Chapter Five

The Earls and Royal Government: General

There are two angles from which the subject of the earls and royal government should be approached. The earls were involved at every level of government, from the highest offices of household and administration to the hanging of a thief on their own lands. They were also subject to the actions of government in its many forms. While it is useful to consider the activity of the earls in government separate from the impact of government upon them, there is no clear division between these two aspects. An earl that lost a legal dispute in the king's court was, as a major vassal of the king, a potential member of that same court. An earl that paid the danegeld due from his fief and vassals was both tax-collector and tax-payer.

The obvious place to start an examination of the earls' role in government is the royal household, the central government institution of western kings since before Charlemagne. In Henry II's reign, several of the chief offices of the household were held by earls. Two earls were recognised by Henry II as stewards in the years on either side of his succession to the throne. At some time between June 1153 and December 1154, Henry II recognised Robert earl of Leicester (d. 1168) as steward of England and Normandy (1). The earl had not been a steward under

(1) Regesta, iii, no.439. Shortly before this, the same grant had been made by Henry to Earl Robert's son, probably to avoid a too early contradiction in Earl Robert's allegiance to King Stephen: Ibid., no.438.

either Henry I or Stephen, but claimed the office through his marriage to Amice, great-granddaughter of William fitz Osbern, earl of Hereford (d. 1071). William fitz Osbern had been steward to King William I, before and after the conquest of England (2). Robert earl of Leicester was succeeded in the office by his son and heir, Robert earl of Leicester (d.1190)(3). In 1155, Hugh earl of Norfolk was recognised as steward by Henry II. Hugh had been a steward of King Stephen and Henry I, and had succeeded his brother and father in the office (4). Hugh was succeeded in the office by his eldest son, Roger, even though the earldom was withheld until Richard I's reign (5). William earl of Arundel (d. 1176) inherited the office of master-butler from his father, William d'Aubigny 'pincerna.' (6) The earl's son and heir, William earl of Arundel (d. 1193), succeeded him in the office (7). In 1154-5, Aubrey earl of Oxford (d. 1194) accounted for 500 marks 'pro habenda cameraria quam pater suus habuit.' Aubrey's father had held the office of master-chamberlain under Henry I and Stephen. When Aubrey (d. 1194) joined the Empress in 1141, she confirmed to him his

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(2) CP, vii, pp.529-30; D.C. Douglas, William the Conqueror: The Norman Impact on England (London, 1964), pp.61, 86. The marriage had already been used by Earl Robert to claim from King Stephen the 'comitatus' of Hereford, though the charter concerning this makes no mention of the stewardship: Regesta, iii, no.437.

(3) This fulfilled the promise made in 1153: see above note I. Earl Robert performed the duties of the office at the king's table in 1186: Gesta Henrici, ii, p.3.

(4) Appendix I (d); CP, ix, pp.577,579.

(5) Roger Bigod performed the duties of the office at the king's table in 1186: Gesta Henrici, ii, p.3. When he regained the earldom, the grant by Richard I included a confirmation of his stewardship: Cartae Antiquae Rolls 11-20, ed. J. Conway Davies, Pipe Roll Soc., New Ser., xxxiii (London, 1960), no.554.

(6) J.H. Round, The King's Serjeants and Offices of State (London, 1911), pp.141-2; Regesta, iii, p.xviii. For the performance of the duties of the office, see Walter Map, De Nugis Curialum, pp.245-6.

(7) He performed the duties of the office in 1186: Gesta Henrici, ii, p.3.

father's office. It is not known whether Stephen ever recognised this, though Aubrey is subsequently found in attendance on the king (8). Roger earl of Hereford probably succeeded his father and grandfather as a royal constable, though the earldom came to an end with his death in 1155 (9).

Of the major household divisions in Henry II's reign, only the chancery, the chapel and the marshalsea did not have earls among their ranks. This had not, in general, been achieved by granting the offices to earls, but through families holding or claiming household office later acquiring comital status. Even in the case of the earl of Leicester's stewardship, the claim stretched back to William fitz Osbern's stewardship in Normandy before 1066. The position of household officials at the centre of the royal court must have been a positive factor in the acquisition of comital status, if only through the additional access to the king a household office provided. The extent of the possession of household offices by men of comital status in Henry II's reign contrasts with the situation under the first three Norman kings of England, when the only man of comital status to hold a household office was William fitz Osbern (d. 1071) (10). This reflects the proliferation of comital status in King Stephen's reign, but also reflects the growth in status of the offices of the household and the men close to the

(8) RBE, ii, p.651; Regesta, ii, no.1777; iii, p.xix, nos.634, 460.
(9) Round, The King's Serjeants, p.79. The constableship did pass later through Roger's sister to the Bohun family: Ibid., pp.79-80.
(10) Regesta, i, p.xxiii. The only exception to this was possibly Roger earl of Hereford, the son of William fitz Osbern, who may have possessed the office briefly between 1071, when he succeeded his father, and his rebellion and forfeiture in 1075.

king who held those offices.

The performance of the regular duties of the household offices necessitated continuous attendance on the king. For men of wealth and status, with lands and other interests of their own to care for, as well as more important duties on behalf of the king to perform, this was impossible and undesirable. Less elevated deputies carried out the day-to-day duties, apparently without reference to their titled superiors. However, the tenure of a household office by men of wealth and status was not merely a matter of a nominal title. The right to perform the actual duties of household office was jealously guarded. William earl of Arundel (d. 1176), Henry II's master-butler, insisted on his right to serve personally at the king's table (11). At Henry II's Christmas court at Guildford in 1186, the earls of Leicester and Arundel and Roger Bigot served at the royal table: ' .... de servitio quod ad illos pertinebat in coronationibus et sollemnibus festis regum Angliae.' (12) The insistence of men of comital status on the actual performance of the duties of a household office, especially at the main feast-days and crown-wearings of the year, had advantages for both the earl and the king. The lord's hall and table were powerful symbols of the fellowship between lord and vassal. The

(11) Walter Map, De Nugis Curialum, pp.245-6. This story was cited in a similar dispute at Henry II's Christmas court of 1182, where William de Tancarville, in spite of his lack of favour with the king, successfully defended his right to perform his table duties as chamberlain of Normandy.

(12) Gesta Henrici, ii, p.3.

king's prestige was enhanced by the high status of those serving him at table. For the household officer, service at the royal table guaranteed personal access to the king, while the very humility of the servant's position placed the king under an obligation of good treatment which would have been difficult to ignore without damaging the image of a great and good lord.

The household offices were only the most formalised aspect of a much larger, more amorphous body - the royal court. The king was usually accompanied by many men of all classes, who were there for many different purposes. Earls, like others, had their own reasons for attending the king, such as seeking a favour or pursuing a legal claim. However, earls who were not household officers were also involved in various aspects of government at the royal court.

The role of the earls in the formal occasions of the court was not limited to those with household offices. The presence of earls in the general entourage of the king increased his status. When the king travelled around the country, the impact of the arrival of his own household would be magnified by the presence of his great subjects, all with their own entourages. If a dispute was brought before the king, it could be settled, not only before the king himself, but before the king and his great vassals. Important royal grants could be made even greater occasions when witnessed by the king's greatest subjects.

This helped the beneficiary in that he could call on the memory of powerful men to secure the permanence of the grant. For the king, it was another public occasion where he could be seen surrounded by great men.

A coronation was the greatest of all ceremonial occasions. The account of the coronation of Richard I emphasises the importance of earls in magnifying royal majesty, which in turn reflected on the earls. A large number of earls were present: the earls of Arundel; Essex; Gloucester; Hertford; Huntingdon; Leicester; Oxford; Salisbury; Surrey, and Warwick. William Marshal is called earl of Pembroke in this account, but though he had possession of the lands of the earldom through his wife, he was not formally girded as earl until 1199. The description of the roles of the earls in the ceremony is more significant than the number of earls present. William Marshal carried the sceptre and William earl of Salisbury carried the rod. After these came three earls - David earl of Huntingdon, Robert earl of Leicester and John, count of Mortain, earl of Gloucester and the king's brother - who carried ceremonial swords. Following these came six earls and barons carrying other 'regalia' on a 'scaccarium.' Finally came William de Mandeville, count of Aumale and earl of Essex, carrying the crown (13).

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(13) Ibid., pp.80-1; Hoveden, iv, p.90. H.G. Richardson argued that this was not a factual account of Richard I's coronation, but was constructed by the chronicler from an 'ordo' dating ca. 1135, and that the account of the earls' duties was a "jejune catalogue:" 'The Coronation in Medieval England,' Traditio, xvi (1960), 181-9. Whatever the origin of the 'ordo' as a whole, it does not, however, necessarily invalidate its description of the duties assigned to the earls. Even if the list is not strictly accurate, such a semi-official chronicle would presumably assign duties thought appropriate to the earls.

The key to obtaining favours from the king was access to him. One of the functions of earls at court was as intermediaries between less well-placed subjects and the king. The earls certainly had no monopoly in this. Many 'curiales,' of all social classes, shared this role. The earls' status as great, titled lords did give them some advantage. Even earls who were not particularly in favour at court could obtain favours for their clients. In 1157, Henry II made a grant to Faversham Abbey 'prece et peticione Cognati mei Willelmi comitis Warenn.' (14) This was in the same year when all the earl's castles and the land granted him under the 1153 agreement between King Stephen and Duke Henry were confiscated (15). Faversham Abbey was a foundation of Earl William's honour of Boulogne and it was to dependents of their own fiefs that the earls owed their first duty as channels of patronage. Earl William's successor as earl of Surrey, Hamelin, the king's half-brother, obtained, through Henry II, the confirmation of Conisborough church to Lewes Priory (16). For William count of Aumale, Henry II granted privileges to the count's borough of Hedon in Yorkshire, equal to those of York and Lincoln (17). Sometimes the influence of an earl at court did not concern his own fief. John of Salisbury

(14) Cartae Antiquae, Rolls 11-20, no.423.
(15) Chronicles, iv, pp.192-3.
(16) J. Lally, 'The Court and Household of King Henry II 1154-1189' (Univ. of Liverpool, Ph.D. thesis, 1969), p.239.
(17) Delisle, Recueil, i, no.334.

advised a Master Geoffrey of St. Edmund, who was seeking to restore his son to the king's peace, to go through Master Walter de Insula, an influential 'curialis.' To help Master Geoffrey to achieve this, John of Salisbury mentioned that Geoffrey earl of Essex (d. 1166), a friend of Master Geoffrey, was on good terms with Walter de Insula (18). The idea was for Master Geoffrey to approach Walter de Insula, and thereby the king, through Earl Geoffrey. William earl of Essex, Earl Geoffrey's brother and successor, was among those approached by the monks of Christchurch Canterbury in their dispute with Archbishop Baldwin to intercede with the king on their behalf(19).

It was sometimes inappropriate or undesirable for the king to communicate directly with a subject or subjects. Even at court, the king sometimes needed a messenger or intermediary in negotiations. In the dispute over the Constitutions of Clarendon between the king and Becket, the earls of Cornwall and Leicester acted as messengers and mediators at Clarendon, and later at Northampton (20). In Henry II's army in Normandy in August 1173, it was William earl of Arundel who made a speech to the royal army, perhaps as someone closer to the rest of the army than the king himself (21).

The king, like every great lord, was expected to act with

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(18) The Letters of John of Salisbury, ii, no.161.
(19) J. Lally, 'Secular Patronage at the Court of King Henry II,' Bulletin of the Institute of Historical Research, xlix (1976), 173.
(20) Gervase, i, pp.177, 185, 188.
(21) Gesta Henrici, i, pp.52-3.

the advice of his men, particularly his greatest vassals. Where he was determined, the king could clearly ignore or neglect to take advice, but any king that repeatedly and blatantly did this could not expect to gain or keep the reputation of being a good lord. The king could select his advisers as the most appropriate for a particular purpose, or simply on grounds of trust and favour. No individual vassal had the right to advise the king or have that advice accepted. Most of the process of advice and policy formation is hidden from us by the silence of the sources, but in the settlement of important disputes and other legal matters the situation becomes clearer. When Henry II arranged the settlement of a dispute between the kings of Castile and Navarre, the settlement was witnessed by the earls of Leicester, Essex, Gloucester, Arundel, Chester and Derby, and the count of Aumale. The presence of these and the other witnesses was not purely formal. Before the king's judgement was given, the earls and barons ('comites et barones'), together with the archbishop of Canterbury and the bishops of England, were consulted over the case (22). The earls of Norfolk, Leicester and Arundel were present at the settlement of a dispute between the bishop of Lincoln and the abbot of St. Albans (23). The earls were also involved in wider legal issues. At the Council of Clarendon in 1164, ' .... praecepit rex universis

(22) Ibid., pp.151-4.
(23) Diceto, i, p.306 n2.

comitibus et baronibus regni, ut irent foras, et recordarentur legum Henrici regis avi sui, et eas in scripto redigerent.' (24) The Assize of Northampton in 1176 was promulgated 'per consilium comitum et baronum et militum et hominum suorum.' (25) Radulf de Diceto described the decision on the organisation of that assize:

> "Rex, juxta consilium filii sui regis, coram episcopis, comitibus, baronibus, militibus, et aliis hominibus in hoc consentientibus, constituit .... " (26)

This last description introduces the idea that the involvement of those with the king was not limited to advice on policy, but also included a formal assent to important declarations. This assent was purely formal in the sense that refusal at this stage was unthinkable, but the fact that it took place gave real meaning to the consultation prior to the decision. These questions of policy-making and consent will be further encountered in the next chapter when I examine taxation. When Diceto writes of the presence and consent of the bishops, earls (and counts), barons, knights and other men, he is not seriously asking us to believe that all the bishops, all the earls etc. were present. What he is asking us to believe is that those who were present represented their different classes and thereby all the king's subjects. How true this was in any particular case might be doubtful, but there is no doubt that Diceto and other

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(24) Hoveden, i, p.222.
(25) Gesta Henrici, i, p.107.
(26) Diceto, i, p.404.

chroniclers broadly favourable to the king found it desirable to emphasise the extent of the advice and consent behind royal decisions.

The chroniclers deal only with the most formal aspects of the king's taking of advice. Most of the real advice would have been given in private conversation, informal and unrecorded. Here too, the importance of advice by earls should not be underestimated. No doubt on technical matters of law and administration, the many lesser men who worked the nuts and bolts of royal administration would provide the technical advice. Even here, men such as Robert earl of Leicester, the justiciar, and Geoffrey earl of Essex, who partnered Richard de Lucy on the first general judicial eyre, would have had much to contribute. The king did not, however, require advice only on technical matters, but also on political matters. Here, the great lord such as an earl had many advantages as a counsellor. He knew and was related to the men of his own class whose reaction to royal actions and policies was crucial. He knew the problems of his own demesne lands and the lands of his vassals. He had considerable power to assist and enforce a royal decision or policy. An earl, with whom the king was on good terms, would surely have had his advice respected. The earls at court were the closest in upbringing and lifestyle to that of the king. They would share his recreations and entertainments. Such companionship could only increase the effect of their advice and

influence.

The question of how far the suitability of earls as counsellors, and the undoubted influence of particular earls, translated into a constitutional position for earls in the second half of the twelfth century is inextricably involved with the social position of earls. The significance of the style 'comes' as used by earls did not rely solely, or even mainly, on the local powers, privileges and duties connected with the county of the particular earldom. This is illustrated by the frequent use of the style 'comes' with an earl's family name or Christian name, but without any territorial designation (27). If the earl's official position in the county was the only significance of his title, one would expect the territorial designation to be carefully and consistently recorded. The style 'comes' indicated an earl's membership of a group possessing elevated social status within the nobility. It was the membership of this group that all bearers of the style 'comes' had in common.

The idea of a social hierarchy was a familiar concept in twelfth century England. Laymen required to testify for Henry II's Inquest of Sheriffs in 1170 were differentiated as follows: 'Comites, barones, milites, francos tenentes, et etiam villicanos.' (28) Gervase of Canterbury described the lay hierarchy in the context of the 1166 tax for the Holy Land in

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(27) For example, in a charter of Henry II to Longueville Priory, the earl of Leicester witnessed as 'Roberto comite Legrecestrie,' but the earl of Norfolk witnessed as 'Hugone Bigot comite' and the earl of Essex as 'Gaufrido de Mangnavilla comite:' Delisle, Recueil, i, p.103. In a gift by Henry II to Stanley Priory, the earl of Cornwall witnessed simply as 'comite Regin(aldo):' Ibid., p.107.

(28) Gesta Henrici, i, p.5.

similar, though interestingly different terms: 'Comites, barones, vavasores, milites, cives, burgenses, rustici.' (29) Such comprehensive descriptions of the lay hierarchy from 'comes' right down to 'villicanus' or 'rusticus' are not common in the chronicle accounts of Henry II's reign, but parts of the hierarchy are frequently described. Gatherings of important subjects of the king were often described in general terms. In 1155, Henry II made the 'optimates Anglici regni' swear loyalty to his first-born son, William (30). In 1174, the archbishop of Canterbury was received by the 'magnatibus Angliae.' (31) William of Newburgh wrote of the 'proceres regis Anglorum' in Ireland (32). Similar expressions were used in respect of the men of the French king. When Henry II visited Paris in 1158, Robert of Torigny recorded that Henry was greeted by the 'proceribus regni,' and in 1167, Robert of Torigny referred to the 'primoribus regni Francorum.' (33) All these expressions have the sense of 'great' or 'leading' men. Sometimes the chroniclers expand on such general terms. When the 'Gesta Henrici Secundi' stated that 'fere omnes nobiliores et majores Angliae' were present at the Easter Court held by Henry II at Windsor in 1170, the chronicler added: 'tam episcopi quam comites et barones.' (34). The division of a group of laymen into

(29) Gervase, i, p.198.
(30) Chronicles, iv, p.184.
(31) Diceto, i, p.391.
(32) Chronicles, i, p.239.
(33) Ibid., iv, pp.196, 231.
(34) Gesta Henrici, i, p.4.

'comites et barones,' sometimes accompanied by other divisions lower in the hierarchy, is very common (35).

The terms used in descriptions of hierarchies or of groups of men present at a particular occasion were being used in a particular way. 'Comes,' 'baro' and 'miles,' for example, were not normally mutually exclusive. A 'comes' would be both a 'baro' and a 'miles.' A 'baro' would also be a 'miles.' However, in the description of hierarchies or assemblies, the terms were being used to represent different, and in theory at least, separate levels of the lay population. In the example concerning the Inquest of Sheriffs, the 'villicani' represented unfree rural tenants and the 'franci tenentes' represented free peasant tenants, who were not holding land by military service. The 'milites' probably represented men holding by military service, who were not tenants-in-chief. The 'barones' included most, if not all, tenants-in-chief who did not bear the title 'comes,' though the group may have included some major mesne tenants and excluded the smallest tenants-in-chief who might be relegated to the group of 'milites.' The 'comites' simply represented those bearing the style 'comes.' Where the same terms were used in the example from Gervase of Canterbury, they seem to have had essentially the same meaning. The term 'vavasores' has been added between the 'barones' and 'milites.' This term seems here to represent important mesne tenants. The 'cives' and 'burgenses'

(35) Ibid., i, pp.4-6, 44, 61 n4, 81, 94-6, 101, 107, 124; ii,p.59; Hoveden, i, p.222; ii, pp.47, 59; Diceto, i, pp.313, 396, 404; ii, p.68; Chronicles, iv, pp.253, 267.

represented the inhabitants of the 'civitates' and 'burgi.' Their inclusion in Gervase's list indicates a recognition of their increasing importance. The term 'rustici' apparently combines the two groups of 'franci tenentes' and 'villicani.' While the exact composition of some of these groups may be uncertain, there is no doubt that both lists were an attempt to express the stratification of society. The same was true of the more restricted differentiations of groups of men present at a particular occasion, such as 'comites et barones.' The group of 'comites' was regarded in the same way as the other groups. The group of 'comites' was regarded as a social stratum.

A similar picture emerges from royal charters. Those styled 'comes' were given precedence over almost all laymen. In the usual form of the general address to royal charters, the ecclesiastical hierarchy of 'archieposcopis, episcopis, abbatibus, archidiaconis, decanis' was followed by its lay equivalent: 'comitibus, baronibus, justiciis, vicecomitibus, ministris, et omnibus hominibus et fidelibus suis.' (36) The precedence given to 'comites' and 'barones' was not due to their being more important administratively than justices and sheriffs in Henry II's reign. Their social position fixed their place in the address. The position held by 'comites' in the witness-lists of royal charters followed a similar pattern. As L. Delisle commented on these witness lists, "Les noms de temoins sont

(36) Delisle, Recueil, Introduction, p.208.

rangés suivant l'ordre hierarchique, très fidèlement observé: archevêques, evêques, archidiacres, doyens, comtes, barons, officiers divers attachés à la maison royale." The only laymen who frequently preceded the 'comites' were members of the king's own family (37). Earls received a similar precedence in the witness-lists of the charters of earls and barons (38).

It is important to note that the social stratum represented by the term 'comites' was not restricted to any particular part of the Angevin dominions. The significance lay in the style 'comes,' irrespective of whether the man was an earl in England or a count in Normandy or any other part of Henry II's lands. Describing the attendance at the coronation of Henry II, Gervase of Canterbury informs us of the presence of the 'comitibus et baronibus Anglicanis et transmarinis.' (39) Gervase also records those present at the siege of Toulouse. They included 'fere omnes comites et barones Angliae et Normanniae, Aquitaniae, Andegaviae et Guasoniae.' (40) Roger de Hoveden states that in 1173 'fere omnes comites et barones Angliae et Normanniae, et Aquitanniae et Andegaviae et Britanniae insurrexerunt.' (41) The terms were the same in respect of the nobility of other kings. When the king of France convened a council to receive

(37) Ibid., p.225.
(38) Earldom of Gloucester Charters, nos.66, 111, 174; Charters of the Honour of Mowbray 1107-1191, ed. D.E. Greenway, Brit. Academy: Records of Social and Economic History, New Ser., i (London, 1972), nos.25-6, 31, 267, 289, 350, 384.
(39) Gervase, i, pp.159-60.
(40) Ibid., p.167.
(41) Hoveden, ii, p.47.

