeoffment of lands: to meet the equally irregular demands of the king and the earl himself for service, commuted or not.

The lord of an honour had a basic choice to make concerning the manors that were not enfeoffed. He could manage them directly through his officials, with the latter accounting for all receipts and expenditure. Alternatively, he could lease or 'farm' them out for a fixed return. This would ideally represent the estimated average return, net of any necessary expenditures on the property and less some reasonable amount for the 'farmer's' profit. The advantages of leasing manors were that the income from them would be stable, secure from the fickleness of the harvest, and that, especially in the case of

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(30) 'Iterum dedit Amalricus (de Bellafage) 40 solidos per judicium' and 'Et propter quoddam jus suum quod Comes ei (Radulf de Herlingis) reddidit, dedit ei 5 marcas, gratis:' Ibid., p. cclxx.
(31) Ibid., p. cclxxii.

far-flung manors, the problems of administration and supervision could be simplified and cost therefore reduced. In an era of fairly stable prices, at least in terms of the medium or long term trend, the leasing of manors could have, and did have, considerable attractions. If prices rose, the leases or 'farms' could be adjusted. Only when the rate of price increases became too fast, or where the level of the leases proved too inflexible, would the disadvantages become significant. Before the last quarter of the twelfth century, the leasing of demesne manors appears to have been the predominant system (32). However, after around 1180 there seems to have been a move towards direct management of estates, under the pressure of a very rapid rise in prices towards the end of the twelfth century (33).

Some of the pipe roll accounts for the escheated honours of earls give a relatively good idea of the respective extents of direct management and 'farming.' It seems that the manors of the honour of Arundel were all in direct custody when the king first took the honour into his hands. In the account for the second year of royal possession, some lands were put at farm by the king's officers, while the rest of the lands were still 'in custodia.' (34) The danger in this assumption is that whatever leases that existed under the earl may have been terminated when the honour came into the hands of the crown. The account for the first year that the honour was in the crown's

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(32) Harvey, 'The Pipe Rolls and the Adoption of Demesne Farming,' 353.
(33) P.D.A. Harvey, 'The English Inflation of 1180-1220,' Past and Present, lxi (1973), 3-30.
(34) PR 25 Henry II, p.38.

hands would at first appear to confirm this. The bulk of the receipts of the honour were referred to as 'de firmis maneriorum.' (35) Here, however, the problems of terminology intrude. Unless 'farm' is contrasted with 'custody' in the same account, it is dangerous to assume that it is a particular kind of receipt. In the account for the same honour in 1179-80, one amount accounted for was 'de firmis maneriorum honoris de Arundel que missa fuerunt ad firmam per justicias' while another amountwas 'de firmis et perquisitionibus maneriorum que non fuerunt ad firmam hoc anno.' (36) If one can have 'farms' of manors not at farm, it is necessary to be very careful not to attach a specific meaning where there is none (37). It is difficult therefore to be sure what arrangement William earl of Arundel (d. 1176) had for his lands. All we can be sure of is that immediately before the year 1177-8, the second in royal hands, all the manors were in custody.

The accounts for the honours of Boulogne, Eye and Lancaster are not very suitable for determining the situation under their last earl, William earl of Surrey (d. 1159). They do not appear on the pipe rolls until several years after his death (38). The early pipe rolls accounts for the second minority of the earldom

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(35) Ibid.
(36) PR 26 Henry II, p.32.
(37) Harvey, 'The Pipe Rolls and the Adoption of Demesne Farming,' 347-8.
(38) PR 10 Henry II, pp.34-5; PR II Henry II, pp.26, 52.

of Chester during Henry II's reign indicate that the predominant system in the period up to 1181, when Earl Hugh died, was one of farming out manors. In the first full-year account for the main part of the honour, the vast bulk of income came from 'firmis quorundam maneriorum et hundredorum que misse fuerunt ad firmam tempore comitis Hugoñis.' £245 13s 8d came from this source, while a mere £24 7s 3d came from the issues of 'quorundam maneriorum eiusdem honoris hoc anno que non sunt ad firmam.' (39) In the following year's account there is a separate account for the manor of Macclesfield, which is stated to be not at farm (40). The rest of the regular income from the manors is described as 'de firma maneriorum.' (41) As the example from the honour of Arundel showed, it is dangerous to take such phrases at face value. However, considering the previous year's account, it does seem that Macclesfield was the only manor not at farm. This, of course, does not necessarily include escheats entered in separate accounts. The land of Turold at 'Aneston' produced a render of £1 0s 0d, but it is impossible to determine whether this was a 'farm' or not (42). In the account for Macclesfield in the next year, 1183-4, it is apparently at farm: 'Idem Gillebertus reddit compotum de £20 0s 0d de firma de Makesfeld.' (43) It is interesting to

(39) PR 28 Henry II, p.148.
(40) PR 29 Henry II, p.152.
(41) Ibid., p.151.
(42) Ibid., p.152.
(43) PR 30 Henry II, p.28.

note that the farm is for a round amount.

The earldom of Derby appears on the pipe rolls in 1158-9, when Robert earl of Derby had died and his son, William, was still a minor. The main account for 1158-9 simply refers to the 'firma terre Comitis de Ferrariis,' but there is a subsidiary account 'de Manerlis que non sunt ad firmam.' The amount for the main account was £69 10s 2d, while the subsidiary account only amounted to £10 7s 0d (44). The subsidiary account could mean only that the manors concerned did not pertain to the main farm, but if it is taken literally that these manors were not 'at farm' and were therefore in custody, it suggests that the manors of the main account were 'at farm.' In the following year's account the amount of the main account - 'de terra Comitis de ferrariis' - had increased considerably, from £69 10s 2d to £92 9s 4d, and the subsidiary account had disappeared (45). This could suggest that the manors previously not at farm had been returned to farm and that their presence in custody was only temporary. Whenever a lease expired or an arrangement over a 'farm' came to an end, there would always be a short period when the manor would be in custody before a new arrangement was initiated.