Henry II's rebellious son, Henry, in 1173, it included 'Philippo comite Flandriae et Matthaeo fratre illius comite Boloniae, Henrico comite de Trois, et Theobaldo comite Blesensi, et comite Rodberto fratre regis Franciae, et comite Stepheno, et caeteris comitibus et baronibus.' (42) The 'comites et barones' of Scotland were among those who did homage to Henry II and his son in 1175 (43). The Norman-French vernacular used equivalent terms. Jordan Fantosme wrote of the earls and barons of the king of Scotland as 'ses cuntes, ses baruns.' (44)

In the thirteenth century, Bracton's treatise presents a view of the hierarchy involved in temporal affairs in similar terms to the examples from Henry II's reign: " ...., imperatores, reges, et principes .... , et sub eis duces, comites, et barones, magnates, sive vavasores, et milites, et etiam liberi et villani." Bracton's treatise, however, gives the position of earls in the hierarchy more than just a social importance: "Et diversae potestates sub rege constitutae. Comites videlicet qui a comitatu sive a societate nomen sumpserunt, qui etiam dici possunt consules a consulendo. Reges enim tales sibi associant ad regendum populum dei, ordinantes eos magno honore et potestate et nomine quando concingunt eos gladiis, id est ringis gladiorum." (45) The treatise later elaborates on this, with

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(42) Gesta Henrici, i, p.44.
(43) Ibid., p.267.
(44) Jordan Fantosme, p.46.
(45) Bracton: De Legibus et Consuetudines Angliae, ed. G.E. Woodbine, transl. and rev. S.E. Thorne (Cambridge, Massachusetts, 1968), ii, p.32.

rather sinister implications for royal power:

> "Rex habet superiorem, deum scilicet. Item legem perquam factus est rex. Item curiam suam, videlicet comites et barones, quia comites dicuntur quasi socii regis, et qui socium habet, habet magistrum. Et ideo si rex fuerit sine fraeno, id est sine lege, debent ei fraenum apponere." (46)

The idea of 'societas' on which this argument is based, was derived ultimately from the original Roman meaning of the word 'comes' as companion. The connotation of partnership in the word 'comes' was familiar in the reign of Henry II. When discussing the Third Penny of the Shire, the 'Dialogue of the Exchequer' states that an earl is said to be called 'comes,'

" .... quia fisco socius est et comes in percipiendis." (47)

In this example, the partnership is clearly related to the earl's local office. A more complex example occurs in a letter from John of Salisbury to Nicholas Decanus, sheriff of Essex:

> "Comites a societatis participatione dici quisquis ignorat, ignarus est litterarum, quas liberalis institutio primas tradere consuevit. Nam sicut alii praesules in partem sollicitudinis a summo pontifice evocantur ut spiritualem exerceant gladium, sic a principe in ensis materialis communionem comitis quasi quidam mundani iuris praesules asciscuntur. Et quidem qui hoc officii gerunt in palatio iuris auctoritate, palatini sunt; qui in provinciis, provinciales." (48)

The division between the offices of 'comes palatinus' and 'comes provincialis' is artificial and anachronistic. The letter, to a 'vice-comes' in a shire, is really concerned with local office,

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(46) Ibid., p.110.
(47) De Necessariis Observantiis Scaccarii Dialogus: commonly called Dialogus de Scaccario ed. A. Hughes, C.G. Crump and C. Johnson (Oxford, 1902), p.109.
(48) The Letters of John of Salisbury, ii, no.269.

but does reflect the reduced importance of the earl as a local officer in Henry II's reign in that the earl's position is used only as a theoretical basis for instructing the sheriff, the effective local officer (49).

"Ordinatis a Deo potestatibus in omni timore subici simul et obsequi necesse est." (50) This was the view of Richard fitz Nigel on the position of the king of England. John of Salisbury reported the views of Robert earl of Leicester (d. 1168) on the status of the king: "illius imaginem qui solus ..... verae et ingenuae maiestatis retinet veritatem." (51) The natural response to such views was to serve faithfully God's representative on Earth. Self-interest, too, made royal service the obvious course for any ambitious earl. It offered the chance to exercise authority, to be involved in decisions and to share in the rewards of service. Loyalty and service need little explanation. Not all earls were ambitious for political power. The title and office did not automatically endow its holder with energy or ambition. But if age or inclination dictated an inactive role, loyalty to the king was necessary for a quiet life. If loyalty

(49) There was no office of 'comes palatinus' in Henry II's reign, in the sense of an office specifically concerned with the court. There had not been such an office under the earlier Norman kings of England, though Orderic Vitalis described Odo, bishop of Bayeux and earl of Kent, as 'consul palatinus' to express Odo's close connection with the king, his half-brother, and Odo's vice-regal authority in England at the time: Orderic Vitalis, ii, pp.264-5.

(50) Dialogus de Scaccario, p.55.

(51) Joannis Saresberiensis Episcopi Carnotensis Policratici, ed. C.C.I. Webb (Oxford, 1909), ii, p.74.

was the natural course for an earl, then opposition and its justification need far more explanation.

Opposition was very difficult to justify in terms of a God-ordained ruler, but even those who held this view did not completely rule out resistance to the king. John of Salisbury solved the problem with a concept of laws that should bind even the king: "Est ergo tiranni et principis haec differentia sola vel maxima, quod hic legi obtemperat et eius arbitrio populum regit cuius se credit ministrum." (52) Even the fact that a prince had become a tyrant did not necessarily justify opposition: "Ergo et tiranni potestas bona quidem est, tirannide tamen nichil est peius." (53) A tyrant ordained by God could and should only be removed by God, though this did allow the subject to be used as a tool by God against the tyrannous ruler. An additional qualification disqualified those bound by an oath of fealty from tyrrannicide (54). In Bracton's treatise, the position of partnership of the earls gave them the bridle to keep the king to the law. While John of Salisbury is less direct, his letter to Nicholas Decanus hints at the same obligation:

> "Utrique vero gladium portant (both kinds of earls, 'palatini' and 'provinciales'), non utique quo carnificinas expleant veterum tirannorum, sed ut divinae pareant legi et ad normum eius utilitati publicae serviant ad vindictam malefactorum, laudem vero bonorum." (55)

The letter hints further in advice to the sheriff that the king's power to command was not unlimited:

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(52) Ibid., i, p.235.
(53) Ibid., ii, p.359.
(54) Ibid., pp.377-9.
(55) The Letters of John of Salisbury, ii, no.269.

"Tu ergo quia provincialium vices agis, prout loci et nominis index est titulus, utinam sic exequaris quod exigit princeps, ne offendaturis qui aufert spiritum principum, terribilis apud reges terrae, cuius ecclesia sponsa est, qui in sacerdotii sui sic animadvertit contemptores et malefactores quasi pupillam appetierint oculi sui." (56)

There was another way in which opposition could be justified, which relied on a different interpretation of the king's position. Feudal custom demanded that a lord should act with counsel of his vassals. A lord who ignored this injunction forfeited his claim on the obedience of his vassals. The king was also a feudal lord and could be called upon to follow feudal custom. However, though the chroniclers emphasise the role of 'comites et barones' as the king's counsellors, the king's total control over the selection of counsellors made it an inadequate basis for control over the king. It was not until 1215 that any attempt was made to impose counsellors on the king (57). The king's freedom to choose his counsellors in the twelfth century, gave little comfort to the minority of earls and other lords who were, for one reason or another, out of favour with the king. The only serious revolt in England against Henry II demonstrates a further solution to the problem of justifying opposition. Most serious revolts against kings of England since 1066 had involved claimants to the English crown, but the revolt of 1173-4 improved on this. The rebels supported one crowned, anointed king of

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(56) Ibid.

(57) This occurred with the setting up of the '25 barons' to enforce Magna Carta: W.S. McKechnie, Magna Carta, 2nd edn. (Glasgow, 1914), ch.61, pp.466-7. Henry I claimed in his coronation Charter of Liberties to have been crowned king "Dei misericordia et communi consilio baronum regni Anglie:" McKechnie, Magna Carta, App. p.481. The scale of reliefs in 'Magna Carta' was set 'secundum antiquam consuetudinem feodorum:' Ibid., ch.2, p.196. Several other chapters of Magna Carta' attempt to regularise existing feudal custom: Ibid., chs.3-8, 15-16, 43, 46, pp.202, 205, 209-10, 212, 215, 220, 256, 260, 411, 433.

England against another, Henry II's crowned son Henry against Henry II himself. It avoided the problems of rebellion by denying that it was a rebellion at all.

The position of earls at the court of Henry II was far from clearly defined. The decline of the local importance of the office, except in the case of the 'marcher-type' earls, encouraged the development of a new role for the office in central government, though this development had not progressed very far by the end of Henry II's reign. The bases of a new role were present. The earls were the highest stratum of the social and feudal hierarchy beneath the king. They were expected to be among the advisers of the king. The idea of partnership with the king persisted and could be developed into a theory of control over the king, whose position as feudal lord and God-ordained ruler could not make his authority absolute in all circumstances.

Earls also had an important role in royal government away from the king's person. Their role as officers of their county has been discussed in an earlier chapter. Though this was clearly in decline in Henry II's reign, there were other important duties that they undertook. Like all important land-holders, the administration of their honours involved them in government. Probably a majority of the population were unfree peasants and except on the king's own demesne, the king's government scarcely touched these. Rights such as infangentheof

gave the lords a share in police duties. In the most extreme case, the king had no direct contact with anyone, apart from the bishop, in the earl of Chester's 'marcher-type' county of Cheshire, except through the earl himself, who had complete responsibility for the government of the county. Apart from these official and tenurial responsibilities in the localities, many earls carried out various tasks for the king.

The most notable instance of the earl as royal servant was the position of Robert earl of Leicester (d. 1168) as justiciar (58). This position involved him in every aspect of royal government. From the time of the earl's accommodation with Duke Henry in 1153 to the earl's death in 1168, he remained Henry II's right-hand man and a symbol of the high nobility's acceptance of the Angevin settlement. Earl Robert heard legal cases with the king and in the king's absence (59). He led the reception for the archbishop of Cologne in 1165, though 'illum archiscismaticum in osculum non recepit,' a delicate mission in view of the fact that the archbishop had come to arrange the marriage of Henry the Lion, duke of Saxony, with Henry II's

(58) Lally, 'The Court and Household of King Henry II,' pp.92-9 gives a recent assessment of the earl's role.

(59) For example, a dispute between the abbot of St. Albans and the bishop of Lincoln was settled before the king, with the earl of Leicester among those present: Gesta Abbatum Monasterii S. Albani, a Thoma Walsingham, regnante Ricardo Secundo, eiusdem ecclesiae Praecentore, compilata, ed. H.T. Riley, R.S., 28 (London, 1867), i, p.157. A dispute between the abbot of St. Albans and the earl of Arundel was brought before the earl of Leicester: Ibid., pp.172-3.

daughter, Matilda (60). Earl Robert supervised the election of the abbot of St. Albans in 1167 (61). In the king's absence, he issued quasi-regal writs (62). Even when the king was in England, Earl Robert authorised many varied payments from the treasury or payments made by sheriffs on the king's behalf (63). The earl of Leicester was not the only earl to be involved in an important judicial position. In 1165-6, Geoffrey earl of Essex, together with Richard de Lucy, carried out an extensive judicial eyre (64). Whether, with the earl of Leicester ageing, the earl of Essex was being groomed for a wider role, can only be speculation. His career was cut short by his death at the hands of the Welsh in 1166 (65).

Earls were also involved in other aspects of administration. Geoffrey earl of Essex supervised works and repairs on the houses and park of the king at Havering, Essex (66). Reginald earl of Cornwall was probably assisting the queen in her vice-regal role in 1155-6, when he witnessed a writ by her (67). In 1158-9, there is a record of a writ carried to Earl Reginald, though its nature is unclear (68). When Duke Henry had left

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(60) Diceto, i, p.318.
(61) Ibid., p.330 n2.
(62) The Cartulary of St. Benet of Holme, ed. J.R. West, Norfolk Rec. Soc., ii (1932), no,49.
(63) For example, in 1157, when the king of Scotland was on his way to meet Henry II, an allowance was made on the pipe roll account of the sheriff of Lincolnshire - 'Et in corredio Regis Scotie £72 19s 10d per Cancellarium et Comitem Legercestrie:' PR 2-4 Henry II, p.83.
(64) Pleas Before the King or his Justices 1198-1212, ed. Doris Mary Stenton, iii, Selden Soc., lxxxiii (London, 1967 for 1966), pp.liii-iv. The counties covered by the eyre were Kent, Surrey, Essex and Hertfordshire, Norfolk and Suffolk, Buckinghamshire and Bedfordshire, Cambridgeshire and Huntingdonshire, Warwickshire and Leicestershire, Lincolnshire, Nottinghamshire and Derbyshire, Yorkshire and Northumberland.
(65) Ibid., p.liv.
(66) PR 12 Henry II, p.123.
(67) PR 5 Henry II, p.38.
(68) PR 5 Henry II, p.38.

England in March 1154, he had left Earl Reginald in charge of his affairs in England (69). Earl Reginald, who in 1164 had been involved in the negotiations with Becket, was one of those advising the Young King in 1170 when Becket's agents were sent to recover the archbishop's lands and were received at Westminster, Henry II being in France (70). It was Reginald earl of Cornwall and Richard de Lucy who were sent to the election of the new archbishop of Canterbury in June 1173, to ensure that the king's wishes were respected (71). Richard earl of Pembroke, despite having lost his kingdom in Ireland in 1171, acted as the king's viceroy in that country for most of the period between 1173 and 1176, when he died (72). On a less elevated level, Roger earl of Hertford was one of the commissioners for the Inquest of Sheriffs in the counties of Kent, Surrey, Middlesex, Berkshire, Oxfordshire, Buckinghamshire and Bedfordshire (73). William earl of Essex was one of those appointed in 1170 to watch the Continental ports and to arrest Becket (74). In the aftermath of the war and rebellion of 1173-4, Earl William appears to have been authorised to collect various monies due to the king, the payments being made directly to Earl William. Other amounts, not paid, were pledged to the earl (75). It seems unlikely that these amounts were a gift to the earl, but were more likely the

(69) Regesta, iii, p.xxxix, no.709.
(70) Materials for the History of Thomas Becket, i, pp.111-12.
(71) Gervase, i, p.244.
(72) G.H. Orpen, Ireland under the Normans 1169-1216 (Oxford, 1968), i, p.326.
(73) Gervase, i, p.216.
(74) Materials for the History of Thomas Becket, iii, pp.129,139.
(75) PR 21 Henry II, pp.19, 43, 109, 144, 146, 150, 151, 154, 156, 157; PR 22 Henry II, p.5.

result of the king's urgent need for money after the war, the payments being made through Earl William rather than through the normal channels of exchequer and treasury. Between Michaelmas 1173 and Michaelmas 1187, Earl William crossed the Channel very frequently on royal business, or at least at royal expense (76).

Where personal status and prestige was an asset, none of the king's other secular subjects could compete with the earls as royal servants. The earls of Arundel and Pembroke (or the earl of Surrey) formed part of the escort of the king's daughter, Matilda, on her way to marriage in Saxony (77). Hamelin earl of Surrey was part of Princess Joanna's escort to her marriage in Sicily (78). William earl of Arundel played an important role in the embassy sent by Henry II to the king of France and the Pope after Becket's flight in 1164 (79). William earl of Essex was one of the envoys to Emperor Frederick, sent to intercede for Henry II's son-in-law, Henry the Lion (80). The same earl made two journeys as an ambassador for Henry II to the king of France in 1186 (81).

One particular area of royal service for which earls were suited was military activity. While it is clear that commanding royal troops was not a preserve of earls, their military upbringing, social status and position in the feudal hierarchy made

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(76) 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 24 Henry II, p.160; PR 31 Henry II, p.233; PR 33 Henry II, p.210.

(77) Diceto, i, p.330; Chronicles, iv, p.234 n3.

(78) Gesta Henrici, i, p.120.

(79) Hoveden, i, pp.229-31; Diceto, i, pp.314-5. The earl reportedly made a speech to the Pope 'in lingua sua,' ie. in Anglo-Norman French: Gervase, i, p.193.

(80) Gesta Henrici, i, pp.287-8.

(81) Ibid., pp.353-4.

them natural choices as commanders. Within Britain, except during the war and revolt of 1173-4, the only significant military activity was in Wales and its border area with England. Most of the fighting was carried out, independently of the king, between the marcher lords and various Welsh princes. However, the king did feel the need to take an active role, especially in the early years of the reign after the Norman lords had lost so much ground to the Welsh in King Stephen's reign (82).

The first occasion when one of Henry II's earls was in active cooperation with the king was on his first expedition to Wales in 1157, when it was Roger earl of Hertford who saved the situation during the ambush near Hawarden. This was the ambush in which Henry de Essex, the king's constable, fled prematurely, believing the king to be dead, which resulted in the later forfeiture of his office and lands. Roger earl of Hertford, leading the men of his honour, raised up the royal standard and rallied the whole army (83). In 1159 there was an impressive involvement by earls at the command of the king. Reginald earl of Cornwall was sent to relieve the situation in Dyfed and this was followed up by royal forces under five earls: Cornwall; Gloucester; Hertford; Pembroke, and Salisbury (84). In 1165 the largest royal expedition against the Welsh took place. There is evidence of several earls' involvement. Earl Reginald of Cornwall appears

(82) J.E. Lloyd, A History of Wales (London, 1911), ii, pp.469-80, 500-4.
(83) Earl Roger is described as 'Rogerus comes Clareensis, clarus genere et militari clarior exercitio:' The Chronicle of Jocelin of Brakelond, ed. and transl. H.E. Butler (London, 1949), p.70.
(84) Lloyd, A History of Wales, ii, pp.510-11.

from the pipe rolls to have led a force of 60 knights and 300 serjeants. Likewise, Richard earl of Pembroke led 20 knights and 40 serjeants. From pardons among the scutage debts of the archbishop of Canterbury, it seems that Roger earl of Hertford may have served personally (85). Geoffrey earl of Essex died at Chester from a wound received from the Welsh in 1166. He had partnered Richard de Lucy on an extensive judicial eyre immediately before his death, had no personal interests in Cheshire and therefore had certainly died on royal service (86). Finally, royal money was used to provision the castle of Usk, captured by the men of Richard earl of Pembroke in 1173-4 (87). Of the earls involved in these examples, only the earl of Pembroke's earldom lay in Wales. The earls of Gloucester and Hertford, and to a lesser extent, Cornwall, had lands either in Wales or in the bordering counties. The earls of Essex and Salisbury had no particular personal connection with the area.

Several earls were involved in the king's armies in 1173-4. In July 1173, Reginald earl of Cornwall, together with Richard de Lucy, led the royal force at the siege of Leicester (88). The earls of Arundel, Cornwall and Gloucester were with the royal army in the campaign ending with the defeat of the earl of Leicester at the battle of Fornham in October 1173 (89). An

(85) PR II Henry II, pp.2, 13, 109.
(86) Pleas before the King or his Justices, iii, p.liv.
(87) PR 20 Henry II, p.22; Lloyd, A History of Wales, p.546. Usk was part of Earl Richard's honour in Gwent, so that the action had a personal significance as well as the evident royal interest.
(88) Gesta Henrici, i, p.58.
(89) Ibid., p.61.

Earl William (probably William earl of Essex) organised the payment of troops at Norwich, probably in 1174 (90). In June 1174, Simon de Senlis was put in charge of the siege of Huntingdon, the earldom of which he claimed (91). Earls were involved in Normandy, too, during the 1173-4 war. In August 1173, William earl of Arundel, who two months later was at the battle of Fornham, and William earl of Essex were among the leaders of Henry II's army marching to the relief of Verneuil (92). Richard earl of Pembroke was also there (93). In September 1173 William earl of Essex distinguished himself in a skirmish near Gisors by capturing Ingarannus de Trie.

Both before and after the 1173-4 war earls were involved in the defence of the king's dominions in France. In 1168, Patrick earl of Salisbury was put in command of the royal forces in Poitou and was killed fighting the Poitevin rebels (94). In 1184, William earl of Essex held the very responsible position of commander of the Vexin defences of Normandy (95). In 1187, Earl William was given one of the four commands into which Henry II divided his army, after the king had collected his army at Aumale, the earl's castle that he held as count of Aumale. In 1188, Aumale was sacked by the French king's relative and ally,

(90) PR 20 Henry II, p.38. 1174 seems the most probable year, though the entry only gives 'quando Flandrenses fuerant ad Bungheiam et ad Framingeh.' It was 1174 that the Flemings sacked Norwich: Diceto, i, p.381.
(91) Gesta Henrici, i, pp.70-1.
(92) Ibid., p.51.
(93) Diceto, i, p.375.
(94) Chronicles, iv, p.236.
(95) Magni Rotuli Scaccarii Normanniae sub regibus Angliae, ed. T. Stapleton (London, 1840), i, pp.111-21. Stapleton identified the 'Earl William' as William earl of Arundel (d. 1193), but the evidence suggests William earl of Essex: T.K. Keefe, 'King Henry II and the Earls: The Pipe Roll Evidence,' Albion, xiii (1981), 211 n87.

the bishop of Beauvais. Earl William met Henry II at Mantes in August 1188, apparently after a two-pronged invasion of the French king's territory. At the beginning of September 1188, while Henry II's Welsh mercenaries burnt the vill of Danville, Earl William devastated the French king's demesne manor of St. Clair (96). From all the above examples, it is clear that earls continued to play a prominent role in military leadership throughout the reign.

It was therefore not at all unusual for an earl to be involved in some aspect of royal government, even if it was only forming part of the royal court and group of counsellors. Indeed, it was expected that an earl should be involved in royal government. To obtain a rounded view of a particular earl's position in government, one would have to examine his attendance at court, any particular duties he performed there and duties he performed away from the king's person. One would also have to look at his role in the king's military affairs, both with and separate from the king. Finally, one would have to consider any particular local governmental responsibilities such as a 'marcher-type' earldom or the office of sheriff. There was something of a decline in the involvement of earls in routine administration in the later part of the reign. The only justiciar-earl, Robert earl of Leicester, died in 1168. The only earl to be an itinerant justice, Geoffrey earl of Essex, died in 1166. After the

(96) Gesta Henrici, ii, pp.5-6, 45, 47.

death of Reginald earl of Cornwall in 1175, there were no more earls as sheriffs. Does this demonstrate the diminishing power of the earls, which W.L. Warren perceives? (97) It is certainly not true that "after the great war (1173-4) not a single earl was to be found in the inner counsels of Henry II." (98) William earl of Essex, though not involved in routine administration except in his collection of payments due to the king in the immediate aftermath of the 1173-4 revolt, was certainly a favoured and trusted servant. William earl of Arundel's custodianship of the frontier between Normandy and the lands of the French king in 1184 suggests that Henry II had a high view of both his loyalty and competence. The role of the earls at court seems undiminished in the later years of the reign. If the earls were less involved in routine administration, it was partly because it had become more routine, more ordinary. Robert earl of Leicester (d. 1168) had not been a powerful and influential figure because he was justiciar, but, in the early years of the reign, after the disorders of King Stephen's reign, Henry II needed a powerful and influential figure to head his administration in his absence. The appearance of Geoffrey earl of Essex as an itinerant justice was probably due to a similar need for a man of status to add authority to the first general judicial eyre of the reign. In the later years of the reign, there was no need to ask earls to undertake such duties. This

(97) Warren, Henry II, pp.365-6, 366 n1.
(98) Ibid., p.366.

did not necessarily indicate any decrease in their influence with the king. It can hardly be doubted that royal power was much greater in England at the end of Henry II's reign than it had been at the beginning, but an increase in the power of the king carried with it an increase in the power of those who advised and influenced him.

Taxation, an important subject in any consideration of the impact of royal government on the earls, will be dealt with separately in the next chapter. The other most important subject is royal justice. Much of the impact of royal justice on the earls in Henry II's reign was not new and was no different in nature from that of earlier reigns. As subjects, they were answerable to the king for their behaviour, if criminal. As tenants-in-chief and vassals, they were answerable to the king as their feudal lord for the tenure of their fiefs, the performance of their service and their behaviour as good vassals. The most significant change in the relationship between the earls and royal justice was the increasing intervention of royal justice within the honours of the earls and other tenants-in-chief. It is this aspect that will be discussed first.

Even in the early years of Henry II's reign, after the weakness of royal authority in the reign of King Stephen, the honours of great lords had not become self-sufficient in terms of justice. The local public courts, principally the shire and hundred courts, continued to deal with all but the most trivial criminal cases. The only fairly general exception to this was the franchise of

'infangentheof,' held by most important landholders. There was also the much rarer franchise of 'utfangentheof.' Certainly many hundred courts had passed into private hands, but even here the franchise often concerned the profits rather than the administration of justice (99). If the control over some sheriffs and shire courts had passed to earls, loyal and rebel, in King Stephen's reign, the shire courts had retained their separate identities, and, where the control had persisted into Henry II's reign, it was a control strictly answerable to the king. Only in 'marcher-type' earldoms, the marcher lordships of Wales, and a few other special franchises that approached these liberties in extent, was there any substantial private administration of criminal law.

On the early pipe rolls, there are many entries that are either explicitly judicial penalties or unspecified small debts and payments, probably the result of some misdemeanour, charged against individuals or communities. These show clearly the liability of the lands of most earls to public criminal justice, if, at the same time, they also show that earls were frequently pardoned the financial penalty, either generally on behalf of their lands or on behalf of a specific individual or community. In 1165-6, under Lincolnshire, Thomas son of Lambert de Moleton accounted for 50 marks 'de misericordia,' on behalf of his father.

(99) H.M. Cam, The Hundred and the Hundred Rolls (London, 1930), pp.137-42.

He paid half the sum and the remainder was pardoned to Conan earl of Richmond (100). In the same year, William the chamberlain of the count of Aumale, was charged and paid one mark in Yorkshire (101). In 1161-2, under Norfolk and Suffolk, an entry shows Wictred 'homo comitis Hugonis' (of Norfolk) owing 20 shillings (102). In 1157-8, under Cambridgeshire, the sheriff accounted for two marks 'pro Radulfo de Rosci,' which was pardoned to William earl of Surrey (103). In the same year, under Norfolk and Suffolk, an entry shows the sheriff's debt of ten marks 'pro hominibus comitis Hugonis de Achelai' (Acle, Norfolk), concerning some unspecified pleas (104). In 1162-3, the sheriff accounted for and paid one mark concerning Walter earl of Buckingham's land at Risborough in Buckinghamshire (105). In the same year, the sheriff accounted for two marks concerning the same earl's land at Long Crendon in Buckinghamshire. This, however, was pardoned to the earl. (106) Also in 1162-3, similar charges made against three manors of the earl of Leicester, under Leicestershire and Warwickshire, and Oxfordshire, were pardoned to the earl (107). In 1157-8, the sheriff of Cambridgeshire accounted for and paid one sum of two marks and another of

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(100) PR 12 Henry II, p.4.
(101) Ibid., p.42.
(102) PR 8 Henry II, p.63.
(103) PR 2-4 Henry II, p.166.
(104) Ibid., p.129.
(105) PR 9 Henry II, 17.
(106) Ibid., p.16.
(107) Ibid., pp.33, 49.

20 shillings concerning the land of the earl of Oxford and the land of the earl of Richmond in Abington respectively (108). In the same year, the earl of Surrey was pardoned two charges of 20 shillings against two of his manors in Cambridgeshire and Huntingdonshire (109).

Other entries, chiefly pardons to various earls, were less geographically specific. In 1157-8, the earl of Arundel was pardoned 9s 3d concerning pleas and murdrum in a Norfolk hundred (110). The earl of Buckingham was pardoned 100s in 1157-8 concerning pleas 'crassi piscis' under Norfolk and Suffolk (111). In the same year, the earl of Cornwall was pardoned 4s 4d concerning pleas in a Wiltshire hundred (112). In 1159-60, 39s 5d of the sheriff of Surrey's debt concerning amercements in four hundreds was stated as remaining on the land of the earls of Surrey and Gloucester (113). In 1157-8, 20s of a penalty for the death of a priest was pardoned to the earl of Surrey in Surrey (114). In Sussex, in 1164-5 and 1165-6, Hamelin earl of Surrey was pardoned eight and twelve marks respectively of amercements (115).

The forest law, too, affected the lands and men of the earls at a petty, local level. In 1162-3, in Northamptonshire, the sheriff accounted for one mark 'pro Rogero de Braibroc et

(108) PR 2-4 Henry II, p.166.
(109) Ibid., pp.164, 166.
(110) Ibid., p.130.
(111) Ibid., p.126.
(112) Ibid., pp.118-9.
(113) PR 6 Henry II, p.32.
(114) PR 2-4 Henry II, p.163.
(115) PR II Henry II, p.92; PR 12 Henry II, p.90.

de wasto foresti' which was pardoned to the earl of Leicester(116). Earlier, in 1159-60, the earl of Gloucester received pardons of 46s 8d and 66s 8d concerning pleas of the forest in Dorset and Wiltshire respectively (117). Sometimes, such pardons were specifically applied to assarts. For example, in 1155-6, the earl of Derby was pardoned 100s on account of assarts (118). There are numerous other examples of these pardons for forest offences. It should not be assumed from the predominance of pardons in this evidence for liability to forest or other criminal law that payment was never, or rarely, made. It is usually only when forest or many of the other pleas were not paid for some reason that they were attributed to individuals or individual estates (119). The pardons were not automatic, but were authorised by royal writ, as the entries usually make clear (120). Even where the earl alone is mentioned in these payments, debts and pardons, without any reference to the men of the earl or his land in a particular vill, it seems likely from the size of the amounts that they were strictly liable from the particular individual, manor, or group of manors that had committed the offence. This is supported by those examples where the charge is explicitly made against a man of the earl or a manor of the earl, but the pardon cancelling the charge is

(116) PR 9 Henry II, p.36.
(117) PR 6 Henry II, pp.20, 42.
(118) PR 2-4 Henry II, p.39.
(119) The sheriff quite frequently accounted for and paid a sum concerning amercements without the individual amercements being detailed, or any names mentioned: e.g. PR 6 Henry II, p.2.
(120) When pardons to several individuals were involved, the form is usually: 'in perdonis per breve Regis,' followed by a list of the names and amounts.

credited to the earl himself. As will be shown below, particularly in regard to forest offences, offences where the earl himself attracted liability tended to carry with them much greater penalties.

There was no change of principle in the impact of the administration of criminal justice concerning the fiefs of the earls, only an increase in degree. The growth of regular eyres by royal justices and the stringent provisions of the assizes of Clarendon and Northampton merely made the administration of criminal justice more efficient and sustained. The later pipe rolls of the reign also begin to be more explicit about the reasons for particular amercements. This is helpful in showing the practical impact of Henry II's reforms in criminal law. The growing importance of juries and other forms of inquiry brought with it a need to punish false statements. In 1184-5, the men of the earl of Arundel at Rothwell in Northamptonshire were amerced for 15 marks, 'quia quod prius dixerant postea negaverunt.' It was the men, not the earl, who paid (121). Alternatively, in 1179-80, the earl of Chester's portion of Coventry was amerced ten marks, 'quia negaverat quod postea recognovit.' (122) A common reason given for an amercement was 'pro defalta' or 'pro defectu.' Unfortunately, "default" could cover a multitude of offences. For example, in

(121) PR 31 Henry II, p.51.
(122) PR 26 Henry II, p.102.

1169-70, the men of the vill of 'Brugis' in Devon were amerced for one mark 'pro defalta.' This was pardoned to the earl of Cornwall (123). In 1175-6, Nicholas, the steward of the earl of Derby, was amerced 20 shillings 'quia concelavit quod alii dixerunt de thelonio.' (124) Whether the deception was on his own, or on his lord's, behalf is uncertain. In 1185-6, Baldwin earl of Devon received a pardon of 4s for an amercement in Devon 'pro concelamento catallorum utlagatorum.' (125) Radulf the forester of the count of Aumale was charged one mark 'pro saisina de wrecco sine serviente regis.' (126)

The officials of earls seem to have been a particular target of the justices, either because they were the men on the spot, or perhaps because it would be rather more diplomatic to attack the servant rather than the master. Between the years 1176-7 and 1179-80, several of the earl of Gloucester's men fell foul of the law. Jordan, the earl's steward, was charged 50 marks 'pro defalta.' Richard, the earl's armour-bearer, was charged 10 marks 'de misericordia.' A 'Magister Aernisius' was charged 15 marks 'pro dissaisina contra assisam.' Richard Swift, 'homo eiusdem comitis,' was charged 10 marks for the same offence. Finally, Sebern, a reeve of the earl, was amerced for one mark 'de falso dicto.' (127) It is difficult to resist the impression

(123) PR 16 Henry II, p.100.
(124) PR 22 Henry II, p.167.
(125) PR 32 Henry II, p.155.
(126) PR 27 Henry II, p.45.
(127) PR 23 Henry II, p.45; PR 24 Henry II, p.58; PR 25 Henry II, p.90; PR 26 Henry II, pp.113-4.

that there was more behind these amercements than the individual offences. In 1176, the earl had made an agreement with the king whereby the king's son, John, would marry the earl's youngest daughter and inherit the bulk of the honour of Gloucester (128). It is unlikely that the agreement was made entirely willingly and relations between the earl and the king were sufficiently bad by 1183, for the earl to be imprisoned during Henry the Young King's last rebellion (129).

The importance of being able to catch and detain criminals is illustrated by a half-mark amercement against a manor of the earl of Gloucester 'pro Rogero fugitivo.' (130) Some of the entries directly concerned the aftermath of the 1173-4 revolt. The men of the earl of Chester in Coventry were amerced in 1174-5 for 10 marks 'pro concelatione terrarum inimicorum regis.' (131) An entry in 1179-80, under Northamptonshire, records a charge of 20 marks against Philip fitz Jordan 'quia misit ad comitem de Ferrariis pro 20m tempore werre.' (132) Many other entries concern the ever more vigorous application of the forest laws. The above examples are only a few of the many varied types of entry and there are many more where the offence is not specified. It is clear that apart from the few areas covered by special franchises, the lands of the earls were very firmly answerable to the king's justices for their behaviour.

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(128) Gesta Henrici, i, pp.124-5; Hoveden, ii, p.100; Diceto, i, p.415.
(129) Gesta Henrici, i, p.294.
(130) PR 22 Henry II, p.126.
(131) PR 21 Henry II, p.93.
(132) PR 26 Henry II, p.86.

In the mid-twelfth century, civil land disputes concerning the fees of the earl's honour would mostly be dealt with by the earl's honorial court, without reference to any outside justice (133). Yet even in the early years of Henry II's reign, before any significant change in judicial practice, the honours of earls and other tenants-in-chief were not completely self-sufficient, even in civil land cases. The king had a general responsibility to ensure that all men could obtain justice. Though intermittantly and arbitrarily exercised, the king was certainly prepared to intervene in cases which would normally be the realm of the lord's honorial court. During the first few years of the reign, Henry II issued a writ, instructing Hugh earl of Chester and his mother, Countess Matilda, to do justice to the monks of Gloucester and let them have certain mills, given them by Ranulf earl of Chester (d. 1153) and confirmed by the latter's charter. If this was not done, the king's sheriff or justice was to do it (134). There was no question that the earl's court was the correct place for the monks to seek justice. The writ did not challenge this. However, if the monks could not obtain 'justice' there, the king reserved the right to remove the case to the shire court to be heard before the sheriff or the justice. Another writ, probably issued

(133) F.M. Stenton, The First Century of English Feudalism, 2nd edn. (Oxford, 1961), pp.45-54.
(134) Historia et Cartularium Monasterii Gloucestriae, ed. W.H. Hart, R.S., 33 (London, 1863), i, p.241.

around the same time, shows the king reaching another step down the feudal hierarchy. It was addressed to Robert, son of the earl of Gloucester and constable of Gloucester castle, and ordered him to let the monks of Gloucester have a certain piece of land, of which they had been disseised unjustly 'tempore guerrae.' If this was not done, the earl of Chester and the countess of Chester, the overlords of the land, were to do it, and if not, the king's justice was to do it (135). Henry II addressed a writ to Conan earl of Richmond, instructing him that Roald constable of Richmond should hold the land that had belonged to Hervy son of Morinus, as Count Stephen, Earl Conan's grandfather, had given it to Roald. The writ added: 'Et nullus eum inde in placitum ponat injuste; et nisi feceris, justicia vel vicecomes meus faciat fieri.' (136) A less abrupt intervention concerned a dispute between the monks of Stixwold and Arnulf fitz Peter over land of the earl of Chester's share of the honour of Bolingbroke in Lincolnshire. Henry II addressed a writ to Hugh earl of Chester and his mother, Countess Matilda, ordering them to make a recognition among their Lincolnshire barons to determine whether Arnulf had lost the land by a judgement in Henry I's court, and whether the monks had been granted the land by Countess Lucy and Ranulf earl of Chester. If it was not done,

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(135) Ibid., pp.251-2.
(136) Delisle, Recueil, i, no.291.

the king's justicewas to do it. The case evidently did pass to the county court. A letter from William de Roumare, earl of Lincoln (d. before 1161), addressed to the justices, sheriffs and officers of Lincolnshire, informs them that he was present when Arnulf fitz Peter lost the land in the court of Henry I (137). The reference to the case having gone to a public court in Henry I's day, emphasises that none of the types of intervention described above were new in the early years of Henry II's reign.

The new feature of the intervention of royal justice into the land disputes within the honours of the tenants-in-chief was the increasing frequency with which that intervention was sought, and its much wider availability after the development of the petty and grand assizes in the second half of Henry II's reign. In the early years of the reign, the obtaining of the intervention of the royal courts was of the nature of a special favour, often only obtained with great effort. By the end of the reign, standardised writs initiating the intervention of the royal courts could be obtained relatively easily. The workings of justice had to be paid for and payments to the king often found their way on to the pipe rolls, though there is no reason to believe that all payments did so. These payments to ease the workings of justice only become numerous in the second half of the reign, reflecting the increased extent of royal

(137) Hist. Mss Comm., 11th Report, App. vii - The Manuscripts of the Duke of Leeds etc. (H.M.S.O., 1888), p.59.

justice. There is no reason to believe that the increase in number of the entries represented anything other than an increase in the volume of business. The entries which concern fees of the earls' honours make an interesting selection.

The most numerous kind of entry comprises a variety of similar formulae which seem to have the same meaning. In 1169-70, Roger de Standon is recorded as owing five marks 'pro recto terre de Hant' do feodo comitis Ricardi.' (138) In 1174-5, Henry de Clinton owed ten marks 'pro habendo recto de feodo unius militis de feodo comitis de Ferar.' (139) These entries have a financial purpose. They were not designed to describe the legal processes. Nevertheless, the entries appear to represent payments to obtain a writ of right ('de recto'), the only way by which a claimant to a fee of a tenant-in-chief's honour could make progress against an existing tenant, either in the tenant-in-chief's court, or more likely to follow, in the shire court. Sometimes, entries specified that the plea should be heard 'in curia regis,' though this did not necessarily mean before the king himself ('coram Rege'), but might only refer to the court of an itinerant justice. In 1179-80, Alexander fitz William de Rogham owed 40 shillings 'ut placitet in Curia Regis versus comitem de Arundel et Robertus de Mortemar.' (140) In

(138) PR 16 Henry II, p.110. For other examples of this formula, see PR 16 Henry II, p.108; PR 26 Henry II, pp.24, 102; PR 27 Henry II, p.78; PR 31 Henry II, p.238.
(139) PR 21 Henry II, p.34. For other examples, see PR 16 Henry II, pp.30, 95; PR 27 Henry II, p.43.
(140) PR 26 Henry II, p.23.

1187-8, William de Lindsey owed 40 marks 'pro habendo recto in curia regis versus Henricum clericum de Appelbi et comitissam de Albemara et Nicholaus de Stutevill.' (141) It would be wrong to assume that these payments guaranteed the success of a suit. An interesting case concerned William fitz Helye de Ramsey. In 1169-70, he owed 100 shillings 'pro feodo unius militis quod Comes Albericus tenet.' (142) The present tense of 'tenet' indicates that, in spite of the absence of the words 'pro recto,' this entry does concern a payment for a writ and did not, in itself, secure possession of the disputed land. This is confirmed by later entries. In 1178-9, William owed ten marks 'ut loquela inter ipsum et comitem Albricum de feodo unius militis et dimidii sit in curia regis.' (143) The suit is either a completely different one, or has grown from one to one and a half knight's fees. This time, it is specified that the suit should be heard 'in curia regis.' This, too, was no help to William. The debt continued on the rolls and in 1183-4, the entry adds: 'sed mortuus est nec terram habuit nec heredem.' (144)

The 'curia regis' was not always the choice of claimants. In 1169-70, Hugh fitz Radulf owed two marks 'ut possit placitare in curia Comitis Simonis contra Helyam de Amundevill.' (145)

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(141) PR 34 Henry II, p.192.
(142) PR 16 Henry II, p.108.
(143) PR 25 Henry II, p.55.
(144) PR 30 Henry II, p.131.
(145) PR 16 Henry II, p.150.

Another interesting case also involved Earl Simon's honour in Lincolnshire. In 1169-70, William de Roth owed ten marks 'pro recto habendo de Willelmo de Pichewurda fugitivo Comitis Simonis.' (146) In 1176-7, the entry changes to the following: 'Willelmus de Roth' pro Comite Simone debet 10m ut possit justiciare Willelmum de Pikewurda.' (147) In 1177-8, the entry notes that the debt ought to be required from Earl Simon himself (148). In 1182-3, the entry identifies William de Pickworth as Earl Simon's man ('hominem suum') (149). While the whole story behind this case is hidden from us, it is an illustration of the depth of penetration of royal justice into the affairs of the honour of an earl, that the king should be involved in dealing with a fugitive from the earl.

The use of 'recognitions' in the new petty assizes of the reign is reflected on the pipe rolls. In 1175-6, daughter of Holdewinus, owed five marks 'pro recognitione versus comitem de Albem' (Aumale) (150). In 1176-7, the sheriff of Lincolnshire accounted for 100 shillings 'de Helya de Amundevill' pro recognitione versus comitem Simonem.' (151) John de Beningfield owed 100 shillings in 1186-7, 'pro recognitione de feodo dimidi militis in Lewes et in Garton' versus comitem de Warenn.' (152)

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(146) Ibid.
(147) PR 23 Henry II, p.187.
(148) PR 24 Henry II, p.116.
(149) PR 29 Henry II, p.127. Pickworth is only a few miles from Folkingham, the 'caput' of the Gant honour which Earl Simon possessed through his wife, Alice, daughter and heiress of Gilbert earl of Lincoln (d. 1156): CP, vi, p.645.
(150) PR 22 Henry II, p.108.
(151) PR 23 Henry II, p.112.
(152) PR 33 Henry II, p.109.

There is also an example of royal justice's intervention into the decision over the heir to a fief on the earl's honour. In 1179-80, Adam fitz Radulf accounted for ten marks 'ut comes Cestrie recipiat homagium suum et reddat ei terram Serlonis venatoris.' (153)

It cannot be doubted that royal justice touched more frequently and in more ways on civil land disputes within the honours of tenants-in-chief, including the earls, in the second half of Henry II's reign. The reaction of these lords is much less clear. The need for a claimant to obtain a royal writ in order to challenge a tenant's freehold may have discouraged frivolous claims which might otherwise have burdened the lord's court. The decision of the earl's honorial court, governed by custom, did not necessarily always represent the earl's preference. In many minor cases, the earl can have had little personal interest in the identity of the holder of the fief, provided he performed the required service. If the advance of royal justice devalued the status of the earl's honorial court, it does not seem to have greatly concerned the earls. Even in 1215, the rebels made no attempt to dismantle the then even more developed system of royal justice (154).

There was clearly nothing new in Henry II's reign in the

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(153) PR 26 Henry II, p.104.
(154) One of the demands insisted on regular visitations by royal justices: McKechnie, Magna Carta, ch.18, pp.269-70.

role of the royal court in the settlement of disputes between tenants-in-chief, including the earls, or in the settlement of disputes between a tenant-in-chief and someone not a vassal of that tenant-in-chief. The king seems to have settled a dispute between Robert earl of Leicester (d. 1190) and Maurice de Craon, lord of Freiston (Lincs.). In 1179-80, both parties accounted for ten marks 'pro fine duelli' against each other (155). The earl of Leicester was also involved in an interesting dispute on the boundaries of this area of royal justice. In 1177, with the earl still in disgrace after his participation in the revolt of 1173-4, William de Cahagnes claimed to hold the fief he had held of the earl, directly of the king. The earl managed to defeat the claim, which would have been laughable had the earl not been in such disfavour, by turning the king's displeasure with a display of deference (156). It was to the royal court that the dispute between Hugh earl of Norfolk's son, by his first marriage, Roger, and Earl Hugh's son by his second marriage, Hugh, was brought. The dispute over the late earl's acquisitions was not, however, decided. The king put off a decision and withheld the lands up to the end of the reign (157). Disputes between the earls and the Jews they borrowed from were also the province of the royal courts. For example, Gervase

(155) PR 26 Henry II, p.105.
(156) Gesta Henrici, i, pp.133-4.
(157) Ibid., i, pp.143-4.

Paynel and Robert de Harcourt each accounted for 100 marks to be quit of the earl of Leicester's suit against Aaron the Jew (158).

Earls, like any other freemen, could make use of the royal courts in their land disputes. In 1177-8, William earl of Warwick, together with Joscelin de Louvain, accounted for 200 marks (Joscelin alone accounted for a further 100 marks) 'pro recto versus Sibillam de Valuign.' (159) William and Joscelin had married the daughters and heiresses of William de Percy (d. 1173). Sibyl was Percy's widow and was withholding part of the inheritance (160). If such disputes were to be settled peacefully when no compromise could easily be reached, then royal justice was a necessity. Without the peaceful settlement of disputes, royal authority would count for little.

The earls were, of course, answerable to the king for their own behaviour, though a serious offence against the king or against royal authority was as much a political as a legal concern. In so far as a vassal's responsibility to his lord was concerned, it went far beyond any dry legal requirements. Even where a clearly legal offence was involved, the enforcement of law would depend, to some extent, on political considerations. An example of this was the enforcement of the forest law. As we

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(158) PR 14 Henry II, p.104.
(159) PR 24 Henry II, p.71.
(160) Sibyl de Valognes accounted for ten marks in the same year, 1177-8, 'pro respectu versus Comitem de Warewich,' apparently trying to delay the progress of the earl's suit: Ibid., p.71.

have seen above, there were many small amercements for infringements of the forest law charged against the earls, their land and their men. There is no reason to believe there was anything more behind these than the routine enforcement of the forest law. There were, however, some much larger amercements levied against earls. In 1176-7, in Staffordshire, the earl of Derby was amerced for 200 marks for forest offences (161). As significant as the large amount, the debt was paid off to the last penny by 1179-80 (162). It seems probable that the severity of the punishment was connected with the earl's disgrace after the revolt of 1173-4 (163). In 1184-5, the earl of Leicester was amerced £100 'pro wasto bosci de Aldenebi' (Holdenby, Northants.) (164). This was a long time after the revolt of 1173-4, but in 1183, the earl had been imprisoned as a precaution during Henry the Young King's last revolt (165). The payment of this debt was less vigorously enforced. The earl paid £25 in the first year, but only continued payments in 1188-9 (166). The third largest charge concerning the forest, levied against an earl, did not involve a rebel of 1173, though this earl, Richard earl of Hertford, had been suspected of disloyalty at this time (167).