The first pipe roll account for the honour of Gloucester, in 1183-4, is very clear in showing that part of the honour was at farm and part in custody. It also gives a good idea of the

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(44) PR 5 Henry II, p.57.
(45) PR 6 Henry II, p.44.

complications of the terminology of the rolls:

> 'Robertus de Witefeld' at Helias de Clivelay reddt. comp. de £276 13s 1d de firma honoris comitis de Gloecestr' tam de redditu assiso maneriorum que sunt ad firmam nominatim, quam de exitu de Bristoue, que est in custodia, et de redditibus statutis in denariis de aliis maneriis eisdem honoris que sunt in custodia, de dimidio anno.' (46)

It is difficult to see the practical difference between fixed renders ('redditu assiso') from manors 'ad firmam' and fixed renders ('redditibus statutis') from manors 'in custodia.' The account for the following year confirms that at least around half the honour, and probably more, had been at farm since the time of Earl William. This account also qualifies the reference to the manors in custody with the phrase 'ante adventum justiciarum.' (47) The next account, 1185-6, combines the two groups of manors in an account 'de firmis maneriorum eiusdem honoris per rotulum justiciarum.' This indicates that the manors which before had been in custody had been put at farm by royal officers, probably in 1185. They also seem to have drawn up a roll of farms (48). In many other honours of the earls, there are indications that manors were at farm or in

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(46) PR 30 Henry II, p.109. A 'farm' of a whole honour can include individual items that are either at farm or in custody.

(47) 'Et idem do nova firma. Scilicet de £251 12s 0d de firmis maneriorum missorum ad firmam a tempore comitis Willelmi. Et de £13 1s 5d de perquisitionibus eorundem maneriorum. Et de £166 0s 8d de redditu assiso maneriorum que erant in custodia ante adventum justiciarum. Et de £59 5s 5d de perquisitionibus illorum maneriorum. Et de £114 14s 3d de blado et lana et pluribus rebus venditis. Et de £119 7s 5d de exitu de Bristou et molendinorm et nundinarum:' PR 31 Henry II, p.154.

(48) PR 32 Henry II, p.200. Others honours had their farms assessed by Justiciars in this way, for example, the honour of William Peverel of Nottingham and the honour of the Constable: Ibid., pp.109, 205.

custody, or there is evidence of what seem to be the fruits of direct cultivation. Too often, however, the evidence is inconclusive or tells us little of the honour as a whole.

The few examples dealt with above can hardly be used as evidence for the earls as a group and few general conclusions can be drawn from these glimpses. However, some points can be made. It is evident that the crown was not making use of its position as a new broom to sweep away an anachronistic system of farming out manors, if such a system can be considered at all anachronistic in Henry II's reign. The picture is instead one of the crown anxious to put manors in custody out to farm, although some review of the farms might take place. Another point, made clear by the accounts for the honour of Gloucester, is that even the division between manors at farm and manors in custody was not as clear as might be thought. 'Farms' were not the only renders that were fixed. Part of the income from a manor under direct management would, in many cases, come from the rents of peasants or other fixed dues, which could perhaps be even less flexible than a farm that might be renegotiated.

The lord did not usually give up all his rights to a 'farmer' in return for the 'farm.' It is difficult to list all the specific rights that might be retained, but would usually include the manorial court. In the 1184-5 account for the honour of Gloucester, there is a definite reference to 'perquisitiones' from manors at farm (49). The 'farmer' could also act

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(49) PR 31 Henry II, p.154.

as an official of the lord, just as the king's sheriff carried out other duties as well as being the 'farmer' of the shire. In the 1183-4 account for the main part of the honour of Chester, the entry for the farm of Macclesfield shows allowable expenses from the farm in exactly the same form as the county farms. In this case this consisted of fixed tithes to the monks of Chester from one mill and a payment to a servant looking after the king's birds in the forest (50). The farmer was presumably required to make these payments on behalf of his lord, just as the sheriff did for the king in the shire. The relationship was not a purely financial one. This manor was at farm from the king, but there is no reason why he should behave exceptionally here.

Even after those manors which had been enfeoffed or farmed out have been subtracted from the honour, there was still much more than lands farmed directly, in the agricultural sense, by the earl and his officers. The 'redditibus statutis' in the accounts for the honour of Gloucester have already been mentioned. These probably represent various fixed dues and rents from the peasant tenures of the honour. Most manors would have varying amounts of land held by some form of peasant tenure, some of which would owe labour services on the home farm. Apart from these villein-type tenures, the other basic type of peasant tenure was that of sokemen or 'liberi homines.' At its most extreme, the rights of the lord could be limited to some juris-

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(50) PR 30 Henry II, p.28.

dictional rights. The home farms of these manors were the only part of the honour that was truly directly administered. How important these were to the economy of the honour depended on the proportion of home farms to peasant tenures and of these manors to those farmed out or enfeoffed.

In the honour of Arundel, there were certainly peasant rents, which were apparently fixed: 'redditu statuto socharum et sokemannorum.' (51) Some kind of sokeman was liable for relief: 'Et de £1 15s 0d de relevio Sochemanni de Heanton.' There is also a payment for the division of a sokeman's father's land (52). In the honour of Gloucester in 1184-5, apart from the fixed render of the manors in custody ('redditu assiso maneriorum'), there were the 'perquisitiones' of these manors and the proceeds of various produce that had been sold ('de blado et lana et pluribus rebus venditis'). (53) The first division seems to represent peasant rents and other fixed dues, the second probably included various fluctuating items including the profits of manorial justice, and the third division seems to be the profits of direct exploitation, or at least of those that had been turned into cash by sale. Some of the food products of the manors in custody would be consumed by the lord and his men. Mention of the earl's 'houses' on the manors and paid servants 'residentium per maneria' also suggest some direct exploitation of the land (54).

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(51) PR 27 Henry II, p.145.
(52) Ibid., p.146.
(53) PR 31 Henry II, p.154.
(54) Ibid., p.155.