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(161) PR 23 Henry II, p.142.
(162) Ibid; PR 24 Henry II, p.99; PR 25 Henry II, p.99; PR 26 Henry II, p.13.
(163) The forest eyre of 1174-5 was exceptionally severe. The proceeds surpassed all the other forest eyres of the reign put together: C.R. Young, The Royal Forests of Medieval England (Leicester, 1979), p.39. Richard de Lucy tried to protest that the king had relaxed the forest laws during the rebellion, but to no avail: Gesta Henrici, i, p.94.
(164) PR 31 Henry II, p.51.
(165) Gesta Henrici, i, p.294.
(166) PR 31 Henry II, p.51; PR I Richard I, p.99.
(167) Diceto, i, p.385. For the rumours that the Clares were supporting the rebels, see Jordan Fantosme, pp.126-1

In 1185-6, Earl Richard was charged 100 marks 'quia non habuit homines suos retatos de foresta quos plegiavit.' (168) The severity here is probably not so much a reflection of the earl's lack of favour with the king, nor of the seriousness of the actual forest offences. It was more likely the broken pledge that prompted the harsh fine. Broken promises or false statements seem to have attracted a severe response, even when an earl was in favour with the king. In 1165-6, Patrick earl of Salisbury accounted for 100 marks 'quia vocavit Regem Warantum et non potuit habere.' (169) Earl Patrick had obviously claimed the king's warranty in a land dispute, when the king denied that he had given Earl Patrick the land. The king's displeasure was, however, quickly relieved, as the debt was pardoned the following year (170).

The maintenance of peace within the kingdom was a priority of any English king. Royal authority could not survive the violent settlement of private disputes without reference to the king. This was even more so, when violence was used against the king's representative in the shire, the sheriff. Thus when, in 1171-2, Robert earl of Leicester was fined 500 marks because it was claimed his men had broken the peace against the sheriff, Bertram de Verdun and his men, the earl can hardly have been surprised (171). Bertram had been made sheriff of Leicester-

(168) PR 32 Henry II, p.16. The debt was carried forward unpaid until King John's reign, when it was merged with other debts of the earl: PR 6 John, p.26.
(169) PR 12 Henry II, p.74.
(170) PR 13 Henry II, p.128.
(171) PR 18 Henry II, p.107.

shire and Warwickshire at Easter in 1170 (172). The nature of the actual dispute in 1171-2 is hidden from us, but it seems unlikely that the earl would have resorted to violence if he had been confident of royal favour in any complaint. In any dispute with royal authority or with someone more favoured by the king, especially with a royal official, an earl had no option but to concede defeat or to act illegally. In the event, Earl Robert appears to have suffered little at first. None of the debt was paid immediately and had the earl's behaviour remained good, it is possible that the debt, after having been kept for a while as a warning, would have been pardoned. However, in 1173, the earl joined the revolt against the king. After his defeat, the whole debt was paid off between 1175 and 1179, much of it while the earl's lands were in the king's hands (173).

Rebellion was the most serious offence an earl could commit against a king, and even the fear of rebellion could provoke royal action. In 1183, when the Young King rebelled for the last time against Henry II, the earls of Leicester and Gloucester were imprisoned by the king (174). There is no evidence that either earl had done anything positive in support of the rebellion. The imprisonment seems to have been purely precautionary. It is meaningless to ask whether the king was acting lawfully.

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(172) List of Sheriffs, p.144.
(173) PR 22 Henry II. p.180; PR 23 Henry II, p.27; PR 24 Henry II, p.78; PR 25 Henry II, p.111.
(174) Gesta Henrici, i, p.294.

There was no legal restriction on the king's action. Even actions short of rebellion that the king felt prejudicial to his interests could provoke royal coercion. When Conan earl of Richmond invaded the county of Nantes in Brittany, the king used distraint of the earl's honour in England to force the earl to surrender the county (175). In 1171, worried by Richard earl of Pembroke's attempt to obtain a kingdom in Ireland, Henry II forced the earl's submission by confiscating the earl's lands in England and Wales (176).

The impact of royal justice on the earl's in Henry II's reign was certainly no more arbitrary than it had been in the reigns of the earlier Anglo-Norman kings. However, the development of the standardised procedures in civil law can only have served to emphasise the arbitrariness of some royal behaviour. 'Magna Carta' showed some concern to regularise royal actions. In clause 21, it states: "Comites et barones non amercientur nisi per pares suos, et non nisi secundum modum delicti." (177) Again, in clause 39, it adds: "Nullus liber homo capiatur, vel imprisonetur, aut disseisiatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale judicium." (178) This was no more and no less than a statement of what constituted good feudal justice.

(175) Chronicles, i, p.114.
(176) Ibid., pp.168-9.
(177) McKechnie, Magna Carta, p.295.
(178) Ibid., p.375.

It is doubtful that any of Henry II's earls would have disagreed with either clause, but it would be wrong to assume from this that there was any general, strong feeling against Henry II's administration of justice. Most of Henry II's earls did not seriously fall foul of the law or of royal favour.

The material fortunes of an earl in Henry II's reign depended very much on his relationship with the king. Royal favour was almost essential for any significant improvement in an earl's position. Royal disfavour could be very costly. The material benefits of royal favour came in many forms. Some of them concerned the fields of taxation and royal justice. Exemptions from danegeld or the pardon of large numbers of small amercements against an earl's lands, could, for example, be valuable to an earl. The direct grant of lands played a negligible role in enriching a favoured earl. For the king to make a grant of royal demesne large enough to be worthwhile to the recipients would have seriously dissipated the king's resources. Where, however, lands were left under the king's wardship on behalf of heiresses, it was a different matter. The king was expected to find suitable husbands for his wards. That left the king with a choice, whereby to exercise his patronage of favoured men. Before the death of the notable royal servant, William earl of Arundel (d. 1176), his son, William, was allowed to marry Maud, the daughter and heiress of James de St. Hilaire. Maud was the widow of Roger earl of

Hertford (d. 1173) (179). By Maud's new marriage, the king not only transferred her land to William d'Aubigny, but also deprived of the lands the son of Earl Roger, Richard earl of Hertford (d. 1217), who, in 1173-4, was suspected of disloyalty (180). In 1187/8, Henry II showed his favour towards the young Ranulf earl of Chester (d. 1232) by arranging his marriage to Constance, daughter of Conan earl of Richmond, heiress to Richmond and Brittany, though Constance already had a son, Arthur, by her first marriage to Geoffrey, Henry II's own son. Even if Arthur was expected eventually to inherit, it was still a valuable marriage for Ranulf (181). William earl of Essex (d. 1189) was probably the king's most favoured earl in the later years of the reign. He was allowed to marry Hawise, daughter and heiress of William count of Aumale, thus gaining a second great honour and a second title (182). When, due to the need to use the honour of Huntingdon as a bargaining counter in arranging the surrender of Northumbria and Carlisle by the Scots in 1157, Henry II disinherited Earl Simon de Senlis, Henry II restored Simon's material position by granting him Alice, daughter and heiress of Gilbert de Gant, earl of Lincoln (d. 1156), in marriage (183). It seems surprising to find the unfortunate Robert earl of Leicester (d. 1190) among those favoured by the king with a lucrative marriage, though not when it is realised

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(179) CP, i, p.236.
(180) Diceto, i, p.385; Jordan Fantosme, pp.120-1. After the death of William earl of Arundel (d. 1193), the lands did revert to Richard earl of Hertford (d. 1217): Sanders, English Baronies, p.44.
(181) CP, x, p.796-7.
(182) An account of the marriage at Pleshy, the earl's caput, is given in Diceto, ii, p.3.
(183) CP, vi, p.645.

that the marriage took place soon after the beginning of the reign, when Robert's father, Robert earl of Leicester (d.1168) was the king's chief justiciar and most favoured earl (184). The king's half-brother, Hamelin, was married to Isabel de Warenne, widow of William, the son of King Stephen, and heiress to the honour of Warenne. By this marriage, Hamelin also became earl of Surrey (185). Marriage was the most important element of patronage the king had to offer. It was the only way to obtain possession, possibly permanently, of a whole honour, in some cases doubling the wealth and power of an earl at a stroke.

The king's wardship of fiefs provided another source of patronage - the custodianship of lands in the king's wardship. Not many such favours went to earls. Reginald earl of Cornwall had custodianship of the lands of his grandson, Baldwin de Redvers, and did not answer to the exchequer for them (186). Aubrey earl of Oxford (d. 1194) was given custody of the person, though not the lands, of Isabel de Bolebec, and as this later resulted in a marriage of Aubrey's son to Isabel, it proved valuable (187). Many wardships held by the king were small and the custodianship of these was hardly of great benefit to an earl, but William earl of Essex's custodianship of Peter fitz Robert de Surive allowed him to exercise a little patronage of his own by placing the land in the hands of one of his men, who

(184) Ibid., vii, p.532.
(185) Ibid., xii, pt. 1, pp.499-500.
(186) The lands appear on the pipe rolls, after the death of Earl Reginald, intermingled with the accounts for his own lands: PR 21 Henry II, p.65.
(187) Rotuli de Dominabus et Pueris et Puellis de XII Comitatibus (1185), ed. J.H. Round, Pipe Roll Soc., xxxv (London, 1913), p.34; CP, x, p.209.

held the land 'per Willemum Comitem.' (188)

Many honours were, for various reasons, in royal hands and the need for custodians for these provided another source of patronage to favoured earls. Even where a farm was payable to the exchequer, there was no doubt some profit to be had in these custodianships. The chief beneficiary of this kind of grant was William earl of Essex. At various times in the second half of the reign, he was given custody of the honours of Berkhamsted and Wallingford, and the land of the count of Boulogne in England. For Berkhamsted, he did not even account to the exchequer (189).

The material costs of the lack of, or loss of, royal favour also covered a variety of means. Judicial penalties in the form of fines and amercements have already been examined. More than a temporary loss of lands was rare, but William, earl of Surrey and son of King Stephen, lost some of the lands and castles guaranteed him under the peace agreement of 1153 (190). Hugh earl of Norfolk lost his castles at the same time, though most of them not permanently (191). It seems unlikely that Henry II would have challenged the earl of Gloucester's tenure of Bristol castle, had it not been for the suspicions against

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(188) Rotuli de Dominabus, pp.31-2.
(189) The farm of Berkhamsted before Earl William gained possession was £120 p.a: PR 20 Henry II, p.87; PR 25 Henry II, p.86; PR 27 Henry II, p.6.
(190) Chronicles, iv, pp.192-3; Regesta, iii, no.272.
(191) Chronicles, iv, p.193.

the earl at the end of the 1173-4 revolt and the earl's ejection of the king's own men at the castle (192). The earl of Leicester's revolt in 1173-4, apart from causing a temporary confiscation of all his lands, resulted in the loss of the honour of Pacy in Normandy for the rest of the reign, the surrender of his castle at Mountsorrel to the king, and the destruction of his other castles (193). It is not known whether Waleran earl of Warwick had done anything to displease the king, but he must have felt himself unlucky to be the only earl to pay a relief, on the inheritance of his brother's land. The amount was 500 marks and 40 librates of land in Gloucestershire were demanded as security for the debt. Only £60 of the debt was ever paid, however, and the remainder of the debt was pardoned in 1187-8 (194).

Financial and material disadvantages were not the only, or even the most important, consequences of a lack of favour and influence with the king. Some earls, for example, Walter earl of Buckingham and Aubrey earl of Oxford, might, through age or inclination, have been quite content to quietly tend their estates, not notably in the service of the king, receiving some, though not the greatest, favours. Their relationship with the king demanded little from either side. However, for an earl who wished to be at the centre of affairs, to advise the king

(192) Gesta Henrici, i, p.92; Diceto, i, p.385.
(193) Gesta Henrici, i, p.126.
(194) PR 31 Henry II, p.149; PR 34 Henry II, p.108.

and be given responsibilities, favour at court was essential. Without favour with the king or with those close to the king, the position of an ambitious earl was very difficult. There were really only two alternatives open to such an earl. By patient submission, he could hope that the king's displeasure would turn, perhaps with the help of an intermediary in favour at court. Then he could work to establish a position of trust and importance at court. Such a process might take a long time and there was no guarantee of success. The only other response of an ambitious earl to disfavour at court was rebellion to change the composition of the court circle, and perhaps also the king.

Chapter Six

The Earls and Royal Government: Taxation

Taxation in one form or another was the principal component of the financial relationship between the king and his earls. The provision of adequate finance for the varied needs of monarchy was one of the central functions of the royal administration. The earls, as a section of the wealth-producing and wealth-possessing population, were contributors to the king's financial needs, and the extent of royal taxation had an obvious effect on their financial position. The influence of taxation on the politics of the reign and the political relationship between king and earls is also clearly important. Apart from the weight and incidence of taxation, the selective pardons of taxation granted by the king to individuals, including earls, raise questions of royal favour and patronage.

Before examining the individual types of tax, something should be said of taxation policy-making. The initial decision to levy any tax would be taken by the king in consultation with any advisers he chose. They would have come from among the vaguely defined group of 'curiales,' within which there were earls. There was not usually any formal means for obtaining consent from those to be taxed and no formal restriction on the right to levy taxes. However, custom could be an effective limitation. Henry II's attempt to levy the aid of 1168 on knight's fees enfeoffed before 1135, apparently met with a tacit refusal to pay

on the part of many tenants-in-chief (1). The strength of custom as a counter-balance to the king's will was shown in 1163, when Thomas Becket, archbishop of Canterbury, successfully opposed Henry II's proposal to appropriate the sheriff's aid to his own revenue. Becket's opposition was based on existing custom (2). Towns and cities sometimes had an alternative to accepting an imposed assessment of a 'donum' or tallage. They could proffer an amount which the king or his justiciars could then accept, thus saving them the expense of assessing the individuals of the town or city. Though this was hardly a question of consent, there was an element of compromise in the situation (3).

Something nearer a formal procedure for obtaining consent occurred in connection with the taxes in aid of the Holy Land. The tax in 1166 was authorised in Henry II's continental possessions in councils of lay and ecclesiastical barons. There are indications that each individual swore to support the tax (4). In 1184, if the document authorising the tax of that

(1) S.K. Mitchell, Taxation in Medieval England, ed. S. Painter (New Haven, 1951), p.25.
(2) J.H. Round, Feudal England (London, 1909), pp.497-502; Materials for the History of Thomas Becket, ii, pp.373-4. For a recent discussion, see J.A. Green, 'The Last Century of Danegeld,' EHR, xlvi (1981), 255-8.
(3) De Necessariis Observantiis Scaccarii Dialogus: commonly called Dialogus de Scaccarii, ed. A. Hughes, C.G. Crump and C. Johnson (Oxford, 1902), p.145.
(4) "Statutum hoc ego primus manu propria me observaturum affidavi in manu archiepiscopi Rothomagensis, deinde archiepiscopi, episcopi, comites, barones, vavasores, sub fide ponentes quod idem faciemus affidare omnes sub potestate nostra constitutos:" Gervase, i, p.199. For the authorisation of the levy in England, see Diceto, i, p.329.

year is genuine, the tax was put into effect 'by the common counsel of the bishops, earls and barons' of the kings of England and France (5). Several such councils were held for the announcement of the Saladin Tithe in 1188. The council at Geddington on 11 February 1188 consisted of the archbishop of Canterbury, the bishops, abbots, earls and barons and was apparently well attended (6). The arrangements for this tax on the English towns were made between the representatives of the towns and the king, personally. As S.K. Mitchell writes, "The direct intervention of the king indicates something more than the work of assessment and collection; it must be the agreement of the town with the king to pay the tax." (7) These hints of formal consent to taxation, and they are in connection with rather exceptional taxes, do not go as far as to suggest any right to refuse. The only way refusal to consent to taxes could be registered was by withholding payment. If the issue was pressed by both parties, the only results could be distraint or rebellion (8).

Danegeld was a specifically English tax, inherited by the Norman and Angevin rulers from the pre-conquest Anglo-Saxon kings, though this is not to say that there were not equivalent forms of land tax in the history of Continental lands (9).

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(5) W.E. Lunt, 'The Text of the Ordinance of 1184 concerning an Aid for the Holy Lane,' EHR, xxxvii (1922), p.240. For the authenticity of the document, see F.A. Cazel Jr, 'The Tax of 1185 in Aid of the Holy Land,' Speculum, xxx (1955), 385-92.

(6) Chronicles, i, pp.273-5; Gesta Henrici, ii, pp.30-33; Hoveden, ii, pp.335-8; Gervase, i, p.409.

(7) Mitchell, Taxation, pp.170-1; Gesta Henrici, ii, p.33.

(8) The various procedures for the collection of debt and distraint are described at length in the Dialogus de Scaccario, pp.144-54.

(9) J. Campbell, 'Observations on English Government from the Tenth to the Twelfth Century,' TRHS, 5th Ser., xxv (1975), 44-5.

Danegeld was also definitely a royal tax, not connected with feudal lordship except in its collection. Earls, like other tenants-in-chief, were liable, not only for their unenfeoffed demesne lands, but also for the lands of their vassals, who were supposed to pay through them (10). In Henry I's coronation charter landholders by military service had been exempted from the tax on their demesnes, but if this ever had any force, it must have ceased to be effective by 1129 at the latest. The list of pardons from danegeld on the pipe roll for the exchequer year 1129-30, concerning the danegelds of that year and the previous year, were long, but completely inadequate to cover all tenants-in-chief (11). These pardons must represent specific grants to individuals, probably, though not always certainly, with reference to demesne lands. No general pardon for demesne

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(10) In King Stephen's reign, a writ ordered William Martel to do justice to the abbot of Chertsey and other tenants of the abbey of Westminster, who had not acquitted their land of danegeld. Meanwhile, the abbot of Westminster was to be allowed to delay repayment of the 'superplus hidagii,' i.e. the danegeld owed by his tenants for which he was liable: Regesta, iii, no.934; H.A. Cronne, The Reign of Stephen (London, 1970), p.230. This in itself only proves the liability of the lord, not the route of payment, but charters of lay lords often exempt granted lands from danegeld, which could only happen if the lord paid the danegeld: e.g. Stenton, Danelaw Documents, nos.245-6, 248, 253, 257, 263, 284, 301, 307, 312, 334. The king could, however, exempt under-tenancies from danegeld directly, without exempting the lord: Green, 'The Last Century of Danegeld,' 248-9; PR 31 Henry I, pp.134-5.

(11) W.S. McKechnie, Magna Carta, 2nd ed. (Glasgow, 1914), Appl. p.481; Green, 'The Last Century of Danegeld,' 245-7.

lands held by military service could have existed in addition to the recorded pardons without significantly affecting the correspondence of the total amount charged in 1130, 1156 and 1162 with the Domesday assessment (12). The 'Dialogus de Scaccario' states: 'Verum quocumque tempore soluatur, ab ipso liberi sunt qui assident ad scaccarium sicut dictum est. Vicecomites quoque, licet inter barones scaccarii non computentur, ab hoc quieti sunt de dominiis suis propter laboriosam eiusdem census collectam.' The implication seems possible that barons of the exchequer were quit for both their demesne and enfeoffed lands, while sheriffs were exempt only for their demesne lands (13).

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(12) F.W. Maitland, in Domesday Book and Beyond, Fontana edn. (London, 1960), p.530, reckoned that "taking the counties in mass, we hope that our figures are sufficiently consonant those on the Pipe Rolls." J.H. Round positively rejected the idea that the demesnes of tenants-in-chief were exempt in Domesday Book. Only in 1084, when the geld was raised at the exceptional rate of 6s a hide, was this so: Domesday Studies, ed. P. Dove (London, 1888), i, pp.92-8.

(13) This might help to explain how Roger bishop of Salisbury, obviously a baron of the exchequer, could receive exemption from danegeld on 1500 hides in 1130 (£150), a greater total than for the earl of Gloucester or the count of Mortain, who, for the danegeld of 1130 and the arrears of 1129 received exemption on a maximum hidage of 1275 and 1323 respectively. The figures for these are my own; the figure for the bishop of Salisbury is from C.W. Hollister, 'Henry I and the Anglo-Norman Magnates,' Proceeding of the Battle Conference on Anglo-Norman Studies, ii, ed. R. Allen Brown (Woodbridge, 1979), pp.98-9. To arrive at the 'maximum hidage' exempted over the two danegelds of 1129 and 1130, one must accept that just as the 1129 arrears appear on the 1130 pipe roll, the figures for the 1130 danegeld would be supplemented by arrears on the following roll, which is not extant. Therefore, for each county in which exemptions appear either as arrears of 1129 or for the current danegeld of 1130, the highest available figure should be taken to represent the likely completed exemption. While the exemptions were not necessarily consistent from year to year, this 'maximum hidage' is a more useful measure of the hidage possessed by an individual than the figure for exemption in one particular year.

The possible financial benefit to an earl or other lord of receiving extensive pardons of danegeld can easily be shown with a few examples. The pardons of danegeld to Stephen count of Mortain in 1129-30 for the danegeld of 1128-9 amounted to around £132, a substantial sum when the later farm for the honour of Lancaster was £200 (14). More surprising perhaps was the amount pardoned to the earl of Leicester in 1161-2, for the danegeld of that year - £128. Bearing in mind that Stephen count of Mortain held the honours of Eye, Lancaster and Boulogne in 1130, it seems reasonable to assume that the earl of Leicester's exemption was not limited to his demesne lands, but included at least some of his enfeoffed lands. Even though the earl of Leicester had a substantial honour, his demesne lands cannot have been nearly as extensive as those of Stephen count of Mortain in 1130. The explanation for the earl of Leicester's extended exemption lay in his status as a baron of the exchequer (15). A more modest example of danegeld pardons to an earl was that of the earl of Buckingham in 1162. His total of pardons amounts to a mere £20 2s (16). Despite the

(14) PR II Henry II, p.52. The figure for exemption, and the others that follow, are from my own calculations using the relevant pipe roll.

(15) Barons of the exchequer were also exempt for assarts on their lands under the forest 'regard.' The earl of Leicester offended the other barons of the exchequer by obtaining a royal writ exempting his land, instead of relying on his automatic exemption. When challenged on this that he was weakening their rights, the earl abandoned the writ: Dialogus de Scaccario, pp.103-4.

(16) PR 8 Henry II, pp.27, 42, 48, 65.

comparatively small amount, it was still worth having. It seems probable that this figure does refer only to demesne lands. The geographical distribution of the pardons matches what one would expect of the earl of Buckingham's demesne lands: Buckinghamshire and Bedfordshire £9; Norfolk £4 10s; Berkshire £3 12s; Oxfordshire £2, and Cambridgeshire £1. Further investigation of the specific lands exempted from danegeld must relate an individual's exemptions in each county to independent evidence of the extent of the individual's lands in that county (17).