Rents, produce and the profits of manorial justice are no surprise in association with demesne manors, but other types of income could be drawn from demesnes as the Inquest of Sheriffs returns make clear. Various kinds of payments were made by the men of the demesnes of the earl of Arundel in Norfolk between 1166 and 1170. Some seem to be towards the cost of the earl's service on the Welsh marches: 'propter Marchias Waliae servandas ii vicibus.' (55) There were also payments connected with the last 'exercitus' in France and the earl's journey to Saxony with the king's daughter (56). Others were to quit the earl of his debts to the Jews (57). All these payments might be expected from lands held by knight-service, but not from demesne lands. There are indications that some of the payments were not 'owed.' There is frequent use of phrases such as 'gratis' or 'ex bona voluntate.' (58) Whether these payments were offered so freely is perhaps doubtful. It is more likely that they derived from the general claim of the lord to the assistance of his tenants in time of need.

Certain of the rights and jurisdictions of an honour do not fit into any structure based on the manorial unit, though they might be attached to a particular manor. One of these was the proprietary hundred. While the rights and incomes connected with these hundreds varied, they had their basis in royal rights

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(55) RBE, ii, App. A, p. cclxix. For other examples, see pp. cclxvii-cclxix.
(56) Ibid., pp. cclxvii, cclxix.
(57) Ibid., pp. cclxvii-cclxix.
(58) Ibid., pp. cclxvii-cclxix.

and the royal administrative division of the shire. An example of income from this source occurs in the pipe roll account for the year 1176-7 for the honour of Arundel. £9 4s 11d was accounted for 'de placitis hundredorum.' (59) This presumably represents the profits of the hundred courts. One could expect such rights in this Sussex honour, as the rapes of Sussex were compact lordships and competition between the lordships of different tenants-in-chief would not occur. There would also be no royal landed base from which the king could easily exercise direct control over the hundred court.

Forests, too, do not fit into the normal manorial structure. They could contain assarted holdings or other holdings that had been included within the area of forest jurisdiction. Control over a forest also meant control over the rights to graze pigs or to collect wood, which might involve communities outside the forest itself. Income from forests could be gained from the profits of forest courts, from dues for the use of the forest, or by selling exemptions from forest regulations. Exemptions could also be used as a form of patronage. When the king obtained possession of some of the lands of the count of Aumale, he received money 'de placitis foreste de Eggeton' (Egton, N. Yorks.). He also received money 'de pasnagio foreste de Eggeton.' (60) Among the rights granted by Earl William of Gloucester to St. James's, Bristol, was a quittance of pannage

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(59) PR 25 Henry II, p.38.
(60) PR 29 Henry II, p.47.

in his wood of Kingswood (Glos.) (61). Conan earl of Richmond granted Jervaulx Abbey timber and fuel from his forest of Wensleydale (62).

Boroughs were another part of honours that do not easily fit into the general structure. They would contain many different kinds of tenure and outside manors would often have attached properties within the borough. This must have created many problems of jurisdiction and lordship. Grants of privileges by the earls to boroughs often include the exclusion of outside jurisdictions. For example, at Cardiff and Tewkesbury the burgesses did not have to answer any summons to the hundred court outside the borough. In these boroughs of the earl of Gloucester, the burgesses' service was commuted to twelve pence each a year (63). The burgesses of Leicester were exempt from the hundred court (64). Reginald earl of Cornwall granted the burgesses of Truro that they should not plead in hundred or shire courts and that they should not be impleaded outside the borough for anything (65). Boroughs did appear as an accounting unit in the finances of the earls' honours. In the Inquest of Sheriffs returns for the earl of Arundel's lands in Norfolk, the burgesses of Castle Rising have their payments grouped together and this money is payed to a steward (66). In Cornwall, the borough of Launceston apparently had a separate 'farm,' though the amount was concealed in the total county farm: '£153 12s 6d

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(61) Earldom of Gloucester Charters, no.30.
(62) EYC, iv, no.29.
(63) Earldom of Gloucester Charters, no.46.
(64) Records of the Borough of Leicester, ed. Mary Bateson (London, 1899), i, p.4.
(65) Calendar of Charter Rolls preserved in the Public Record Office, ii (H.M.S.O., 1906), p.304.
(66) RBE, ii, App. A, p. cclxviii.

de firma comitatus Cornubie de minaria staminis, et de firma burgi de Lanzauenton.' (67) Alan earl of Richmond granted the borough of Richmond to the burgesses in return for £29 a year. Granted in fee-farm, this is a good example of how boroughs could be brought within the feudal structure (68). Undoubtedly the best and biggest example of a comital borough accounting separately was Bristol. In 1184-5, there was a separate entry of £119 7s 5d 'de exitu de Bristou et molendinorum et mundinarum.' (69)

Related to the subject of boroughs was the exploitation of trade and commerce. This could be of considerable financial importance to an honour. £67 1s 6d was received in the honour of Richmond from the fair of Boston in 1171-2 (70). Orford, originally part of the honour of Eye, seems to have been a considerable port. In 1164-5, it rendered £24 as a farm and £56 14s 6d 'de consuetudinibus navium de Oreford.' (71) Fishing and fisheries were another source of wealth. In the pipe roll account for the Lower Gwent portion of the honour of Striguil in 1184-5, the income from fisheries accounted for £10 12s 3d of the total of £76 5s 7d. (72) Even the mining of tin, a commodity for which there was a growing demand in the twelfth century, made a small contribution to the honour of the earls of

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(67) PR 22 Henry II, p.151.
(68) EYC, iv, no.20.
(69) PR 31 Henry II, p.154.
(70) PR 18 Henry II, p.5.
(71) PR II Henry II, pp.5-6.
(72) PR 31 Henry II, p.8.

Devon. In 1176-7, 5s 7d was received 'de consuetudine stainerie in terra eiusdem comitis.' (73) The organisation of an honour's agricultural land, and its lordship over other agricultural land, was by no means its only concern. Boroughs, forests, trade and industry all contributed to the complexity of an honour's organisational needs.

So far this chapter has been concerned with the variety of sources of receipt of an honour's income. It is worth looking now at the kinds of expenditure needed from this income in the running of the honour. The pipe roll accounts necessarily concern honours which have come into the king's hands, so that the expenditures recorded on these accounts usually include expenditure made for royal purposes as well for the honour. To examine these expenditures, I will use two accounts as examples: the account for the honour of Arundel in 1180-1, and the account for the honour of Gloucester in 1184-5 (74). Most lords made provision for regular alms or allowances to favoured religious recipients and the earl of Arundel had been no exception. Despite some delay in the king's recognition of the claim to such a payment, the following entry appeared in the 1180-1 account: 'Et in elemosina constituta incluse de Hertinges 43s 4d de hoc anno et de 4 annis preteritis, scilicet 2d in septimana per breve regis.' In the sub-account for the escheated mesne

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(73) PR 23 Henry II, p.9; J. Hatcher, English Tin Production and Trade before 1550 (Oxford, 1973), p.18.
(74) PR 27 Henry II, pp.145-6; PR 31 Henry II, pp.154-5.

honour of Petworth, there is a similar allowance of 2d a week to a hermit. £32 2s 10d was spent on works on the castle of Arundel, the principal castle of the honour. £24 19s 4d was spent stocking a manor. Two further entries concern the payment of servants. One of these was to 'Silvestri et sociorum eius dum custodirent aves Regis apud Stanesteda.' While these were perhaps royal servants, similar expenses would have been incurred at the hunting-lodge at Stanstead in the time of the earl. The other entry was more specifically royal: 'Ricardo de Wada et sociis Im ad portandos nisos ultra mare Regi regis filio per breve regis.' (75)

The account in 1184-5 for the honour of Gloucester presents an even larger range of expenditure. Regular alms payed out amounted to 48s 4d. Several entries concerned Prince John's expedition to Ireland. These expenses were not unconnected with the honour. John was betrothed to the youngest daughter of the late earl under an agreement which promised John the succession to the honour, though the marriage did not take place until 1189 (76). An interesting entry in the following year's account shows that John had already used his future position as

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(75) PR 27 Henry II, pp.145-6. 'Hertinges' is Harting in Dumpford Hundred and 'Bromlega' is now represented by Broomlye Farm in Newick, Barcombe Hundred, both in Sussex: A. Mawer and F.M. Stenton, The Place-Names of Sussex, English Place-Name Soc., vi-vii (Cambridge, 1929-30), pt.i, p.35, pt.ii, p.317. For the hunting-lodge at Stansted, see The History of the King's Works, ed. R.A. Brown, H.M. Colvin and A.J. Taylor (H.M.S.O., 1963), i, p.83; ii, p.1003.

(76) PR 31 Henry II, p.154; Gesta Henrici, i, pp.124-5.

lord to obtain a loan from the burgesses of Bristol, which the king repaid (77). The honour of Gloucester, together with Glamorgan which had also been held by the earl of Gloucester, was an ideal base for the king's interests in South Wales and in the route to Ireland. In 1184-5, there are expenses in the account for the honour of Gloucester concerned with the provisioning of Pembroke and Camarthen castles. Glamorgan itself not surprisingly concerns some of the expenses. Hamo de Valognes, who had been Earl William's constable, was paid £16 'ad perclaudendam' the vill of Kenfig. £4 was paid to place some armour which Ranulf de Glanville had had in Neath castle. There were the costs of enclosing a park at Tewkesbury, of a house in Bristol where revenue was received, of repairs to the towers of Bristol, of millstones, and of repairing houses on the manors of the honour. Clothes were bought for a ward in the custody of the king as lord of the honour. Several entries concern the payment of servants and officials of the honour. There was also substantial restocking of the manors of the honour, some having been done 'ante adventum justiciarum,' and the rest 'per sacramentum factum coram justiciis.' (78) These are some of the most interesting expenses mentioned in this account.

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(77) PR 32 Henry II, p.200.
(78) PR 31 Henry II, p.154-5.

One of the basic financial problems in administering an honour lay in the timing of income and expenditure of the honour. This was a problem even where income over the year covered expenditure for that year. Income tended to be received at certain fixed points of the year, just as the sheriffs paid money through the exchequer at Easter and Michaelmas. While most charters of the earls concern gifts by the earl, a few give indications of the times of receipt of income. William earl of Derby confirmed a gift by a tenant to Darley Abbey in return for four geese from the canons each year at Michaelmas(79). William earl of Salisbury granted some land to Bradenstoke Priory quit of all service except 1 lb of pepper at Christmas (80). The same earl confirmed a gift of his tenant to Bradenstoke Priory in return for 1 lb of cummin annually at Michaelmas (81). The earl also made grants of land for the service of a pair of gilt spurs or 6d annually at Easter (82). The practice seems no different in Normandy. Walter earl of Buckingham granted a house free of all services except 6d Roumois annually at Christmas (83). It seems likely that the earls would treat regular receipts in the same way as regular payments. William earl of Salisbury granted 10s annually from one of his mills to Bradenstoke Priory 'at the four usual terms,' presumably at Michaelmas, Christmas, Easter and either Midsummer or Pentecost (84). Because regular

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(79) The Cartulary of Darley Abbey, ed. R.R. Darlington (London, 1945), i, p.578.
(80) The Cartulary of Bradenstoke Priory, ed. Vera C.M. London, Wiltshire Rec. Soc., xxxv (Devizes, 1979), no.317.
(81) Ibid., no.319; see also no.638.
(82) Ibid., nos.640-1.
(83) Round, Calendar of Documents: France, no.221.
(84) Bradenstoke Cartulary, no.363.

income was likely to be concentrated at particular points of the year, supplies of cash would tend to wax and wane, and though some outgoings, particularly regular payments to religious houses would match this pattern fairly well, the same was not necessarily true of other outgoings. Income from enfeoffments could help to compensate for some irregular demands on cash: royal scutages; royal aids, or an aid levied by the earl himself, for example. We have also seen from the Inquest of Sheriffs returns that special demands could be made on the men of earl's demesne. Nevertheless, a special need for a large amount of cash could create a temporary deficit even in a solvent honour. It was this kind of gap that created the basic need for money-lenders.