Under Henry I, many of the predecessors of Henry II's earls received pardons of danegeld, recorded on the pipe roll of 1129-30. All the following received some pardon of danegeld:- William d'Aubigny 'pincerna' (d. 1139); Ranulf earl of Chester (d. 1153); Reginald, later earl of Cornwall, (d. 1175); Robert de Ferrers, later earl of Derby, (d. 1139); Geoffrey de Mandeville, later earl of Essex, (d. 1144); Robert earl of Gloucester (d. 1147); Miles of Gloucester, later earl of Hereford, (d. 1143); Richard fitz Gilbert de Clare (d. 1136); David king of Scotland and earl of Huntingdon (d. 1153); Robert earl of Leicester (d. 1168); William de Roumare, later earl of Lincoln, (d. before 1161); Hugh Bigod, later earl of Norfolk, (d. 1177); Aubrey de Vere (d. 1141); Walter fitz Richard de Clare (d. 1138); Stephen count of Mortain, later king of England, (d. 1154); Walter of Salisbury (d. 1147); William earl of Surrey

(17) This has been attempted for the small county of Rutland: Green, 'The Last Century of Danegeld,' 247-50.

(d. 1138), and Roger earl of Warwick (d. 1153).

In 1156, the following earls received some pardon of danegeld:- Reginald earl of Cornwall (d. 1175); William earl of Gloucester (d. 1183); Robert earl of Leicester (d. 1168); Malcolm king of Scotland and earl of Huntingdon (d. 1165), and William earl of Surrey (d. 1159). Apart from these, Roger earl of Hertford received a respite by royal writ for a danegeld debt 'in superhidagio.' This indicates that Roger was claiming that his assessment had been reduced. The debt was eventually pardoned in 1161-2, when a new claim was entered in respect of the danegeld of 1161-2 (18). In 1161-2, the list of earls with some exemption of danegeld becomes:- Walter earl of Buckingham (d. 1164); Reginald earl of Cornwall (d. 1175); Robert earl of Leicester (d. 1168), and Patrick earl of Salisbury (d. 1168) (19). The difference in length between the two lists from Henry II's reign and the list from Henry I's reign is obvious. A closer examination of the individuals receiving exemptions in 1162 gives us some clues as to the change that had taken place.

The reason for the exemptions received by Walter earl of Buckingham seems most likely to have been a mark of respect for his advanced age (20). He was inactive in both politics and royal service in Henry II's reign. Reginald earl of Cornwall

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(18) PR 2-4 Henry II, p.94; PR 8 Henry II, pp.46-7.

(19) There is an entry with the amount omitted for the earl of Gloucester in Suffolk, but as the earl was exempted there, among other counties, in 1156, but not elsewhere in 1162, it is most likely an error noticed by the scribe before the amount was entered. PR 8 Henry II, p.66; PR 2-4 Henry II, p.9.

(20) He was previously adult when he fought at the battle of Brenneville in 1119: CP, ii, p.387.

was pardoned £1 6s in Dorset, £3 6s in Shropshire and £19 3s 3d in Wiltshire (21). £4 4s of danegeld remained unpaid and unpardoned on Earl Reginald's land in Devon. It was paid the next year (22). This example either shows how dangerous it is to assume that exemptions were always granted on the whole of an individual's demesne lands, or that uncertainty at the local level could result in danegeld collection where the king perhaps intended exemption. The absence of Cornwall from these exemptions is easier to explain. The king would not collect any danegeld from that county, which formed Earl Reginald's 'marcher-type' earldom. Reginald's exemptions reflect the fact that he was both a close relation and important adviser of the king. The enormous exemptions granted to Robert earl of Leicester are too numerous to detail, but are readily explained by his position as justiciar. Patrick earl of Salisbury was also a notable royal servant and his exemptions of £9 9s in Wiltshire and 6s in Hertfordshire reflect this (23). In place of the fairly broad group of earls and members of families who would later be raised to comital status that constitutes the long list of exemptions for 1130, the 1162 list shows a much smaller group of earls who, with the exception of Walter earl of Buckingham, were all noted royal servants.

Further insights can be gained from a general comparison

(21) PR 8 Henry II, pp.14, 16, 24.
(22) Ibid., p.5; PR 9 Henry II, p.12.
(23) PR 8 Henry II, pp.14, 77.

of the danegelds of Henry I's reign and Henry II's reign. In 1130, about 55 per cent was paid in the initial year and about 43 per cent was pardoned. In 1162, about 66 per cent was paid in the initial year and 31 per cent was pardoned (24). The 1156 figures are difficult to compare with the others because of the distorting effects of the 'waste' entries. The changes in the percentages paid and pardoned between 1130 and 1162, together with the change in the character of those exempt, has considerable implications for the problem of determining the reason for the abandonment of danegeld. Henry II seemed to be trying to tighten up the tax with some success. Professor Warren's conclusions that the tax was abandoned because "it had probably outlived its usefulness in its old form" and "levying it may well have seemed hardly worth the trouble," seem unjustified (25). What the figures do suggest is that the opposition to danegeld needs closer examination (26). There was certainly no formal abandonment of the tax. In 1173-4 or 1174-5, a danegeld may have been contemplated, and in the 'Dialogus de Scaccario,' composed between 1176 and 1179, dane-

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(24) These figures were kindly provided by Dr. E.J. King of Sheffield University.
(25) Warren, Henry II, p.377.
(26) "The likeliest explanation for the decline of danegeld is that it had become impolitic to make it a regular feature of royal finance:" Green, 'The Last Century of Danegeld,' p.258.

geld was written of as a 'live' tax (27). Certainly, the revenue received from the tax in 1162 - over £3000 - was not to be discarded lightly.

During the early years of Henry II's reign, the king raised a series of 'dona,' 'auxilia' or 'assisae' on certain royal boroughs and many of the counties. Again, pardons point to the liability of earls and other tenants-in-chief. The levies on boroughs were frequent during the first third of the reign. In 1156, 1158, 1159, 1160, 1161, 1162, 1163 and 1165, varying numbers of boroughs were required to contribute (28). In the 'Dialogus de Scaccario,' two methods are stated for assessing the sum required from a borough. The first is that the justices should make the assessment on the individuals of

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(27) In 1173-4, Osbert de Bray was charged 40 marks for having prevented danegeld from being taken from his demesne. Bray was a royal manor, detached from the county farm and in the custody of Richard de Lucy. Normally such manors were exempted from danegeld, thus explaining Osbert's resistance: PR 20 Henry II, p.115. In 1174-5, a payment is recorded to the usher of the exchequer for delivering summons for danegeld 'per Angliam:' PR 21 Henry II, p.15. It is not surprising that the king should be trying to exploit all his sources of revenue at the end of the 1173-4 revolt, when he was obviously in need of funds. There is however no evidence of danegeld receipts on the pipe rolls at this time, though some could have been collected through the royal chamber or through appointed individuals without any surviving written record. "Verum quocumque tempore solvatur, ab ipso liberi sunt qui assident ad scaccarium sicut dictum est:" Dialogus de Scaccario, p.102.

(28) Mitchell, Taxation, pp.273-4, 277-8.

the borough. The second is that the borough would proffer an overall sum, which, if judged sufficient, would be accepted by the justices. If the second procedure was successful, the borough itself would apportion the sum among the inhabitants. In either case, the individual ultimately bore the debt (29). The income from these levies was extremely variable, as different numbers of boroughs were called upon and the amounts required from individual boroughs changed. The total amount charged against boroughs during the period 1154-1167 was £8459 17s 0d. Of this £7932 11s 5d was paid and only £276 13s 11d was pardoned (30). This represents about 94 per cent paid in the initial year and about 3 per cent pardoned. It was only during the very early years of Henry II's reign that great landowners appear among these pardons. They had virtually disappeared by the fifth year of the reign. The only earl included in these pardons was William earl of Surrey (d. 1159), who was pardoned £1 0s 4d from the 'auxilium' of the borough of Southwark (31). In 1130, the pardoning of great landowners was more common. In London, for example, the earl of Gloucester, Stephen count of Mortain, the king of Scotland and Hugh Bigod all received some pardon from the city's aid. In Winchester in the same year, the count of Meulan, the earl of Leicester, the earl of Surrey and the earl of Gloucester were all in the list of pardons (32). The disappearance of these great men and their equivalents from

(29) Only if it was found that an individual had been insolvent at the time of the proffer, did the citizens have to find new individuals or assess the debt against the citizens in general: Dialogus de Scaccario, p.145.
(30) From the table on Mitchell, Taxation, p.274.
(31) PR 2-4 Henry II, p.94; Mitchell, Taxation, p.281.
(32) PR 31 Henry I, pp.149-50, 41.

the lists of pardons from city and borough aids in Henry II's reign is something of a mystery. S.K. Mitchell suggested, tentatively, that they were no longer even being charged with these levies (33). However, given that there was no general decrease in the amounts charged to the boroughs, it seems more likely that they were simply no longer being pardoned.

The levies on the counties were less frequent than those on the boroughs. Levies including most of the counties were raised in 1156 and 1158, and in 1160 'dona' were raised on seven counties. F.W. Maitland suggested that the basis for the assessment on each county was an attempt to redress the unfairness of the danegeld county assessments, though he admits that the suggestion is inconclusive (34). All one can say is that the assessment does appear more balanced than for danegeld, but that as the two taxes only coincide once, in 1156, the connection between them is rather tenuous. The method of assessing the liability of individuals within the county is also unclear. If, as seems likely, F.M. Stenton was right in identifying this tax with the 'commune geldum' found in certain charters to Kirkstead Abbey, the assessment, like that of danegeld and the sheriff's aid, was based on the hides, carucates and bovates of Domesday Book. These Kirkstead charters also suggest that the

(33) Mitchell, Taxation, p.281.
(34) Maitland, Domesday Book and Beyond, pp.545-6.

rate of the tax on each unit of assessment was not consistent or known in advance (35). The 'common assize,' which, though judicial rather than fiscal in purpose, was very similar in effect, was also based on a hidal assessment (36).

Apart from the valuable contributions by F.W. Maitland and F.M. Stenton, the 'dona' levied on the counties have been strangely neglected by historians. The money concerned was by no means insignificant. In 1156 about £2083 were charged against the various counties. Of this £1517 were paid in the initial year (ca. 73 per cent) and £476 were pardoned (ca. 23 per cent) (37). In 1158 about £2099 was the total charged. Here, the tax was not so efficient: only £1172 was paid in the initial year (ca. 56 per cent) and £802 was pardoned (ca. 38 per cent) (38). Thus, over £2500 was raised, plus the proceeds of the limited levy of 1160 (39). The total from the 'dona,' therefore, was not far short of the yield from Henry II's most profitable danegeld in 1162, which yielded around £3000.

The earls were more commonly among the lists of pardons from these county 'dona' than was the case with the borough 'dona' and 'auxilia.' Those who received some pardon from the

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(35) Stenton, Danelaw Documents, pp.cxxiv-cxxv, nos.186, 188, 190, p.152 n1. "Si rex posuerit commune geldum per totum comitatum tunc dabunt monachi pro illis sex bovatis quantum pertinet dare pro aliis sex bovatis in eadem villa si non habuerint a domino rege quitantiam:" Ibid., p.cxxiv, nos. 188, 190.

(36) " .... communiter ab hiis qui in comitatu fundos habent per hidas distribuitur:" Dialogus de Scaccario, p.95.

(37) These figures are derived from the pipe roll account for the second exchequer year of the reign.

(38) These figures are derived from the pipe roll account for the fourth exchequer year of the reign.

(39) The charge on the seven counties taxed in 1159-60 was £366 4s 4d, though only £158 19s 9d (43.4%) was paid in the first year and £79 4s 10d (21.6%) was pardoned: PR 6 Henry II, pp.6-7, 24, 26, 29, 30, 51-2, 58-9.

1156 levy were the earls of Cornwall, Gloucester, Leicester and Surrey (40). In 1158 the list becomes the earls of Buckingham, Cornwall, Gloucester, Hertford, Huntingdon (i.e. Malcolm king of Scotland), Surrey and Wiltshire (41). The earls of Cornwall and Wiltshire also received some exemption from the smaller 1160 impost (42). It is difficult to discern a definite principle behind these pardons. It is interesting that all those who received exemptions from the county 'donum' of 1156 also received exemptions from the danegeld of that year. William earl of Gloucester (d. 1183) and William earl of Surrey (d. 1159) were not noted royal servants or close associates of the king, but as one was the son of Robert earl of Gloucester and the other the son of King Stephen, they were both of great status. The same was true of Malcolm king of Scotland, who received pardons in 1158. Walter earl of Buckingham probably received his pardons in 1158 for the same reason as for his pardons from danegeld in 1162 - the status granted by his age. Roger earl of Hertford was certainly one of the wealthier earls, but it is difficult to find a particular reason why he received exemption from the 1158 'donum.' One possibility is that the pardons were a reward for his rescue of the king from a Welsh ambush in 1157 (43). The earls of Cornwall, Leicester and Wiltshire might be expected to receive exemptions as noted royal

(40) PR 2-4 Henry II, pp.7, 9-10, 16, 20, 28, 31, 51, 56, 67, 73, 79-80, 94, 96-8, 174.
(41) Ibid., pp.114, 117, 122, 124, 133, 137, 140, 142-5, 147, 150, 159, 161-2, 166, 170, 172, 181-3.
(42) PR 6 Henry II, pp.18, 26, 30, 52, 58.
(43) The Chronicle of Jocelin of Brakeland, ed. and transl. H.E. Butler (London, 1949), p.70.

servants, though it is interesting that the earl of Leicester apparently received no pardons in 1158. In most cases the total value of pardons from these 'dona' to individuals was insignificant. Only in the case of two earls did they exceed £10. Roger earl of Hertford received pardons totalling just over £20 for the 1158 'donum' (44). Far in excess of any of the other earls who received pardons was William earl of Surrey. He received about £90 worth of pardons from the 1156 'donum' and nearly £100 worth in 1158 (45). However, he received only about £26 in danegeld pardons in 1156 (46). It is difficult to see why he was favoured so much more in respect of the 'donum' than in respect of the danegeld. Unfortunately, one cannot compare the pattern of pardons in Henry II's reign for these 'dona' with Henry I's reign, as there was no similar levy in 1130. It seems unlikely, however, that this form of taxation was completely new under Henry II.

From 1168 onwards, there was a change of direction in the field of 'dona,' 'auxilia' and 'assisae.' It is true that the levies on the boroughs continued much as before, but after 1160 the old type of 'donum' from the counties disappeared. In 1168, as part of the aid for the marriage of the king's daughter, the replacement emerged. Though organised by county, the new levy

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(44) PR 2-4 Henry II, pp.133, 142, 162, 181-2.
(45) Ibid., pp.7, 31, 73, 79, 86, 94, 97-8, 122, 133, 137, 140, 142-3, 145, 147, 161-2, 166, 172, 181-3.
(46) Ibid., pp.79, 94, 96.

was of an essentially different character. It was a levy limited to lands in royal hands: on the royal demesne; escheated honours, or vacant sees. The origins of this 'tallage' seem to be in the right of all lords to call on their men in time of need (47). Even the old type of county levy may well have had the same origins. However, the new levy sharply distinguished between lands held directly and lands held by a tenant by military service. There were five of the new type of levy combined with levies from the boroughs: in 1168; 1173; 1174; 1177; and 1187. The total charge against the counties and boroughs represented by these five levies was £18,502 15s 11d. Of this £16,192 4s 4d (ca. 88 per cent) was paid and £1773 19s 1d (ca. 10 per cent) was pardoned. If one takes the period 1156-1165, covering all the levies on the boroughs before the introduction of the new 'tallage,' the total amount paid was £7932. 11s 5d, giving one an average annual render of about £793. In the period 1168-1187, the total amount paid under the new 'tallages' on boroughs and the rural demesne was £16,192 4s 4d, giving an annual average of about £810 (48). It is clear from this calculation that, even with the addition of the levy on the rural demesne, the king did not greatly increase his revenue. If one also takes into account the money levied under the old county

(47) Mitchell, Taxation, pp.236-7. The earl of Arundel raised money from his demesnes to help pay for his debts to the Jews and towards his military and other royal service: RBE, ii, App. A, pp.cclxvii-xix.
(48) These figures are from the table in Mitchell, Taxation, p.274.

'donum,' the royal revenue from all these sources actually decreased. Tallage was not then a substitute either for the old type of county 'donum' or, even more significantly, for danegeld.

The three taxes that were levied for the aid of the Holy Land during Henry II's reign, while a rather special kind of 'royal' taxation, always involved the king and, of course, involved those who paid. Unfortunately, because these taxes did not follow the usual route via the sheriffs and the exchequer, their effect is not always clear. In 1166, the only indication we have for the rate of the tax - basically a fortieth of movables and revenues, spread over five years - comes from an ordinance referring to Henry II's Continental lands. Individuals were able to claim certain exemptions on their movables and were to assess themselves (49). There is no surviving record of the yield nor any indication whether it was generally collected. There are no means of knowing the impact on the earls, but whatever they paid must have amounted to little more than voluntary contributions. The tax in 1184/5 is equally obscure. The king was not directly involved in the collection, this being organised by the Church and the military orders. Henry II was said to have promised 50,000 marks, though not necessarily from England alone. The rate of the tax was

(49) Gervase, i, pp.198-9; Chronicles, iv, p.227.

basically 1 per cent on movables and revenues, and the exemptions were more extensive than in 1166 (50). Whatever this would have brought in theoretically, 50,000 marks seems an impossible sum in practice, especially as there appear to have been no complaints, just as there were none in 1166.

In both its theoretical rate and in its effective collection, the Saladin Tithe of 1188 seems to have been much heavier than the taxes of 1166 and 1184/5. A levy of ten per cent on revenue and movables, admittedly with considerable exemptions, was a formidable tax. Gervase of Canterbury puts the levy at £70,000 from England, with another £60,000 from the Jews (51). Impossible as these figures seem, large amounts of cash could be raised by the end of Henry II's reign. The pipe roll for 1188-9 records the sending of 25,000 marks to the king, though this was not necessarily connected with the Saladin Tithe (52). However inaccurate Gervase's figures are, he was clearly stressing the weight of the tax. There is apparently solid evidence for at least £6000 raised under the tax in connection with a centre of receipt at Salisbury. The pipe roll entry which refers to this is only really concerned with the cost of the transportation of the proceeds and is therefore

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(50) W.E. Lunt, 'The Text of the Ordinance of 1184,' pp.240-2; Cazel, 'The Tax of 1185,' 385-92.

(51) Gervase, i, p.422; J.H. Round, 'The Saladin Tithe,' EHR, xxxi (1916), 447-50.

(52) PR I Richard I, p.5. There is evidence of the tithe on the lands of the abbey of St. Mary at Leicester: PR 34 Henry II, p.216. There is also evidence of the tithe on grain: PR I Richard I, pp.5, 12.

only available to us by chance (53). There may have been more than one centre of receipt and more income from the tax. Even on the assumption that the treasure at Salisbury was the total, it amounts to approximately double the render from Henry II's most profitable danegeld in 1162. These indications of the weight of the Saladin Tithe fit in well with, as S.K. Mitchell puts it, "the first time there is recorded great complaint and opposition to taxation in England." It seems that most of the opposition came from the boroughs and rural demesne, which were still trying to pay off the tallage of 1187 (54). How much the earls and other lay nobility paid towards the tax or joined in the complaints remains a mystery. Margaret de Bohun, the daughter of Miles earl of Hereford and the nearest we have to a spokesman for the lay nobility, is reported to have said that she "feared for his (the king's) state because the blessing of the people departed from him, due to the exaction of the

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(53) 'Et pro ducendo 200m ab Saresb' usque Bristou;' 'Et pro ducendo £2500 ab Saresb' usque Glocestr;' 'Et item in Carragio de 5000 m ab Sar' usqua Sudhant:' PR I Richard I, P.178; Round, 'The Saladin Tithe,' p.448. The 'Gesta Henrici Secundi' and the chronicle of Roger de Hoveden record the amount of treasure found on his accession by Richard I as £900,000 and 100,000 marks respectively: Gesta Henrici, ii, pp.76-7; Hoveden, iii, p.8.

(54) Mitchell, Taxation, p.121.

tenths." (55) This rather detached comment may indicate that she herself, and perhaps her class, were relatively unaffected, but this is hardly conclusive. The obscurity of all these taxes for the Holy Land prevents any firm conclusions on their effect on the fiscal relationship between the king and his earls. However, if they were levied to any great extent outside the royal demesne, they would represent one area where taxation was not increasingly concentrated on the royal lands and boroughs. The emphasis on revenues and movables anticipated later developments in royal taxation (56).

The aid required from the tenants-in-chief in 1168 for the marriage of the king's daughter occupies a peculiar position in the taxation of Henry II's reign. While not representing a commuted military service, it was levied on the basis of either a 'servitium debitum' (a previously fixed quota of knights) or the total number of knight's fees enfeoffed, whichever was more

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(55) "Domini mi, nunquam de statu vestro tantum num timorem concepi. In retroactis etenim cunctis, quaecunque vobis adversitas acciderat, semper eventus vestros populi benedictio secundavit; ninc autem quod dolens dico, in contrarium cedit." Et cum decimarum exactionem in cause fuisse, super hoc inquirens, rex audisset, ira motus et indignatione respondit, "Sine causa populus iste nequam maledicit. De caetero vero non sine causa, si vixero et redire voluero ne maledicet:" Giraldi Cambrensis Opera, ed. G.F. Warner, R.S., 21 (London, 1891), viii, p.253. For other indications of the severity of the tax and of opposition to it, see Diceto, ii, p.73; Gesta Henrici, ii, p.33; Chronicles, i, pp.282-3.

(56) G.L. Harris, King, Parliament and Public Finance in Medieval England to 1369 (Oxford, 1975), pp.15-17.

advantageous to the king (57). This, at least, is the established view, though as will be shown, the relationship between a pre-1166 'servitium debitum,' actual enfeoffment, and the aid, is not always clear. There was no necessary connection between an aid from the feudal tenants of a lord and the knight's fee as a basis of assessment, but a charter of Roger earl of Warwick from King Stephen's reign suggests that the idea was not completely new. The charter contains a clause providing that if Geoffrey de Clinton, the recipient of the charter, paid towards a 'common aid' to the king, he should pay in respect of ten knight's fees (58). The aid in 1168 was the first tax of any kind after the inquest into knight's fees of 1166 and was used in conjunction with the first of the new type of 'tallage' aids on the boroughs and rural demesne. In every way, the aid of 1168 was a landmark.