Debts to money-lenders were very common amongst the earls. At least two earls had arranged loans with William Cade - Roger earl of Hertford (326 marks outstanding) and Geoffrey earl of Essex (£100 outstanding). William earl of Gloucester owed 40 marks 'pro Comitissa Haewisa,' his wife, and the countess herself owed another 6 marks. William count of Aumale, who had been King Stephen's earl of Yorkshire, had debts outstanding of £262 1s 4d and 35 'pensa' of wool (85). At least eight earls had loans outstanding from Aaron the Jew when he died: William earl of Arundel (£545); Hugh earl of Chester (£235 6s 8d);

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(85) H. Jenkinson, 'William Cade, a Financier of the Twelfth Century,' EHR, xxviii (1913), 221-2, 224-5.

William earl of Essex (£15); Simon earl of Huntingdon (£587 8s 4d); David earl of Huntingdon (£300); Robert earl of Leicester (£491 6s 8d); Richard earl of Pembroke (£13 6s 8d), and Geoffrey earl of Richmond (£230) (86). Monasteries, too, became involved in the business of money-lending or the settlement of their patrons' debts. For example, William earl of Derby made an exchange of land favourable to Darley Abbey in return for the cancellation of his debts to the abbey (87). Bradenstoke Priory took over a debt of 120 marks which William earl of Salisbury (d. 1196) owed to Isaac and Simon, Jews of Oxford (88). Particular reasons for a debt are not often known. Richard earl of Pembroke borrowed to finance his invasion of Ireland (89). Robert earl of Leicester (d. 1190) took out a loan before going to France to join the rebellion against Henry II in 1173, presumably to pay for mercenaries (90).

As has been argued above, debts were not necessarily a sign of insolvency. From the surviving bonds of William Cade, it seems that many loans were very short term, for less than a year, perhaps to cover a temporary cash crisis (91). Money-

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(86) PR 3 Richard I, pp.22-3, 32, 50, 98, 111, 131, 159. Though these debts first appear on the pipe rolls in Richard's reign, they date from the debts outstanding at the death of Aaron the Jew in 1187. Aaron was not the only Jew from whom the earls borrowed. In 1183-4, Henry II allowed the quittance of the debts of Hamelin earl of Surrey (£100) and William earl of Warwick (£44) against a fine owed by Bruno, Jew of London: PR 30 Henry II, p.138.
(87) Darley Cartulary, pp.577-8.
(88) Bradenstoke Cartulary, no.650.
(89) Chronicles, i, pp.167-8.
(90) Diceto, i, p.341.
(91) H. Jenkinson, 'A Money Lender's Bonds of the Twelfth Century' in Essays in History presented to R.L. Poole, ed. H.W.C. Davis (Oxford, 1927), 192.

lenders who continually lent money that was not repaid would soon go out of business. Various means were used to secure the loans. The debt could be secured against certain lands. One of Simon earl of Huntingdon's debts, for example, was secured against his manors of Great Paxton and Great Stukeley (92). Sometimes explicitly, and more often in practice, the security was the income from particular lands, rather than the threat of foreclosure: 'Comes Willelmus de Arundel debet £45 super 30 librates redditus in Keningehal' (Kenninghall, Norfolk) (93). Sometimes together with land, sometimes alone, the other principal means of security was the pledging of other people; in the case of earls, mainly the pledging of vassals to secure the debt of the lord. One debt of 10 marks of Earl Simon of Huntingdon was secured 'per plegium Petri de Scrembi,' who held one knight's fee of Earl Simon in 1166 (94). This pledge, which may have originally been on a much larger debt, or another pledge, must have been called in. Peter de Scrembi appears elsewhere on the list of debts to Aaron, oweing 33 marks 'pro comite Simone.' (95) To pledge your lord's debt and then not

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(92) PR 3 Richard I, p.50.
(93) Ibid. See also H.G. Richardson, The English Jewry under the Angevin Kings (London, 1960), pp.254-5; H. Jenkinson, 'A Money Lender's Bonds,' 202-3.
(94) PR 3 Richard I, p.22; RBE, i, p.383.
(95) PR 3 Richard I, p.21.

honour that pledge was a serious offence. In 1180-1, during the minority of Ranulf earl of Chester (d.1232), a vassal's land had been confiscated because he had failed to honour a pledge against a debt by Earl Hugh (d. 1181) to the Jews (96). The relationship between vassal and lord worked two ways. Simon earl of Huntingdon appears as the pledge for the debts of some of his vassals to Aaron the Jew (97). One of the surviving bonds of William Cade was a pledge by Geoffrey earl of Essex (d.1166) for a debt of £19 which Sewalus de Oseville owed to William Cade. A debt of 8 marks is shown on the roll of debts of William Cade as owed by Sewalus, who held four knight's fees of Earl Geoffrey in 1166 (98).

It is almost impossible to make conclusions about an earl's financial position from the scraps of information we have about their debts, but debts of several hundred pounds cannot have been comfortable. One earl, or one earl and his successor, who do seem to have got into some difficulty, was William earl of Arundel (d. 1176), and perhaps his son Earl William (d. 1193). The earliest indication of debts comes from the pipe roll for

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(96) PR 27 Henry II, p.62. It was probably to escape such an obligation that Gervase Paynel and Robert de Harcourt accounted on the pipe rolls for 100 marks each 'ut sit quitus de plevina ('placito' is the word used in the case of Robert de Harcourt, and in a later entry, 'Plegio') comitis Legeror' versus Aaron Judeum:' PR 26 Henry II, pp.14, 104; PR 27 Henry II, p.78.

(97) PR 3 Richard I, pp.18, 19, 21, 22, 159.

(98) H. Jenkinson, 'A Money Lender's Bonds,' 207; H. Jenkinson, 'William Cade,' 225; RBE, i, p.345.

the year 1164-5 and in itself is insignificant: 'Comes de Arundel reddit compotum de 20s de debito Willelmi Cade. In thesauro liberavit. Et quietus est.' (99) The entry is too vague for definite conclusions, but *suggests that Earl William* has gone to the king concerning a debt from William Cade, though whether to delay repayment or because of some dispute over the debt is impossible to tell. There is no entry for Earl William on the roll of William Cade's debts, which has a date of around 1165-6. Either the debt has been repayed, or, more likely, the king has secured its cancellation. William earl of Arundel was high in royal favour at this time. In November 1164, he was one of Henry II's ambassadors to Louis VII and the Pope (100). Earl William's problems with debts did not end here. At the time of the Inquest of Sheriffs returns (1166-70), he was in debt to Deulebeneus the Jew of (Castle) Rising, an example of Jewish communities being established to serve baronial needs (101). We do not know the extent of the debt, but the men of the borough of Castle Riding and the demesnes of the earl in Norfolk, together with a few

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(99) PR II Henry II, p.93.
(100) Hoveden, i, pp.229-31.
(101) Other examples of this were the Jews at Bungay (the earls of Norfolk), Thetford (possibly connected with the earls of Norfolk or the earls of Surrey), Leicester (the earls of Leicester) and Coventry (possibly connected with the earls of Chester): Richardson, The English Jewry, pp.12-13.

tenants, though not the tenants by knight-service, paid the earl's officers or Deulebeneus himself around £58 'ad quietanda debita Comitis' or 'ad quietandas terras Comitis de Judaeis.' Most of these payments are made 'gratis' or 'ex bona voluntate.' (102) The debts to Aaron the Jew could have originated with either the first earl or his son. The earl is shown as owing three debts personally: one of £45 'super 30 libratas redditus de Keningehal;' one of £400 'super 6o libratas redditus de Lenn' et super 20 libratas redditus in Snetesham,' and one of £100 'per cartam.' (103) Two other debts to Aaron concern the earl closely. Deulebeneus of Rising owed 100 marks 'per plegium comitis de Arundell' and Benedict, Jew of Chichester, owed £100 'pro plegio comitis de Arundel.' (104) While the first of these entries, taken literally, indicates that the earl of Arundel was pledged for a debt of Deulebeneus, and the second, that Benedict had incurred a debt as the security for an unrepaid loan to the earl by Aaron, there can be little doubt that both entries indicate that the earl had decided, or had been forced, to refinance his debts to Aaron through Jews on his own lands. The presence of Benedict of Chichester perhaps indicate that these debts belonged originally to the first earl (d. 1176), as the

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(102) RBE, ii, App. A, pp. cclxvii-cclxx.
(103) PR 3 Richard I, p.50. Kenninghall, Snettisham and land in (King's) Lynn were among the demesnes of the earls of Arundel in Norfolk.
(104) PR 3 Richard I, pp.51, 60.

king withheld the honour of Arundel from the second earl. William earl of Arundel (d. 1193) was certainly not without debts. In the Norman Exchequer Roll of 1184, an unknown person owed the king 10s 'pro recto de debito versus comitem de Arondel.' (105) In 1187-8, 'Abraham filius Avigay debat Im auri quia non continebatur in carta sua de comite de Arundell' quod manerium de Rowell (Rothwell, Northants.) esset vadium suum sicut esse decebat.' (106) Any problems with his debts did not deter the earl from proffering 2000 marks to Richard I for the return of the honour of Arundel (107).

The administration of an honour was therefore a complex task. The general structure of honorial administration is well-established. F.M. Stenton's description of the upper reaches of administration, as based on the household officials of the lord, still holds good, and for the second half of the twelfth century as much as the first half (108). I will not attempt here the long detailed study of honorial administration that is still needed, but some points of interest can be examined.

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(105) Delisle, Recueil, Introduction, p.338.
(106) PR 34 Henry II, p.22.
(107) PR 2 Richard I, p.129. The castle, vill and mills of Arundel, and the mesne honour of Petworth were retained by the king. As the earl paid £773 13s 4d into the treasury in the first year, it is extremely likely that he was forced to borrow a considerable part of this money. Nevertheless, it was probably still a profitable deal for the earl in the long term to promise 2000 marks for an honour which, admittedly including the properties retained by the crown, rendered to the treasury £270 7s 10d out of a basic farm of £393 17s 5d in 1188-9: PR I Richard I, p.213.
(108) Stenton, First Century of English Feudalism, pp.66-7.

The steward ('dapifer' or 'senescallus') appears as usually the most important administrative office of the honour. F.M. Stenton pictured the office as usually held by a substantial mesne tenant and often hereditary, but this was not true of some of the comital honours of the second half of the twelfth century (109). We have already seen that some honours had stewards for different geographical areas of the honour. In the honour of Gloucester under Earl William (1147-83), seven different stewards can be identified in England, with at least one further in Normandy (110). There is, however, no sign here that the stewards in England dealt with any one particular geographical area of the honour, though three of them occur in only one charter each (111). None, as far as can be determined, were substantial tenants of the earl, nor was the office obviously hereditary. On the other hand, two members of the Almary family, Hubert and Robert, were stewards, and Odo de Titsey, was probably related to Hame de Valognes, one of the earl's con-

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(109) Ibid., p.75.

(110) The seven different stewards who occur in England were: Hubert d'Almary; Robert d'Almary; Roger; Richard de Cardiff; Robert Fitz Gregory; Rualavus, and Odo de Titsey. A William Crassus occurs as steward in Normandy as well as an unidentified 'Dapifer Normanniae.' These names are drawn from Earldom of Gloucester Charters.

(111) Robert Fitz Gregory occurs in a charter concerned with lands in Glamorgan, Rualavus occurs in a charter concerned with land in Bedfordshire, and Odo de Titsey in a charter concerned with land in Bristol: Ibid., nos. 130, 168, 191.

stables (112) Though no geographical division between stewards is apparent, the earl certainly had more than one steward at a time. Earl William's treaty with Roger earl of Hereford during King Stephen's reign contained as sureties for Earl William three stewards: Hubert d'Almary; Robert d'Almary, and Roger (113).