The weight of the tax on any individual earl depended on any agreed 'servitium debitum' or the number of knight's fees enfeoffed on his honour. The largest charge against an earl was the £174 6s 8d (261⅓ marks) charged against the earl of Gloucester. This was augmented after a two year delay by an additional charge of £9 0s 0d (13½ marks) concerning the new enfeoffment, that is on knights enfeoffed after 1135 (59). The

(57) Round, Feudal England, pp.242-3.
(58) The Beauchamp Cartulary Charters 1100-1268, ed. Emma Mason, Pipe Roll Soc., New Ser., xliii (London, 1980), no.285.
(59) PR 14 Henry II, p.123; PR 16 Henry II, p.76.

reason for the delay is not clear. The earl of Gloucester's 'carta' in 1166 recorded 265½ knight's fees 'de veteri' and 13½ 'de novo,' with an additional 22 5/6 knight's fees on a separate 'carta' for his Kentish lands (60). No pre-1166 'servitium debitum' is known, but it is obvious that the charge in 1168 was based on the 'de veteri' fees of the main 'carta,' while the delayed extra charge was based on the 'de novo' fees of this 'carta.' The correspondence of the original charge to the 'de veteri' enfeoffments on the main 'carta' is not exact (261½ marks to 265½ fees), but while this could be explained by errors in our copy of the 'carta,' the complete disregard for the Kent 'carta' and the fees it recorded is a more serious discrepancy. The total debt of £183 6s 8d was nevertheless still a substantial sum. An example where the 'carta' itself informs us of the 'servitium debitum,' or at least that claimed by the earl as advised by his men, is in the case of the earl of Essex. The 'carta' states that the earl owed 60 knights, but give a total of 97 1/3 knight's fees enfeoffed 'de veteri' and 15 4/5 'de novo.' (61) For the aid of 1168, Earl William was charged with £65 11s 1d (almost 98⅔ marks). Though the correspondence with the 'carta' is again not exact, it is clearly the total of knight's fees and not the claimed

(60) RBE, i, pp.189-90, 288-92.
(61) Ibid., pp.345-7.

'servitium debitum' that was the basis for the charge on the pipe roll. In this case the assessment proved to be a formality, as the charge was pardoned immediately (62).

In theory, where the number of knights enfeoffed was the basis of the assessment, the complete sum demanded from the tenants-in-chief could be recouped by them from their subtenants. An indication that the aid was closely related to real subtenancies can be seen in the pardons concerning the earl of Gloucester's debt, which were granted not to the earl, but to the subtenants themselves (63). The king seemed willing to take a flexible approach to fees where the lordship was in dispute. In the account for the aid from the earl of Arundel for the honour of Arundel, the earl's claims to several fees were noted, but the money was extracted or demanded from the subtenants. This appears to have been done without prejudicing

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(62) PR 14 Henry II, p.39.
(63) Ibid., p.123.

the outcome of the disputes (64). While enfeoffing knights in excess of a previous 'servitium debitum' should have avoided the necessity of paying any of the aid, the more land enfeoffed,

(64) The charge against the earl himself was £56 6s 8d (84½ marks). Charged against other individuals was a further £26 13s 4d (40 marks). Various clauses were attached to these entries: 'quos Comes de Arund' clamat esse do feodo suo;' 'quem idem Comes clamat sed Gelderwinus negat;' 'quos idem Walterus (de Dunstanville) dicit esse de superdemanda comitis de Arund:' PR 14 Henry II, p.194. In the earl's 'carta' of 1166, a dispute among the knights of the honour concerning the knight-service due 'de exercitu quodam de Walliis' is recorded. Four knights were chosen to make a recognition of the service due. This recorded 84½ knight's fees plus 13 knight's fees enfeoffed on the demesne: RBE, i, pp.200-2. It is obvious that the earl, in 1168, was being charged the basic number of 'recognised' fees, but there is a complication. Some of the knight's fees charged separately to individuals in 1168, were among the 84½ 'recognised' fees, notably the mesne barony of Petworth. In 1168, the following entry concerned Petworth: 'Idem vicecomes reddit compotum de 22½m de Militibus Gocelini Castellani de feodo de Petewurda quos idem comes clamat. In perdona per breve Ricardi de Luci per breve Regis Ipsi Castellani 22½m. Et Quietus est:' PR 14 Henry II, p.194. In the 'carta,' in the list of the 84½ knight's fees, Petworth is entered as 22½ knight's fees: RBE, i, p.201. In one sense, the earl was being charged twice for the fees of Petworth, even though the tenant received one of the charges and was pardoned for it. On the other hand, the knights recorded on the 'carta' as having been enfeoffed on the demesne were ignored. 84½ was being used by the king as a kind of 'servitium debitum' independent of the actual knight's fees which made it up. The charge against the earl was, in any case, pardoned in 1174-5: PR 21 Henry II, p.82. By 1180-1, most of the charges made against individuals had been paid off, but the surviving debt was given an additional clause: 'Johannes de Tresgoz et Philippus debent 46s 8d (3½ marks) pro 3½ militibus quos dicunt de superdemanda Comitis de Arund' qui sunt in respectu per Regem donec inquisitio fiat in comitatu per justicias de servitiis eorum:' PR 27 Henry II, p.143. The honour had been in royal hands since 1176, but the questions over the honour's knight-service were still unsettled. The debt was finally paid in 1188-9: PR I Richard I, pp.208, 212. In spite of all the past problems, later scutage was charged on 84½ knight's fees: Sanders, English Baronies, p.2 n2.

the less would be left in demesne to provide regular income. Though the object in enfeoffment of easing the payment of irregular demands from the king cannot be discounted, there were clearly many other factors involved in the enfeoffment of knights.

It is an interesting question why many of the debts concerning the new enfeoffment (enfeoffment since 1135) should have been left unpaid for so long. For example, the 13½ marks owed by the earl of Gloucester 'de novo' were not paid until 1176-7 (65). According to the established explanation of the history of scutage and feudal aids, developed by J.H. Round, a customary assessment which could act as a basis for resistance to excess demands would have been derived from the 'servitium debitum,' not from the number of knights enfeoffed before the death of Henry I (66). Resistance, albeit passive, is the most plausible explanation for the delay in payments for 'de novo' enfeoffments, but it raises questions about the pre-1166 'servitium debitum' as a fixed quota of service, without reference to actual enfeoffments. This will be discussed below, but it is first necessary to look at the pipe roll accounts for the aid in more detail.

As the aid was not a commuted service, one would expect that all adult earls would be charged with the aid. The pipe

(65) PR 23 Henry II, p.42; Warren, Henry II, p.280.
(66) J.H. Round recognised that the evidence for opposition based on the 'servitium debitum' applied largely to the Church fiefs: Round, Feudal England, pp.245-6.

rolls record aid accounts for the earls of Arundel, Cornwall, Derby, Essex, Gloucester, Hertford, Norfolk, Oxford, Richmond and Warwick (67). Reginald earl of Cornwall also accounted for the aid in respect of the land of Baldwin, son and heir of Richard earl of Devon (d. 1162), who, as a minor, had been given into Earl Reginald's custody (68). Without accounts were the earls of Chester, Huntingdon, Leicester, Pembroke, Salisbury and Surrey. The absence of an account for the earl of Huntingdon, who was William king of Scotland, is understandable. No aids or scutages were ever demanded from the lords of the honour of Huntingdon (69). As well as this, William king of Scotland, in common with the earls of Chester, Leicester, Pembroke and Surrey, did not submit a 'carta' in 1166. In contrast, all the earls for which aid accounts were recorded on the pipe rolls, except the earl of Richmond, did submit a 'carta' in 1166 (70). I have argued elsewhere that William, the son and heir of Patrick earl of Salisbury (d. 1168), may have been a minor, even though his lands were not taken into royal hands (71). This could explain the absence of an aid account, even though Patrick earl of Salisbury (d. 1168) did submit a 'carta' in 1166 (72). That an earl had not submitted a 'carta' in 1166 did not preclude a form of pipe roll

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(67) PR 14 Henry II, pp.21, 194; 129; 99; 39; 123; 20-1; 22; 39; 103; 23, 90; 59. 'Comes' Simon de Senlis, who had retained his comital style, in spite of losing the earldom of Huntingdon, accounted for the aid in respect of the honour of Folkingham, acquired by his marriage to Alice, the daughter of Gilbert de Gant earl of Lincoln (d. 1156): PR 14 Henry II, p.65.

(68) Ibid., p.129.

(69) Sanders, English Baronies, p.118 n3.

(70) RBE, i, pp.200)2, 397-9 (Arundel); 261-2 (Cornwall); 336-40 (Derby); 345-7 (Essex); 189-90, 288-292 (Gloucester); 403-7, 410 (Hertford); 395-7 (Norfolk); 352-3 (Oxford); 324-7 (Warwick).

(71) See Chapter Seven, note 102.

(72) RBE, i, pp.239-41.

account for the aid. In Cambridgeshire and Huntingdonshire, the sheriff accounted for £40 6s 1d 'de militibus Comitis Conani qui sunt in Ballia sua.' (73) In Norfolk and Suffolk, the sheriff accounted for £6 9s 1d 'de Militibus Comitis Conani qui sunt in Ballia sua.' (74) In Yorkshire, the sheriff entered an account 'de feodis Baronum et Militum qui de Rege tenent in Capite in Baillia sua qui Cartas de Tenemento suo Regi non miserunt.' In this account was an entry: 'Et de 50m de feodo Comitis Conani.' (75) This may represent some sort of Yorkshire 'servitium debitum' of 50 knights. The total charge on the earl of Richmond represents a charge on roughly 120 knight's fees, undoubtedly a considerable underestimate of the total enfeoffments of the honour (76). Under the Yorkshire

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(73) PR 14 Henry II, p.103.
(74) Ibid., p.13.
(75) Ibid., p.90.
(76) The actual number of knight's fees was something over 180: EYC, v, p.9. In this volume of 'Early Yorkshire Charters,' however, C.T. Clay was wrong in stating that the honour was charged £175 3s 4d scutage in 1166-7 (i.e. on 175½ knight's fees), a mistake followed by Sanders, English Baronies, p.140 n6. The pipe roll entry concerned certainly shows a charge of £175 3s 4d which was pardoned: PR 13 Henry II, p.80. However, there was no scutage in 1166-7. The charge was the remainder of the earl's original debt from the 1164-5 levy of £227 10s, of which £52 6s 8d had been paid in 1164-5: PR II Henry II, p.49. The 1164-5 levy will be dealt with below, but where it was levied on the number of knight's fees, it was at a rate of one mark per fee. The remaining charge pardoned in 1166-7 of £175 3s 4d therefore has no relation to the number of knight's fees in the honour. It seems to have been pure coincidence that this amount approximated to the £176 12s 1d paid by the honour's custodian, Ranulf de Glanville, for the scutage for Ireland in 1171-2. Ranulf's account makes it clear that modern historians are not the only ones to have trouble establishing the number of identity of knight's fees in an honour without a 'carta' - 'sed non reddit inde compotum quia nondum potuit scire numerum militum eiusdem honoris:' PR 18 Henry II, pp.5-6. Unlike the 1164-5 levy, the 1172 scutage was levied at a rate of £1 per fee: C.W. Hollister, 'The Significance of Scutage Rates in Eleventh and Twelfth Century England,' EHR, lxxv (1960), 579. Ranulf had therefore managed to identify just over 176½ knight's fees.

sheriff's account, there was also the following entry: 'Et de 2m de feodo Ade de Bruis quod tenet de Comite Cestriae.' (77) This was, however, the only reference to the aid which concerned the honour of the earl of Chester. There were other shrieval accounts for the aid like the one in Yorkshire, but they were too few and too small to include, concealed within them, accounts for the other earls who had not submitted 'cartae' in 1166 (78). There had been no 'carta' for the earldom of Devon. Reginald earl of Cornwall accounted for £59 6s 8d 'de Militibus quos Comes Reginaldus tenet in Devenescira de feodo Comitis Ricardi unde idem Comes Carta sua non misit.' (79) It is not clear what happened concerning knight's fees outside Devon as there are no other accounts. We can conclude from these complexities that the submission of a 'carta' in 1166 resulted, except in the case of the earl of Salisbury, in a full account on the pipe rolls for the aid of 1168. Where there was no 'carta,' there was no account for the aid on the pipe rolls, except to some degree in the cases of the earls of Devon and Richmond. It would be wrong to assume that the absence of an account on the pipe rolls necessarily indicated that no sum was demanded or paid. Money could have been paid directly to the king, or through the Chamber.

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(77) PR 14 Henry II, p.90.
(78) Ibid., pp.65, 172.
(79) Ibid., p.129.

Some earls, for whom a full account of the aid appeared on the pipe rolls, were pardoned the whole of the amount charged. The earls of Derby and Essex had their total charges of £45 13s 4d (68⅔ marks) and £65 11s 1d (98⅓ marks) respectively pardoned in the initial year of the aid (80). The earl of Arundel had two separate accounts; one for his honour in Norfolk where he was charged with £50 13s 4d (76 marks), and one for his honour of Arundel where he was charged with £56 6s 8d (84½ marks). The first was pardoned in 1170-71 and the second in 1174-5 (81). The earl of Cornwall was charged with £143 11s 1d (almost 215⅓ marks) and though the debt was not pardoned, even after the earl's death, it is doubtful, given Earl Reginald's relationship with the king, that collection was ever intended. The charge of £59 6s 8d (89¼ marks) on Earl Reginald for the lands of the earl of Devon was, however, paid immediately (82). Roger earl of Hertford was charged £99 15s 2d (nearly 150¼ marks), but after an initial payment of £34 0s 0d (51 marks), the remaining debt continued to appear on the rolls to the end of the reign (83). The exchequer never forgot a debt unless specifically ordered to do so. Among the earls whose debts were completely pardoned on the pipe rolls, the earl of Derby was the only one who was not a noted royal servant and who would be among the rebels of 1173-4. The reason

(80) Ibid., pp.99, 39.
(81) Ibid., pp.21, 194; PR 17 Henry II, p.6; PR 21 Henry II, p.82.
(82) PR 14 Henry II, p.129; PR I Richard I, p.131.
(83) PR 14 Henry II, pp.20-1; PR I Richard I, p.41.

for this pardon is a mystery.

Scutage can hardly be excluded from a study of taxation, especially when one is concerned with tenants-in-chief. However, unlike the aid of 1168, scutage was a payment in lieu of military service with the king's host. If one considers such a commuted service to be taxation, then other feudal services, at least where there was a financial substitute, should equally be considered taxation. Castle-guard, a commutable military service due from many fiefs, is one example. Even reliefs, paid by heirs to secure their inheritance, were payments consequent on feudal lordship, just as the performance of military service or the payment of scutage derived from feudal tenure. Likewise, profits from the wardship of minors and widows, the possession and exploitation of escheated lands and vacant bishoprics: all these had their source in the collection of rights making up feudal lordship. The consideration of scutage as a form of taxation raises serious questions about the application of a modern conception of taxation to the reign of Henry II.

The first feature apparent from an examination of the scutage accounts on the pipe rolls of the earls is their rarity. The greatest number of earls who appear to have commuted all or most of their military service in any one year was four in the year 1172 (84). I have excluded from this any comital honours

(84) These were: the earl of Cornwall (PR 18 Henry II, p.102); the earl of Leicester (Ibid., p.109); the earl of Salisbury (Ibid., p.127), and the earl of Surrey (Ibid., p.137). Four earls and 'Comes' Simon de Senlis accounted for their own main honours in 1164-5, but this levy has many peculiarities which will be dealt with below.

in royal hands. In 1172 there were 14 or 15 earls who were adult and in possession of their honours (85). In 1187 not one earl was even charged on the pipe rolls with scutage on the lands he held in chief (86). There are three main possible explanations for these facts. Firstly, it could support the argument that personal military service with the knights of the honour was still more frequent than the commutation of the service (87). Secondly, it could mean that pardons of scutage, or even payments of scutage, were made, but did not appear on the rolls, perhaps going through the royal chamber. Thirdly, it could indicate that the royal summons to do military service was not always directed to all the king's vassals. While conclusions on these suggestions cannot be reached with reference

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(85) These were the earls of Arundel, Chester, Cornwall, Derby, Essex, Gloucester, Hertford, Huntingdon (i.e. William king of Scotland), Leicester, Norfolk, Oxford, Pembroke, Surrey and Warwick. William earl of Salisbury may still have been a minor, although his lands were not in royal hands: see Chapter Seven, note 102.

(86) Again, this does not apply to lands in royal hands - e.g. the honour of the earl of Chester: PR 33 Henry II, p.28.

(87) This does not correspond with the view of Richard fitz Nigel, even allowing for the fact that he comments with a bias towards the financial side: "Fit interdum ut imminente vel insurgente in regnum hostium machinatione, decernat rex de singulis feodis militum summam aliquam solui, marcam scilicet vel libram unam, unde militibus stipendia vel donativa succedant. Mavult enim princeps stipendarios quam domesticos bellicis opponere casibus:" Dialogus de Scaccario, pp.98-9.

to the earls alone, it should be noted that there were no accounts for some earls concerning the aid of 1168, where there was no service to be performed uncommuted. This should warn us against accepting too readily the idea that no account on the pipe rolls indicates the actual performance of military service.

Accounts of full commutation of service in the king's host are particularly rare before 1166, except perhaps in 1165, when the levy had peculiar features which will be examined below. The lack of full scutage accounts before 1166 makes it impossible to compare the 'servitium debitum' of earls with the charges for scutage after the inquest of 1166, except in the case of the earl of Salisbury, who accounted for scutage in 1172, and whose father's 'carta' in 1166 informs us that he owed 40 knights 'in exercitu.' In 1172 the earl accounted for £56 16s 0d of scutage (ca. 56¾ knight's fees at £1 per fee). This roughly corresponds with the actual returns of the 'carta' which answered for 40 knight's fees 'de veteri,' 1 3/5 'de veteri' on the demesne, I 'de novo' on the demesne, 15 'de veteri' on the 'maritagium' of his mother and I 'de novo' on this 'maritagium,' a total of 56 3/5 knight's fees (88). The interesting feature of the 'servitium debitum,' the knights 'quos debeo vobis in exercitu,' is that the knight's fees it consisted of are detailed

(88) RBE, i, p.240; PR 18 Henry II, p.127.

by the 'carta.' Of the other earls who accounted for the scutage of their honours between 1166 and 1189 - the earls of Cornwall, Leicester and Surrey - all in 1172, only in the case of the earl of Surrey has there been any suggestion of a pre-1166 'servitium debitum.' J.H. Round suggested that the earl had a 'servitium debitum' of 60 knights for the honour of Lewes, but admitted that it "is really derived from his recorded payments." (89) The same figure, which 'the Red Book of the Exchequer' states as the number of fees held by the earl, is probably derived from the same source (90). In fact the only recorded account for the scutage of the honour is the account for 1172, when the earl accounted for £60 0s 0d (91). A similar example, though not strictly concerning an earl, involves William count of Aumale (d. 1179), who had been King Stephen's earl of Yorkshire. In the Yorkshire section of the 'cartae baronum' in 'the Red Book of the Exchequer' is the statement that the count of Aumale 'tenet in hoc comitatu feoda x militum,' but in 1168, in the returns for the aid, the sheriff of Yorkshire accounted for 20 marks (the equivalent of 20 knight's fees), in the sheriff's account 'de feodis baronum et militum qui de regis tenent in baillia sua qui cartas de tenemento suo regi non miserunt.' (92) In 1172 the count accounted for £20 0s 0d, again equivalent to 20 knight's fees (93). J.H. Round took this meagre

(89) Round, Feudal England, p.253 and n71.
(90) RBE, i, p.204.
(91) PR 18 Henry II, p.137.
(92) RBE, i, p.434; PR 14 Henry II, p.90.
(93) PR 18 Henry II, p.62.

evidence to indicate that the 'servitium debitum' of the count's honour was 20 knights (94). This is far from convincing. The heading of the sheriff's account in 1168 indicates that this assessment was limited to Yorkshire and actually represents the number of knight's fees in Holderness. Of course, this does not explain the ten knight's fees recorded by 'The Red Book of the Exchequer,' which may mean that Lincolnshire fees must be included in the 20 (95). The only reason J.H. Round had for accepting the figures of 20 and 60 for the 'servitia debita' of the count of Aumale and the earl of Surrey respectively, is that they are round figures and fitted with his theory of 'servitia debita' made up of units of five or ten knights (96).

The accounts of the earls of Cornwall and Leicester for the 1172 scutage were clearly based on actual enfeoffments, though we have a 'carta' only for the earl of Cornwall, which exactly coincides with the amounts accounted for both in 1172

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(94) Round, Feudal England, p.255.

(95) It has been argued that there were approximately 10 actual fees in Holderness and a further 10 in Lincolnshire: Barbara English, The Lords of Holderness 1086-1260: A Study in Feudal Society (Oxford, 1979), pp.141-3. If this is so, the heading to the sheriff's account in 1167-8 is inaccurate. Ranulf de Glanville was sheriff of Yorkshire in 1167-8, but Philip de Kyme was sheriff of Lincolnshire. Ranulf's 'baillia' did not strictly include Lincolnshire: List of Sheriffs, pp.78, 161. Neither case is an argument for a 'servitium debitum.'

(96) Round, Feudal England, pp.253, 255, 258-9.

and in the aid of 1168 (97). We have no idea of any 'servitia debita' for these two earls that existed before 1166. The case of the earl of Salisbury is the only demonstrable example of the 1166 'carta' resulting in an increased demand for scutage, over an existing 'servitium debitum,' though even here the 'servitium debitum' is related to particular fees. The only other 'carta' of an earl which claimed a 'servitium debitum' was that of the earl of Essex, who claimed to owe 60 knights (98). However, there is no scutage account for the earls of Essex with which to compare this in Henry II's reign (99). The earl of Essex's aid account in 1168, which relies on actual enfeoffments, cannot be used to indicate what scutage would be demanded. A 'servitium debitum' would have no meaning in the context of an aid. There is no firm conclusion that can be drawn concerning the effect of the 1166 inquest on the scutage of earls in Henry II's reign.

The first scutage in Henry II's reign in which lay fees

(97) The earl of Cornwall's 'carta' records 215½ knight's fees: RBE, i, pp.261-2. In 1168, at the rate of one mark per fee, he was charged with 215 marks 4s 5d: PR 14 Henry II, p.129. In 1172, at the rate of £1 per fee, he was charged with £215 6s 8d: PR 18 Henry II, p.102. The earl of Leicester's account in 1172 is as follows: 'Anschetillus Mallor' et Robertus Capellanus redderunt compotum de £141 17s 6d de scutagio militum Comitis Legercestrie de quibus 35 sunt de parvis feodis de Moretonio per verumdictum ipsius dapiferi:' PR 18 Henry II, p.109. The reference to the small fees of Mortain would be meaningless unless actual enfeoffments provided the basis.

(98) RBE, i, p.347.