Another example of the developing office of steward occurs in the honour of Huntingdon under the lordship of David earl of Huntingdon (d. 1219). When David first acquired the honour, briefly during the revolt of 1173-4, Hugh Ridel acted as his steward. Hugh was a substantial figure of the honour and had acted as steward under King William of Scotland, as lord of the honour of Huntingdon, and possibly under King Malcolm as well.

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(112) Hubert d'Almary had a tenant near Penarth (Glam.) who was later transferred to the lordship of St. Augustine's, Bristol, but the other lands of the d'Almary family are unknown. A William d'Almary witnessed two charters of Earl William: Ibid., nos. 16, 77, 115. Richard de Cardiff held half a knight's fee of the earl 'de dominio' in 1166, having been enfeoffed since 1135. A William de Cardiff held one knight's fee, with another half in Wales, 'de veteri' in 1166, though the relation, if any, between William and Richard is uncertain: RBE, i, pp.289, 292. A Geoffrey de Titsey, possible related to Odo de Titsey, held two knight's fees among the earl's Kentish knights: Ibid., p.190. Geoffrey was the father of Hamo de Valognes, the constable of the earl, who occurs among the fiefs 'de novo feffamento de dominio' in the following entry: 'Hamo filius Geufridi, se altero, de dominio. Hugo de Gundeville (another constable of the earl), se altero, de dominio' - Ibid., p.291. Hamo de Valognes also held land in Normandy: Earldom of Gloucester Charters, no.186. It is tempting to identify Rualavus as the Rualus de Valognes, thus possibly related to Geoffrey, Hamo and Odo, who held three and a half knight's fees 'cum Godseldo' in Kent: RBE, i, p.190.

(113) Earldom of Gloucester Charters, no.96.

Earlier stewards had usually been the heads of a few prominent families of the honour. From 1184-1219, when Earl David again had possession of the honour, the stewards were drawn from seven different families, none of whom were important landowners of the honour, though many had estates outside the honour (114). One particularly interesting steward of Earl David was Simon de Senlis, an illegitimate brother of Simon earl of Huntingdon (d. 1184), who held the honour from 1174-84. Simon de Senlis was often with Earl Simon and had probably become familiar with the administration. It was an interesting way for Earl David to begin to solve the problems of a lordship that had been disputed between the Scottish and Senlis families since the time of Henry I (115).

If the steward was one of the heads of the honorial administration, the bulk of the personnel were the relatively lowly bailiffs, reeves and servants who ran the administration at the level of individual estates. They were sometimes included in the addresses of charters after the more elevated officers of the honour. A charter of Hugh earl of Chester granting the fief of Bisley (Glos.) to Humphrey de Bohun was addressed to the constable, steward, justice, sheriff, barons, officers, bailiffs and all his men French and English (116).

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(114) K.J. Stringer, 'The Career and Estates of David, Earl of Huntingdon (d. 1219)' (Univ. of Cambridge, Ph.D. thesis, 1971), i, pp.114-17. Earl David had separate stewards for his Scottish estates: Ibid., p.111.
(115) Ibid., pp.112, 117.
(116) Stenton, First Century of English Feudalism, App. no.2, p.258.

Sometimes they were addressed on their own, except for a general address (117). It is difficult to determine the practical difference between bailiffs and reeves. In a grant to St. Nicholas's Exeter, William earl of Gloucester addressed the charter to his bailiffs and reeves of Winleigh (Devon) (118). An interesting feature of bailiffs was that their duties were not limited to demesne lands. A charter of Hugh earl of Chester confirmed the grant of his vassal and constable, John de Lacy, remitted all service they might owe the earl, and ordered his bailiffs not to take anything on account of the service of John de Lacy, adding that they must take it from elsewhere (119). In the Inquest of Sheriffs returns, it was the 'servientes' of the earl of Arundel that took and looked after stock taken from Maheus de Candos, and, after a complaint, it was the bailiffs of the earl who answered that the stock had been taken because of the default of service by Hadenald de Bidun (120). Ranulf de Glanville gave what appears to have been scutage to the bailiffs of the earl. The same is true of William le Velter de

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(117) EYC, iv, no.66.
(118) Earldom of Gloucester Charters, no.69.
(119) The Coucher Book of Whalley Abbey, ed. W.A. Halton, i, Chetham Soc., x (1847), pp.8-9. An interesting example of the close links between an earl's administration and religious houses under his patronage is that the bailiffs of the earl of Leicester held the priory of St. Frideswide's (Oxford) view of frankpledge at the borough of Hungerford and the burgesses certified that the proceeds of the court should be handed over to the priory: Cartulary of the Monastery of St. Frideswide at Oxford, ed. S.R. Wigram, ii, Oxford Hist. Soc., (1896), no.1131.
(120) RBE, App. A, pp. cclxix-xx.

Bruham (121). The administration at this level apparently saw no difference between enfeoffed and unenfeoffed lands. The pipe roll account for the honour of Gloucester in 1184-5 shows the payment for 'servientes,' parkers and foresters, and the repair of houses, all 'per maneria.' (122) As well as lands and rights, the honour was a complex of men to run it and places to run it from.

The Inquest of Sheriffs returns for the earl of Arundel's land in Norfolk present an interesting picture of the collectors of revenue. The money received by the bailiffs from Ranulf de Glanville and William de Velter de Bruham has already been mentioned. Richard chamberlain of Buckenham received money from the demesne of Snettisham and from a socage for the earl's military service on the Welsh Marches and in France and to help the earl with his debts to the Jews (123). A Nicholas 'dapifer' received money from the burgesses of (Castle) Rising to help

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(121) Ibid., pp. cclxxii-iii. Among the few returns relating to the lands of the earl of Hertford, was an entry which showed the 'ministri' of the earl take a horse instead of cash for scutage from the fief of three knight's fees of Robert de Bruecurt (Briencurt in RBE, i, p.404). When the money was paid, the 'ministri' had kept the horse. The earl's 'ministri' also took three marks 'ad opus filiae Regis:' Ibid., ii, App. A, p. cclxxviii.

(122) PR 31 Henry II, pp.154-5.
(123) RBE, ii, App. A, p. cclxvii.

the earl with his debts (124). A certain Richard and Toco 'capellanus,' 'praecepto Willelmi dapiferi' received money from Robert de Mileham for the earl's service on the Welsh Marches and for his escort of the king's daughter to Saxony(125). A Richard clerk of the earl, perhaps the same Richard, received money from Robert de Badvent for the aid for the king's daughter's marriage (126). The impression is that almost any official of the earl could be used to receive revenue.

Charters from other honours show the officials who might make payments from the honour. Robert earl of Derby (d. 1159) granted 40s annually from Tutbury at Michaelmas to Savigny Abbey. If the earl was absent, his steward or reeve was to make the payment to the monks' envoy (127). William earl of Derby

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(124) Ibid., p. cclxviii. Although the earl had two clear groups of land in Norfolk - one in the north-east of the county around Castle Rising and Snettisham, and one around Buckenham near the Suffolk border (see Map 3) - the fact that Richard chamberlain of Buckenham received money from Snettisham suggests that he was chamberlain for the whole of the Norfolk honour, though not of the honour of Arundel in Sussex.

(125) Ibid., p. cclxxi. The stewards Nicholas and William, mentioned in these returns, were probably concerned only with the Norfolk honour, though it is impossible to tell whether they held office simultaneously or consecutively, or whether there was any geographical division within the Norfolk honour for their offices. Humphrey de Milliers witnessed as 'dapifer' in a charter of the earl issued at Arundel in favour of Bruton Priory: Two Cartularies of the Priories of Bruton and Montacute, Somerset Rec. Soc., viii (1894), p.84, no.337. Humphrey was alive (1173-6) when he witnessed a charter of the son and heir of William earl of Arundel (d. 1176), before he succeeded his father, but after his marriage to the widow of Roger earl of Hertford (d. 1173): The Cartulary of Cirencester Abbey, ed. C.D. Ross (Oxford, 1964), ii, no.679/868. Humphrey was, however, probably dead by 1176-7. In the pipe roll account for the honour of Arundel in 1178-9, the issues of his land at Preston (Suss.) were accounted for the three years past: PR 25 Henry II, p.39.

(126) RBE, ii, App. A, p. cclxxi.

(127) Round, Calendar of Documents: France, no.822.

(d. 1190) ordered his bailiffs of Stanford-in-the-Vale (Berks.) to give the monks of Tutbury Priory 40s annually until the earl granted an equivalent value of land (128). Robert earl of Leicester (d. 1190) granted some wine and wheat annually to the see of Evreux from his vineyards and mills of Paci, to be handed over by the seneschal at the vendage (129).

Very little is known of the central financial organisation of the earls' honours. The honour of Gloucester does seem to have had some office of receipt called an exchequer ('scaccarium') at Bristol, unfortunately known from only one charter (130). There is an entry in the pipe roll accounts which may refer to this or some other place of receipt: 'Et pro locanda domo apud Bristou ubi redditus Regis recipiuntur xs.' (131) In the same roll, another entry reads: 'Et in liberatione clerici qui colligit redditus Regis apud Bristou £3 0s 10d.' This was a certain Richard clerk, who, in the previous roll, is called 'imbreviatoris de Bristow.' (132) Again, unfortunately, there is no way to definitely connect this office with the earl's exchequer.

One final interesting aspect of the administrators of the earls' honours is the use by the king, as farmers and custodians of escheated honours, of men who had been officials of the earls or substantial tenants of the honours. Some examples will make

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(128) The Cartulary of Tutbury Priory, ed. A. Saltman, Historical Manuscripts Comm., Jt. Publn., ii (H.M.S.O., 1962), no.84.
(129) Round, Calendar of Documents: France, no.306.
(130) Earldom of Gloucester Charters, no.188 & n.
(131) PR II Henry II, p.155.
(132) Ibid. PR 10 Henry II, p.111; Earldom of Gloucester Charters, p.14. Robert earl of Leicester (d. 1168) also had a 'scaccarium' from which payments could be made: Ancient Charters, ed. J.H. Round, Pipe Roll Soc., x (London, 1888), p.60.

the point. Philip de Kyme, who was given charge of the lands of the earldom of Chester in the Midlands between Midsummer 1181 and Michaelmas 1184, was a tenant of the honour of Chester and had been steward of the Gant honour of Folkingham (133). Robert de Pirario, who was farmer of the honour of the earl of Derby from 1159 to 1161 had been the steward of the late earl (134). Hamo de Valognes, given charge of Glamorgan in 1185 and in 1187-8, had been a constable of the earl of Gloucester (135). Geoffrey Fitz William who was farmer of the honour of the earl of Buckingham between 1164 and 1179 held 27 knight's fees of the earl's honour (136). There were two connected advantages in this policy. These men would be familiar with honorial administration and in particular with the particular honours concerned. They might be expected to be more effective than an outsider and more easily accepted by the rest of the honour.

A large honour needed a skilful and knowledgeable administration to make efficient use of its resources. It is difficult to assess how far the administrations of the earls' honours fulfilled this need. It would be wrong to assume that they all coped equally well or that they were all equally inefficient. The problems involved were essentially the same as

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(133) W. Farrer, Honors and Knights' Fees (London, 1924), ii, pp.118, 120.

(134) PR 5 Henry II, p.57; PR 6 Henry II, p.44; PR 7 Henry II, p.29; G. Wrottesley, 'The Burton Chartulary,' Collections for a History of Staffordshire, v, pt. i, William Salt Arch. Soc. (London, 1884), p.50.

(135) PR 31 Henry II, p.7; PR 34 Henry II, p.8; Earldom of Gloucester Charters, passim.

(136) PR II Henry II, p.25; PR 12-25 Henry II, passim; RBE, i, p.312.

those faced by the royal administration. An efficient and competent earl would be almost as busy as Henry II, running a smaller kingdom with much smaller resources.