(99) Later scutage was charged on 98⅓ knight's fees: Sanders, English Baronies, p.71 n5.

appear to have been involved was that of 1159. However, the only comital honours that appear to have been charged with scutage were those in royal hands (100). Nevertheless, there were pardons of small amounts to the earls of Cornwall and Leicester, which raise interesting problems. The earl of Cornwall was pardoned £2 13s 4d (4 marks) of the 'donum' of the knights of Herefordshire. This seems to represent scutage on two knight's fees at two marks per fee (101). It is strange that money should be owed apparently on specific knight's fees with a particular geographical location, when a 'servitium debitum' was unrelated to actual enfeoffments. Of course, it is possible that the fees concerned were part of an escheated honour - the scutage then being charged as if by the lord of the honour, on actual fees. This explanation does not fit the pardon to the earl of Leicester of £1 0s 0d of the scutage of

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(100) The earl of Leicester was pardoned £1 0s 0d of the scutage of the bishop of Lincoln in 1156: PR 2-4 Henry II, p.25. This represents one knight's fee at the 1156 rate of £1 per fee. In 1159, the honours of the earls of Derby and Warwick were accounted for by a custodian and a sheriff respectively, their scutage levied on actual enfeoffments: PR 5 Henry II, pp.57, 26. The idea of levying scutage on actual enfeoffments was not new. Henry I made some attempt to do this: C.W. Hollister, The Military Organisation of Norman England (Oxford, 1965), pp.203-4. The idea of enfeoffments 'de novo' was also not new in 1166. In 1164-5, for the levy of that year, Richard de Camville accounted for £26 13s 4d 'de feodo Willelmi de Romara. Et de £4 5s 3d de noviter feffatis:' PR II Henry II, p.38.

(101) PR 5 Henry II, p.50. It is interesting that J.H. Round, describing the levy of 1159, writes of "a 'donum' of (it is said) two marks on the fee from the under-tenants of the lay barons, raised 'by counties' and partly 'by fiefs:'" Round, Feudal England, p.276. This does not fit easily with his theory that scutage, before 1166, was based on a 'servitium debitum,' unrelated to actual fees.

the bishop of Lincoln in 1156, representing the scutage on one knight's fee (102). The bishopric was not in vacancy and the pardon was not issued by the bishop, but by the king. In 1159, the earl of Leicester was pardoned £1 6s 8d (2 marks - in 1159, the equivalent of one knight's fee) of the scutage of the bishop of Ely (103). If the 'servitium debitum' was unrelated to actual enfeoffments, it is difficult to see how pardons of scutage could be applied to specific sub-tenancies.

The scutage of the year 1161-2 raises problems of a similar nature, though this time they are not concerned with pardons of the tax, but with its payment. The earls of Arundel, Gloucester and Richmond all made only one very small payment each. The earl of Arundel paid, or rather the sheriff paid on his behalf, £1 0s 0d of scutage in Leicestershire/Warwickshire(104). The rate of scutage in 1162 is uncertain, but the most likely rate here seems to be one mark per fee, the payment thereby representing one and a half knight's fees (105). The geographical position of the payment, an area where the earl had few lands, would be strange if the payment merely represented the unperformed remainder of the earl's 'servitium debitum.' The

(102) PR 2-4 Henry II, p.25.
(103) PR 5 Henry II, p.65. In spite of the entry in the pipe roll, this almost certainly concerned the scutage of the bishop of Lincoln again. The amount represents one knight's fee as before and was entered under Lincolnshire. There was a later similar entry in 1161 for the scutage of the bishop of Lincoln, and another in 1162: PR 7 Henry II, p.17; PR 8 Henry II, p.19. In 1165, the earl of Hertford was pardoned £1 6s 8d of the scutage of the Archbishop of Canterbury, representing two knight's fees: PR II Henry II, p.109. In all these examples, except the last, the bishops were in possession of their honours. Pardons, at least, could be applied to specific knight's fees.
(104) PR 8 Henry II, p.3.
(105) Round, Feudal England, p.282.

sheriff of Leicestershire and Warwickshire also accounted for one mark of the scutage of the earl of Gloucester, again the only payment for that earl in 1162 (106). The entry raises precisely the same problems as that for the earl of Arundel. The entry for the earl of Richmond, four marks paid in Cambridgeshire/Huntingdon, is only slightly less problematical, as the location was one where the earl at least had considerable lands (107). The earls of Devon and Essex have similar small accounts, half a mark in Leicestershire/Warwickshire and one mark in Cambridgeshire/Huntingdonshire respectively, though in the case of these two earls, there are other larger accounts elsewhere, which will be discussed below (108). J.H. Round, in discussing the scutage of 1162, commented that, "Instead of a fief paying en bloc, it seems to have paid through the sheriffs of the counties in which it was situate." (109) He seems to have ignored the implications of this. While it can be agreed that these payments represent fees in the counties where the payments were made, I fail to see how this can be reconciled with the theory that the 'servitium debitum' was unrelated to

(106) PR 8 Henry II, p.3
(107) Ibid., p.48.
(108) Ibid., pp.2, 48.
(109) Round, Feudal England, p.282, n160.

actual fees. A possible compromise, which fits with the specified knight's fees of the earl of Salisbury's 'servitium debitum' in 1166, is that the earls allotted certain fees to make up the payments to the king. This still leaves the problem that the total payments of the earls of Arundel, Gloucester and Richmond come nowhere near any possible 'servitium debitum.'

The larger of the two payments made for the earl of Devon in 1162 was £46 0s 0d paid by Hugh Peverel in Devon (110). J.H. Round gives the earl's 'servitium debitum' as 15 knights, based on the formula 15 knights 'quos recognoscit,' found in the scutages of later reigns. In these, the earls of Devon also paid on 45 knights that were not recognised (111). If the rate in 1162 was one mark per fee, then the payments in Devon and Leicestershire/Warwickshire would represent a total of 69½ knight's fees. Richard earl of Devon died in 1162 and the scutage may have been exacted when the honour fell into royal hands, the earl's son being a minor. In this case the 'servitium debitum' would not have mattered, though the total paid does not tally with any of the figures from the late twelfth and thirteenth centuries for total enfeoffments either (112). In the case of the earl of Essex, the honour was definitely not in royal hands. The larger of the earl's two payments was made by the

(110) PR 8 Henry II, p.6. Hugh Peverel was presumably acting as custodian immediately after the death of Richard earl of Devon in 1162.

(111) Round, Feudal England, p.255 and n86; Sanders, English Baronies, p.137 n5.

(112) In the thirteenth century, scutage was charged on 89 fees plus 3½ in Berkshire: Sanders, English Baronies, p.137 n5.

sheriff in Essex and Hertfordshire. The amount was £22 13s 4d (34 marks), together with a pardon to John the Marshal of one mark, making a total of £23 6s 8d (35 marks) (113). Added to the payment in Cambridgeshire/Huntingdonshire, the total account of the earl of Essex was for £24 0s 0d (36 marks), representing 36 knight's fees, at a rate of one mark per fee. This does not correspond with the 'servitium debitum' claimed by the earl in 1166 - 60 knights. Neither does it correspond with the actual enfeoffments recorded in 1166 - 97¼ 'de veteri' and 15 4/5 'de novo.' (114)

There were two entries in 1162 which concerned the earl of Chester's scutage. One appears to be an account much like the small accounts discussed above, except that it is incomplete and without any amount. It was accounted for by the sheriff of Buckinghamshire and Bedfordshire. Whatever the amount would have been, it presumably referred to a fee or fees in those counties (115). The second entry, in Warwickshire/Leicestershire, simply states: 'Idem vicecomes reddit compotum de scutagio Comitis Cestrie. In respectu per breve Regis.' (116). The following year's pipe roll has the entry: 'Comes Cestrie debet vetus scutagium.' (117). The debt thereafter disappears from the rolls. Though we do not know the amounts of these debts, it seems very likely that they were similar to the other

(113) PR 8 Henry II, p.71. It is interesting that all accounts for the 1162 scutage concerning the earls were made by sheriffs or custodians whether the honours were in royal hands or not.
(114) RBE, i, pp.345-7.
(115) PR 8 Henry II, p.42.
(116) Ibid., p.3.
(117) PR 9 Henry II, p.33.

debts found on the rolls in the Midlands. The delay and then apparent cancellation of the second account was perhaps connected with the end of the majority of Hugh earl of Chester in 1162 (118).

One other earl accounted for scutage in 1162 - Aubrey earl of Oxford. The sheriff of Essex and Hertfordshire accounted for a total of £20 3s 4d (30¼ marks), £16 6s 8d (24½ marks) of which was paid, with the remainder pardoned to subtenants (119). This corresponds fairly accurately with actual enfeoffments in 1166, when the earl's 'carta' recorded 29 7/8 knight's fees. In 1168, for the aid, the earl paid on 30 1/8 knight's fees (£20 1s 8d) (120). The odd quarter mark and the pardons to subtenants in 1162 strongly suggest that the 1162 charge was made on specific fees, rather than a 'servitium debitum.'

J.H. Round wrote of the levy of 1165 that, "Those who contributed towards this aid either (I) gave arbitrary sums for the payment of 'servientes' - whose number was almost invariably some multiple of five - or (2) paid a marc om every fee of their 'servitium debitum.' (121) The sums for the payment of serjeants were based on a unit of 15s 3d, representing the pay of a serjeant for six months (183 days) at a penny a day (122). As will

(118) Earl Hugh was born in 1147. His honour passed out of royal hands after the exchequer year 1161-2: CP, iii, p.167; PR 8 Henry II, pp.20-1.
(119) Ibid., p.71.
(120) RBE, i, pp.352-3; PR 14 Henry II, p.39.
(121) Round, Feudal England, pp.265-6.
(122) Ibid., p.283.

be shown below, the 15s 3d represented, more precisely, a unit of pay, not necessarily only for serjeants, but also for mercenary 'knights' paid at a multiple of a penny per day. Let us examine the cases of the six earls who accounted for this levy (123).

The earl of Chester accounted for 20 marks (£13 6s 8d) 'pro feodo Turoldi vicecomitis,' £5 0s 4d of which was paid, and the rest pardoned to the earl (124). This was a payment, not for the honour of Chester, but for part of the honour of Bolingbroke. As the actual number of fees held by the earl of Chester of that honour was around twenty, it is impossible to determine whether it was based on a 'servitium debitum' or simply the actual number of enfeoffments (125).

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(123) Another account, for the honour of the earl of Warwick, was rendered by the sheriff, which would suggest that the honour was in the hands of the king, perhaps because William earl of Warwick was still a minor: PR II Henry II, p.81. The account was for £76 5s. The 1166 'carta' records 102-3 knight's fees 'de veteri' and 2 'de novo:' RBE, i, pp.324-7. The £76 5s was not an assessment on knight's fees, nor on a 'servitium debitum.' It represented 100 of the 15s 3d units for the payment of mercenaries for six months, even though some of the money was pardoned to undertenants: PR II Henry II, p.83. The account for the scutage of the earl of Warwick rendered by William Giffard in 1158-9 was for 73 knight's fees at two marks per fee (146 marks or £97 6s 8d): PR 5 Henry II, p.26. It is not clear why only 73 fees were assessed, when the actual number of fees, as recorded by the 'carta,' was much greater, but 73 would make an odd 'servitium debitum.'

(124) PR II Henry II, p.37.

(125) Sanders, English Baronies, pp.18 n3, 32 n2.

The earl of Gloucester accounted for £228 15s 0d 'de exercitu Walie,' of which £211 8s 4d was paid and the rest was pardoned to various subtenants. The charge on the earl is a clear example of a sum based on the 15s 3d unit, representing exactly 300 such units. The pardons to the subtenants were in round marks, which may indicate that the earl still collected the levy on the basis of one mark per knight's fee, or that the king allowed a one mark reduction in the charge for every knight of the honour that served personally (126).

'Comes' Simon de Senlis, later earl of Huntingdon, accounted for a sum in 1165, which, while there is no stated cause for the debt, may be part of the levy. The amount was given as a total of £61 0s 0d, but if one adds the amount paid, the amounts pardoned, and the amounts owed, they total £60 13s 4d (127). This confuses matters, because if the given total is used, it represents exactly 80 of the 15s 3d units, whereas if one uses the constructed total, it represents exactly 91 marks. The amounts paid, pardoned and owed are in whole marks (128). In 1165, 'Comes' Simon held the honour of Gilbert earl of Lincoln (d. 1156). In 1166, Simon answered for 68 fees 'de veteri' and roughly 9 'de novo' in his 'carta.' (129) In 1168, he paid on a total of roughly 68½ fees 'de veteri' and roughly 14¼ fees 'de novo' (£45 13s 9d and £9 10s 5d). (130) Scutage in later

(126) PR II Henry II, p.13.
(127) Ibid., p.49.
(128) The amount paid was 32 marks (£21 6s 8d), there were pardons of 4 marks to Richard de Camville and 2 marks to Jordan de Samford, and the amount owed was 53 marks (£35 6s 8d) - 91 marks (£60 13s 4d): PR II Henry II, p.49.
(129) RBE, i, pp.381-4.
(130) PR 14 Henry II, p.65.

reigns was charged on 68½ fees of the honour (131). It seems certain that there were not enough fees in the honour to explain 91 marks as a charge of one mark per fee. Therefore, despite the confusing construction of the account, it appears that the given total of £61 0s 0d was correct, and that the assessment was on the basis of 80 units of 15s 3d.

The earl of Norfolk accounted for £227 10s 0d 'de militibus et servientibus exercitus Walie de quarta parte anni,' all of which was paid (132). This amount was almost the same as the £228 15s 0d accounted for by the earl of Gloucester. The explanation of the difference lies in the phrase 'de quarta parte anni.' The pay for a serjeant for half a year was 15s 3d, but the pay for a serjeant for a quarter of a year was estimated at 7s 7d (91 days instead of 183 days). Once this is realised, it is evident that the £227 10s 0d represented 600 units of 7s 7d. The proportions of 'knights' and serjeants paid for out of this total is unknown, but the knights would be paid a certain number of pence per day and would therefore cost a multiple of 7s 7d for the quarter year. It is of course possible that some of the troops paid for by the earl of Gloucester's contribution were knights paid a multiple of 15s 3d for the half year. The same is true of the contribution of 'Comes' Simon.

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(131) Sanders, English Baronies, p.46 n5.
(132) PR II Henry II, p.7.

With the earl of Pembroke's account, we are finally given all the parts of the equation. Earl Richard accounted for £76 5s 0d, but was pardoned the whole amount 'propter 20 milites et 40 servientes quos duxit in exercitu cum Rege.' (133) This was not really a pardon, but was rather a way of accounting for the fact that, instead of paying his assessment, Earl Richard had led and paid the troops himself. Assuming that the period concerned was six months and assuming that these serjeants' pay was a penny per day, then the pay of these 'knights' was threepence per day or £2 5s 9d for six months (134).

The earl of Richmond accounted for exactly the same amount as the earl of Norfolk - £227 10s 0d. £52 6s 8d was paid and the remainder was pardoned two years later, when we are told explicitly that the debt was 'pro servientibus de Walie.' (135) This account, like that of the earl of Norfolk, was made up of 600 of the quarter year units of 7s 7d. It is interesting that of the five accounts of this type, the two earls furthest from Wales used the quarter year units, whereas the others used the half year units.

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(133) Ibid., p.13.
(134) 40 serjeants at 1 penny per day for 6 months (40 x 1 x 183 equals 7320 pennies equals £30 10s 0d)
20 'milites' at 3 pennies per day for 6 months (20 x 3 x 183 equals 10980 pennies equals £45 15s 0d) Total £76 5s 0d
The 'milites' presumably represent mounted mercenaries.
(135) PR II Henry II, p.49; PR 13 Henry II, p.80.

The accounts for the levy of 1165 give us five examples of charges made on the earls for the payment of mercenaries. The amounts charged bear no relation to the actual number of fees on the honours, nor, as J.H. Round admits, did they have any relation to a 'servitium debitum.' (136) They may have been arbitrary demands by the king or semi-voluntary proffers by the earls. The one account not of this type - that of the earl of Chester - equalled the actual fees concerned and, in any case, did not involve the earl's main honour. None of the accounts can be related to a 'servitium debitum,' unrelated to actual fees. Taken together with the other evidence for the earls' scutage before 1166, particularly the scutage of 1162, there is little evidence for a system based on 'servitia debita.' It is certainly impossible to agree with J.H. Round that, before 1166, the crown took the attitude, "I know nothing of your tenant." (137) From the evidence of the earls' accounts alone, it is difficult to establish clearly the basis of scutage assessment before 1166. A wider study of scutage must be used to tackle this problem. After 1166, where an earl had submitted a 'carta,' scutage would be based on actual enfeoffments, though not necessarily all enfeoffments, but the assessment of earls who had not submitted a 'carta' is far less clear.

In the context of Henry II's taxation in general, scutage

(136) Round, Feudal England, pp.265-6.
(137) Ibid., p.248.

does not appear to have been built up in any way as a replacement for danegeld or the early type of 'donum comitatus.' The rates of scutage in the second half of the reign were not generally higher than those in the first half. The highest rate of scutage levied by Henry II was the two marks per fee rate of 1159. After 1166, the only two scutages were those of 1172 and 1187 (138).

I have been able to find only one example of an earl, or knights from an earl's honour, having been liable for castle-guard at a royal castle, as part of the service from a tenancy-in-chief. In his 'carta' of 1166, Patrick earl of Salisbury claimed to owe castle-guard at Salisbury of twenty knights. There was no mention of the length of service required (139). There is no evidence of this castle-guard having been commuted in Henry II's reign. While evidence of castle-guard in the twelfth century is scarce in general, the absence of earls and their honours in particular is notable. This may result from the importance of many principal comital castles for national defence, or from past favours allowing the earls or their predecessors to perform castle-guard at their own castles (140).

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(138) This ignores the limited scutages of 1172-3, the 'exercitus' of Leicester and the 'exercitus' of Scotland, which were not levied generally, but were largely on lands in royal hands. For the rates of the main scutages of the reign, see Hollister, 'The Significance of Scutage Rates,' 578-9.

(139) The twenty knights for castle-guard are coupled with the service of 'monstratione.' The precise meaning of this service of 'muster' is unclear, but it may represent a liability in emergencies or a liability for escort duty, which occurs elsewhere as 'equitatio' or 'chevalche:' RBE, i, p.240; Earldom of Gloucester Charters, no.30; EYC, iv, no.58.

(140) There is, for example, comparatively good evidence for the castle-guard done by the knights of the honour of Richmond, castle. When an earl was in possession, this service would go to him, and only to the king when the honour was in royal hands: S. Painter, 'Castle-Guard' in Feudalism and Liberty, ed. F.A. Cazel Jr (Baltimore, 1961), p.46; EYC, v, pp.6-9.

The abbot of Bury St. Edmunds, for example, had been allowed by King Stephen to perform his castle-guard at Bury instead of at Norwich (141). An earl could, of course, be liable for castle-guard as a sub-tenant of another tenant-in-chief. Hugh earl of Norfolk and his son, Roger, were in dispute with the abbots of Bury over the liability to do three knights' castle-guard at Norwich for the fief held of St. Edmund (142).

Reliefs were perhaps the most purely financial aspect of feudal lordship, though the payment of relief did have a symbolic value as a mark of recognition of lordship. Reliefs from tenants-in-chief could amount to significant additions to royal revenue. The sums demanded could be arbitrarily large (143). Earls, however, escaped very lightly from this feudal incident, at least, as far as the pipe rolls present a true picture. It is always possible that reliefs were paid for which the pipe rolls provide no evidence. On the pipe rolls, no earl was charged with a relief when the inheritance was from father to son and the inheritance concerned lands. Aubrey earl of Oxford did account for 500 marks to have his father's office of chamberlain, though it is not clear whether he paid this sum (144).

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(141) Regesta, iii, no.757. Though this was not recognised by Henry II.
(142) RBE, i, p.394; Jocelin of Brakelond, pp.65-8.
(143) Robert de Lacy and Robert de Gant were each charged 1000 marks for the honours of Pontefract and Folkingham respectively: PR 24 Henry II, p.72; PR 31 Henry II, p.91.
(144) 'Comes Albericus 500m pro habenda cameraria quam pater suus habuit:' RBE, ii, p.651. No account appears on succeeding pipe rolls.

Only one earl was charged with a relief on his honour. Waleran earl of Warwick fined for his dead brother William's lands at 500 marks in 1184-5. Even in this case, only £60 of the debt was paid before the remainder was pardoned (145). It is difficult to tell whether or not this light treatment of earls by Henry II was a matter of policy.

There are only two examples of Henry II exploiting financially his control over the re-marriage of the widows of earls. Matilda de Percy, countess of Warwick, widow of William earl of Warwick (d. 1184), fined for having her lands and the right not to marry against her will at 700 marks. Of this debt, £45 0s 0d (67½ marks) had been paid, and £13 6s 8d (20 marks) had been pardoned by 1183-9 (146). Robert, steward of William de Percy, had to account for 100 marks to marry the widow of Gilbert de Gant, earl of Lincoln (d. 1156). This debt, incurred in 1162-3, was completely paid off by Michaelmas 1167 (147). In view of the fact that Earl Gilbert's widow was Rohese, daughter of Richard fitz Gilbert de Clare (d. 1136), the payment seems modest. As the marriage might have been considered a disparagement for Rohese, the relatively low charge suggests something of a concession to one or both of the parties.

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(145) PR 31 Henry II, p.149; PR 34 Henry II, p.108.
(146) PR 31 Henry II, p.76; PR 32 Henry II, p.93; PR 33 Henry II, p.87; PR 34 Henry II, p.86; PR 1 Richard I, p.79.
(147) PR 9 Henry II, p.68; PR 10 Henry II, p.73; PR 11 Henry II, p.35; PR 12 Henry II, p.2; PR 13 Henry II, p.41.

Every lord had the right and the duty to do justice to his men. Its financial importance came both from payments to hasten or even begin judicial process and from fine or amercements imposed on lawbreakers or parties in a dispute. In the case of royal justice, the king's rights as feudal lord and as king were often intermingled, though it is doubtful whether Henry II saw the distinction as important. Justice has been discussed separately in the previous chapter, but it should be realised that the exercise of judicial rights could be very valuable as revenue. When the earl of Leicester's men were accused of breaking the peace in 1171-2, the earl was fined 500 marks (£333 6s 8d). Although the debt was not enforced until 1175-6, it was all paid by Michaelmas 1179 (148). The largest fine incurred by an earl was that of £1000 made with the king by Hugh earl of Norfolk in 1164-5. It may not have been strictly a judicial fine. It has been suggested that it was to regain the castles confiscated by the king in 1157. However, the fine does demonstrate the financial potential of the king's lordship. 500 marks of the fine were paid immediately

(148) PR 18 Henry II, p.109; PR 22 Henry II, p.180; PR 23 Henry II, p.27; PR 24 Henry II, p.78; PR 25 Henry II, p.111.

and by Michaelmas 1169 a further 500 marks had been paid (149).

Undoubtedly the greatest financial benefit the king received from his feudal lordship over the earls was the enjoyment of the profits of their estates, when these fell to the king through escheat, with or without heirs. It is notable in Henry II's reign that lands which escheated without obvious heirs tended to remain in royal hands for the rest of the reign. Some idea of the potential of this for royal revenue can be gained from looking at the amounts paid into the treasury from escheated comital honours in 1187-8, as recorded in the pipe roll of that year. This totalled over £1700 and makes no allowance for local royal expenditure from the honours (150).

It may be argued that the profits of feudal lordship were occasional and dependent on particular circumstances, and should therefore not be considered as taxation. However, if one examines the forms of finance normally regarded as taxation, it is evident that they, too, were dependent in theory on special circumstances. The 'Dialogus de Scaccario' regarded danegeld

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(149) R.A. Brown, 'Framlingham Castle and Bigod,' Proc. of the Suffolk Institute of Archaeology and Natural History, xxv (1949-51), 130; PR II Henry II, p.7; PR 12 Henry II, p.19; PR 13 Henry II, p.19; PR 14 Henry II, p.17; PR 15 Henry II, p.96. After the first 1000 marks, the king seemed to relent. The exchequer was instructed not to collect further on the debt unless the king himself ordered it: Ibid. The debt then remained on the rolls, but no further payments were made until after Earl Hugh's participation in the revolt of 1173-4. In 1175-6, the debt was pardoned, only to be replaced by another of 700 marks 'de omnibus querelis,' which settled the debts placed against Earl Hugh for his depredations in the war. 200 marks of this were paid immediately; the rest passed through a pardon and a new fine of 500 marks, to Hugh's heir, Roger: PR 22 Henry II, pp.62, 70; PR 23 Henry II, p.130. Despite Roger's loyalty to Henry II during the war of 1173-4, the fine was kept on the rolls, unpaid, until finally pardoned in 1181-2: PR 28 Henry II, p.65.

(150) PR 34 Henry II, passim.

and scutage as taxes to be raised in times of external threat (151). The aid for the marriage of the king's daughter in 1168 was by definition a levy for a specific circumstance. The aids from the towns, counties and rural demesne had their origins in the right of the lord to raise money in exceptional need. There does not seem to have been any conception of taxation as a regular and constant form of financing government.

This survey of the earls and royal taxation reveals an important shift in the sources of royal finance. Those items normally regarded as taxation - danegeld, aids from boroughs, counties or rural demesne, and scutage - seem to have been either stagnant or in decline. Nevertheless, Henry II's income did increase (152). The increase came from forms of revenue not generally regarded as taxation - the profits of lordship. The abandonment of danegeld and the 'donum comitatus,' which both fell on tenants-in-chief as well as other men, together with the adoption of the new kind of tallage, only affecting the royal demesne and lands in royal hands, signified a move towards a clearer distinction between the demesne lands of the king and those lands held of him by feudal tenure. By the second half of the reign, the only taxes paid by an adult tenant-in-chief in possession of his fief, who was well-behaved and had no particular favour to ask, were commuted military service,

(151) Dialogus de Scaccario, pp.98-9, 101-2.
(152) The average annual amount paid in or accounted for on the pipe rolls from Michaelmas 1155 to Michaelmas 1167 was £13,766. From Michaelmas 1167 to Michaelmas 1188, the average was £20,799: J.H. Ramsay, A History of the Revenues of the Kings of England 1066-1399 (Oxford, 1925): ii, p.191.

such formal aids as the levy of 1168, and perhaps the levies for the Holy Land. The financial emphasis on feudal lordship, and thus on the king's relationship with an individual, made that relationship crucial to the individual's financial well-being. This placed a powerful political weapon in the hands of the king and those who advised him, but it was a feudal weapon. Everything points to the view that in normal times, the king should 'live of his own,' and even in exceptional circumstances, the demands were increasingly limited to the terms of the feudal contract. When the limits of financial exploitation of feudal lordship were reached, and when, in the early thirteenth century, the terms of the feudal contract were circumscribed by 'Magna Carta,' kings would have to return to methods of general taxation. In taxation, Henry II was the most feudal monarch of England in the Middle Ages.

Chapter Seven

The Earls and the Revolt of 1173-4

The rebellion against Henry II, which began with the flight of his son, the Young King Henry, to the king of France in March 1173 and ended with a peace agreement between Henry II, his sons and the king of France at the end of September 1174, was the most serious revolt of Henry II's reign. It was also the only occasion when there was a serious rebellion within England. Many of the earls were involved: some as rebels; some suspected of disloyalty, and some as loyal servants and supporters of Henry II. The rebellion offers an opportunity to examine the reactions of the earls to this crisis in the politics of the reign.

The chief primary sources for the study of the involvement of the earls in the war and revolt of 1173-4 are the various chronicles which cover the events, the pipe rolls of the years of the rebellion and its aftermath, and the charters of the period. The chronicles cover the main events of the struggle well, but the situation in areas away from the king or his leading officers is often difficult to assess. There are useful lists of the rebels and of the king's supporters, primarily in the 'Gesta Henrici Secundi,' though the lists are certainly incomplete (1). The chroniclers also display an interesting variety of explanations for and attitudes to the rebellion.

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(1) Gesta Henrici, i, pp.45-9, 56-8, 62-3, 66-7.

These will be discussed below.

"It is impossible to penetrate behind the chronicles of events to the actual condition of the realm during the war." So writes W.L. Warren in his book 'Henry II.' (2) Particularly useful in easing this problem are the pipe rolls. They provide a view of the rebellion and war in England, less centred on events or on the movements of the major protagonists. The rolls do, however, have their limitations. The pipe rolls are not a complete government financial record and there are dangers in treating them even as a representative record of the king's financial affairs. The 'camera regis' as a financial office coexisting with the exchequer is well-established, even though no records of the chamber survive from this period (3). As it had the character of a financial office more personal to the king, with less regularised procedure and transactions, its importance was likely to have been increased considerably in a period of war and revolt. The lack of virtually all knowledge of the chamber's transactions at such a time is particularly frustrating for the historian. Another problem with the pipe rolls is that the timing of the exchequer year, from Michaelmas to Michaelmas, weakens the impact of the rebellion on the rolls. In England, the revolt lasted from the Spring of 1173 to the end of July 1174. No single pipe roll, therefore, covers a

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(2) Warren, Henry II, p.141.
(3) T.F. Tout, Chapters in Administrative History (Manchester, 1920), i, p.104; J.E.A. Jolliffe, 'The "Camera Regis" under Henry II,' EHR, lxviii (1953), 1-21, 337-62; H.G. Richardson, 'The Chamber under Henry II;' EHR, lxix (1954), 596-611.

period which is exclusively one of rebellion. Finally, there are problems with the pipe roll entries themselves. In judicial entries and accounts for lands in the king's hands, it is often difficult, without evidence external to the rolls, to distinguish between entries arising directly because of the revolt and entries arising in the normal course of affairs (4).

War and rebellion were not normally the subjects of charters, but where, as in many royal charters, they are dateable within reasonable limits, the witness-lists are useful in determining who was with the king and where. In a wider context, royal charters and the frequency with which particular individuals witness them, help to establish the closeness of the relationship between those individuals and the king. This, as will be shown below, is helpful in interpreting the role of certain earls in the rebellion. There is, as yet, no complete collection of Henry II's charters, though one is in the process of compilation (5). There are, however, enough charters and witness-lists in existing, partial collections to provide a

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(4) This is a problem where, with a scarcity of biographical material for minor figures, land appears in the king's hands. It cam be impossible to distinguish between escheated and confiscated land. On the judicial side - where, for example, there is an entry such as: 'Anketillus Mallore reddit compotum de £200 pro dissaisina contra assisam,' the size of the charge would not necessarily connect it with the revolt: PR 21 Henry II, p.92. However, when it is learnt that Anketillus was one of the earl of Leicester's constables and took an active role in the revolt, it seems likely that the charge was connected with the rebellion: Hoveden, ii, pp.57-8.

(5) By Professor J.C. Holt at the Faculty of History, Cambridge University.

fairly representative selection (6). Baronial charters are much less useful as the dateable limits are usually much wider and place-dates much less common.

There have been several attempts in the past to explain the underlying causes of the revolt of 1173-4, apart from the immediate dispute between Henry II and his son, Henry. Kate Norgate saw the revolt as a response to Henry II's "anti-feudal" policies, particularly the encroachment on franchises and special jurisdictions of the Assise of Clarendon and the Inquest of Sheriffs, the financial pressure of the 1168 aid, and, in Normandy, the 1171 inquest into alienated or encroached ducal demesne (7). The rebel earls in England were described as somehow old-fashioned, with weaknesses of character. The earl of Leicester was "an unworthy son of the faithful justiciar." The earl of Chester was the "son of the fickle Ralf." The earl of Norfolk "untaught by his experience of feudal anarchy in Stephen's day and undeterred by his humiliation in 1157 was ready to break his faith again for a paltry bribe offered him by the young king." Finally, the earl of Derby, along with several other rebels in England, was "more Norman than English." (8) J.H. Ramsay, in 'The Angevin Empire' largely

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(6) The charters I have used are in Delisle, Recueil; R.W. Eyton, Court, Household and Itinerary of King Henry II (London, 1878); Delisle, 'Notes sur les Chartes de Henri II,' 275-295.

(7) Kate Norgate, England under the Angevin Kings (London, 1887), ii, pp.126-8.

(8) Ibid., p.138-9.

agreed with these explanations: "As for the barons, they only spoke the voice of Feudalism, long repressed, and panting for an opportunity of breaking-out." The rebels were "much more French than English in their ways and sympathies." The king's government and "arbitrary taxation" had created "widespread discontent." (9) J. Boussard, while not seeing the conflict as one between feudal and anti-feudal principles, agreed that the financial and judicial measures of Henry II were important in creating the discontent behind the rebellion (10). W.L. Warren, in the most recent survey of Henry II's reign, cited the same pressures of Henry II's government as Kate Norgate, nearly a century before, though they are not dubbed 'anti-feudal.' (11) The idea that the rebels were in some way behind the times is restated: "Generally speaking, those who openly rebelled were the political irreconcilables, marcher barons whose independence and status had declined, and those who felt they had gained less than their due from Henry II." (12)

Although the immediate cause of the war and revolt was the rupture between Henry II and his son, Henry, it is not unreasonable to search for deeper and wider causes unrelated to the family squabble. An heir to the throne, who was also a

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(9) J.H. Ramsay, The Angevin Empire (London, 1903), pp.163, 169.
(10) J. Boussard, Le Gouvernement D'Henri II Plantagenet (Paris, 1956), pp.471-2.
(11) Warren, Henry II, p.124.
(12) Ibid., pp.122-3.

rebel against the king, was a natural focus for the discontents of others. Contemporary chroniclers, as well as modern historians, saw the need to delve into the background of the revolt and determine its causes. Most of the chroniclers did not turn to the causes of the struggle until they recorded its outbreak. Ralph de Diceto was an exception to this. He reported that, in 1172, when Henry II was in Ireland, unreconciled as yet to the Church after the murder of Becket, 'Hugo de Sainte More et Radulfus de Faie, avunculus reginae Alienor, consilio sicut dicitur eiusdem reginae, regis filii regis animum a patre suo coeperunt avertere, suggerentes incongruum videri quibuslibet regem esse, et dominationem regno debitam non exercere.' (13) The timing of this conspiracy suggests that Henry II's dispute with Becket and the aftermath of Becket's murder left the king vulnerable.

The lack of hints of approaching rebellion among the other chroniclers arises more from their style of looking back from the rebellion itself, rather than from any implication that there was no sign of trouble before the rebellion itself. Although the 'Gesta Henrici Secundi' begins its account of the rebellion with the dispute over Henry II's plan to give his son John the castles of Chinon, Loudun and Mirabel on John's

(13) Diceto, i, p.350. A William de St. Maura witnessed a charter of the Young King, possibly issued in 1171: Delisle, Receuil, Introduction, p.256. Hugh de St. Maura witnessed a charter of Henry II in 1159, alongside William de St. John, who witnessed charters of the Young King: Ibid., i, p.240, Introduction, pp.254, 270. Radulf de Faie had lands in England which suffered confiscation during the revolt: PR 19 Henry II, p.95.

marriage to the daughter of the count of Maurienne, to which the Young King Henry objected on the grounds that he himself had no lands, the demand that followed indicates that the Young King's dissatisfaction had not just arisen in response to Henry II's proposal. The Young King Henry asked to be given Normandy or England or Anjou 'per consilium regis Franciae, et per consilium comitum et baronum Angliae et Normanniae, qui patrem suum odio habebant.' (14) The earls, counts and barons must have had reason for their hatred, though the chronicler does not expand on this. By listing the promises made by the Young King, the chronicler implies that these had some effect on the support for the rebellion (15). The 'Gesta Henrici Secundi' refers to the same conspiracy as mentioned by Ralph de Diceto, though in this case it becomes absorbed in the events of 1173. The 'auctores' of the rebellion were Louis king of France, and, 'ut a quibusdam dicebatur,' Queen Eleanor and Radulf de Faie (16). The 'Gesta Henrici Secundi' also identifies William king of Scotland, David his brother, the earls of Leicester, Derby and Chester, Roger de Mowbray and Nigel and Robert his sons, Hamo de Masci, Thomas de Muschamp, Robert de Lundres, Geoffrey de Costentin and Richard de Morville as the 'auctores' of the rebellion in

(14) Gesta Henrici, i, p.41.
(15) Ibid., pp.44-5.
(16) Ibid., p.42.

England, though this is more a list of the leading rebels than a description of a conspiracy (17).

Ralph de Diceto comments on the Young King's flight from his father in March 1173, stating that, 'abiens in consilio impiorum, animum suum avertit a patre.' (18) This emphasises the fact that the Young King did not harbour his dissatisfactions or make his decisions in isolation. He was in contact with people who were anxious to encourage him against the king. Ralph de Diceto does give some reason for the support for the rebellion. The rebels were those whom Henry II had disinherited 'ex justis et probabilibus causis.' They joined the Young King, not because his cause was more just than his father's, but because Henry II,

> 'Regiae titulos dignitatis ampliare procurans, superborum et sullimium colla calceret, castella patriae suspecta vel everteret vel in suam redigeret potestatem; bonorum occupatores quae suam ad mensam quasi ad fiscum ab antiquo pertinere noscuntur, patrimonio proprio contentos esse debere constanter assereret, et etiam cogeret; proditionis reos dampnaret exilio; raptores sententia capitali puniret, fures terreret in furca; pauperum oppressores pecuniae jactura mulctaret.' (19)

Henry II therefore, according to Ralph de Diceto, faced a rebellion because he suppressed the over-mighty, reclaimed royal castles and other rights, and sternly administered law and order.

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(17) Ibid., pp.47-8.
(18) Diceto, i, p.355.
(19) Ibid., p.371.

While Ralph de Diceto supported these royal policies, a rebel propagandist might easily have made the same list add up to tyranny.

Although Robert of Torigny deals only briefly with the outbreak of the rebellion, he adds another immediate cause of the Young King's break with his father. Robert states that the Young King left his father, bound for the French King's court, because Henry II had removed 'a consilio et famulatu filii sui' Hasculf de St. Hilaire and other young knights, presumably because they were a bad influence on the Young King (20). It suggests that Henry II realised, too late, the importance of controlling the influences which his son received. There is more significance than at first sight in the youth of the knights sent away. The Young King, himself, was eighteen years old, Prince Richard was about sixteen and Prince Geoffrey about fifteen (21). An episode at the Young King's first court in Normandy in 1171, where one room was filled with 110 knights, all called William, brings out some of the extravagant flavour of the knightly culture of the young men of the day. The rebellion was by no means solely a rebellion of the young, but this was certainly one element (22).

William of Newburgh gives the Young King's dissatisfaction a more fundamental basis than the unfairness of Henry II's

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(20) Chronicles, iv, pp.255-6. Hasculf de St. Hilaire was later captured in the rebellion in front of the castle of Dol: Gesta Henrici, i, p.56.
(21) Diceto, i, pp.301-2.
(22) Chronicles, iv, p.253.

proposed grant to John. Having been crowned king, he was encouraged by certain people to believe that he should rule, as if his father were dead. The other reason given by William of Newburgh was far from a theoretical argument over the significance of the coronation of 1170. The Young King wanted more money from his father (23). The latter reason fits with our knowledge of the Young King's expensive tastes. More elevated demands may have been made as a bargaining ploy, but if so the ploy evidently got out of hand. This may have been foreseen by those who urged the Young King to make his great claims. William of Newburgh gives two main reasons for the revolt of members of the nobility. The first was simple hatred of the king, which had been dissembled previously. The second was the attraction of the promises made by the Young King in return for support (24).

Jordan Fantosme's chronicle states that, after the Young King's coronation,

'Puis entre vus e vostre fiz mortel nasquid envie.' (25)

Jordan, while not actually justifying the Young King's revolt, does show some sympathy for him. Addressing Henry II, Jordan writes:

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(23) Ibid., i, p.170. William of Newburgh also states that Henry II afterwards realised that the coronation had been premature. Ibid., p.172.
(24) Ibid., p.171.
(25) "Then between you and your sons arose deadly ill-will:" Jordan Fantosme, pp.2-3.

'Aprés icest curunement, e aprés ceste baillie,
Surportastes a vostre fiz auques de seignurie,
Tolistes lui ses volentés, n'en pot aver baillie.
"La crut guerre senz amur: Damnesdeus la maldiet!"
Reis de terre senz honur ne set bien que faire:
Nu sout li juefnes curunez, li gentilz de bon aire.
Quant ne pot ses volentez acumplir pur sun paire,
Pensout en sun curagë qu'il li fereit cuntraire.' (26)

This is scarcely veiled criticism of Henry II's treatment of his son. As a vernacular, verse chronicle in the 'chanson de geste' tradition, it is not surprising that Jordan's chronicle is the most favourable to the Young King, whose court must have been full of the culture of the young knight. Jordan has accepted the argument, referred to by William of Newburgh, that it was incongruous for a crowned king to have no power.

Gervase of Canterbury refers to the Young King's demand to be assigned either England or Normandy and states that this demand was made 'instinctu regis Franciae.' He also refers to the Young King's objection to Henry II's proposed grant to John on the latter's marriage. Gervase blames Eleanor, Henry II's wife, for planning the defection of the princes, Richard and Geoffrey, and possibly implicates her in the Young King's flight to the king of France: 'Dicebatur enim quod ex machinatione eius et consilio omnia haec parabantur.' (27) How many of the

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(26) "After this crowning and after this transfer of power you took away from your son some of his authority, you thwarted his wishes so that he could not exercise power. 'Therein lay the seeds of a pitiless war. God's curse be on it!' A king without a realm is at a loss for something to do: at such a loss was the noble and gracious Young King. When through his father's actions he could not do what he wished, he thought in his heart that he would stir up trouble for him:" Ibid., pp.2-5

(27) Gervase, I, p.242.

preceding events should be taken as included in 'omnia haec' is not clear. Gervase adds a brief description of Eleanor's character, which is not entirely hostile: 'Erat enim prudens femina valde, nobilibus orta natalibus, sed instabilis.' Gervase also states that the Young King, by his promises in return for support, 'quamplures tam Angliae quam Franciae principes in patris odium et regni Angliae excidium incitavit.' (28)

The chroniclers therefore explain the rebellion variously: as a conspiracy with the king of France, Queen Eleanor and others as instigators; as a dispute between Henry II and his son, Henry, over the latter's status as a crowned king; as a clash between generations; as a result of the Young King's promises in return for support; as an outburst of unreasonable baronial hatred of Henry II, and as a reaction against strong, just government. It is against these explanations, and those of modern historians, that the reactions of the earls, rebel or otherwise, must be examined. The motives of even prominent individuals are very difficult to determine, but unless the attempt is made, generalised explanations of the behaviour of whole groups of people can have little validity. Firstly, the position of those earls who openly rebelled will be examined.

Hugh earl of Chester (d. 1181) was born in 1147 and was

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(28) Ibid., pp.242-3.

therefore a minor at the death of his father, Ranulf earl of Chester (d. 1153). Earl Hugh gained control of his estates in 1162 (29). At around the age of 26 in 1173, he was nearer to the age of the eighteen year old Young King than he was to the forty year old Henry II, but the earl was hardly in the first flush of youth. He cannot have been of an unadventurous spirit, as just before the revolt he had been on a pilgrimage to Compostella, an arduous journey (30). W.L. Warren had suggested that the extensive grants in England and Normandy, promised by Henry II to Earl Hugh's father in 1153, but unfulfilled after Earl Ranulf's death in the same year, were important as a motive for Earl Hugh's rebellion (31). If so, it was a grievance long nurtured, although the rebellion of 1173 offered by far the best opportunity since the earl had come of age. There is little evidence that the earl or his vassals tried to enforce the claims to land in England, arising from the grants to his father. There is some indication that the earl's vassal, Hamo de Massey, caused some disruption within the honour of Lancaster, one of the earl's claims from 1153, but this could have been no more than a natural clash between a rebel and neighbouring supporters of the king (32). One problem in attributing claims originating

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(29) CP, iii, p.167. The last account for his honour on the pipe rolls was PR 8 Henry II, pp.20-1.
(30) Chronicles, iv, p.256.
(31) Warren, Henry II, p.122. For the grants in 1153, see Regesta, iii, no.180.
(32) The honour of Lancaster, as the 'honorem comitis Rogeri Pictaviensis' was included in the 1153 grants: Ibid. In the pipe roll account for the period Easter 1173 to Easter 1174, there is the entry: 'Et in defalta per werram Legrecestrie et Hamonis de Masci £45 13s 10d per breve regis.' In the account for the period Easter 1174 to Michaelmas 1174, there is the entry: 'Et in defalta per predictan werram computata ipsi Radulfi £12 10s per breve regis.' There is also an account for 21s for things taken in the land of Hamo de Masci: PR 21 Henry II, pp.8-9.

in the 1153 grant too literally to Earl Hugh in 1173 is that one of those claims was to the honour of William Peverel of Nottingham, which W.L. Warren has suggested as a claim and a motive for rebellion of Earl Hugh's fellow rebel, William earl of Derby (33). There is a danger in using theoretical claims that find no expression at the time of the rebellion. If William earl of Derby had remained loyal in 1173, Earl Hugh's claim to the Peverel honour could no doubt be used as a reason.

The grants in 1153 from the then Duke Henry to Earl Ranulf included grants in Normandy, the most important of which were that he was to be count in St. James (Manche) and was to have whatever the duke had had in the Avranchin, except for the bishopric and the abbey of Mont St. Michel (34). Earl Ranulf was already vicomte of the Avranchin, a title to which Earl Hugh succeeded, but was being promised the ducal demesne and complete lordship over the comté, apart from the exceptions specified. It is doubtful whether the title in St. James was intended to be separate from the comté of the Avranchin, but was perhaps as when an English earl in Sussex could be called earl of Arundel. Like the grants to Earl Ranulf in England, these grants remained unfulfilled. The claims that Earl Hugh could have made from these grants fit much better with his actions in the revolt, which were all in the Brittany-Normandy

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(33) Warren, Henry II, p.122; Regesta, iii, no.180.
(34) Ibid.

frontier area and could be interpreted as an attempt to make good his claims in the area. Nevertheless, the evidence is only circumstantial and there are other possible explanations for Earl Hugh's presence in the area.

W.L. Warren suggested that Earl Hugh's presence in Normandy, like that of Robert earl of Leicester, was due to the fact that "It soon became apparent, however, that Normandy was to be the primary theatre of operations." (35) In terms of the external threat to Henry II this may be true. The king of France, the count of Flanders and the count of Blois were all poised on the borders of Normandy, though the rebels did have the king of Scotland as a semi-external ally on the British side of the Channel. Also, the count of Flanders showed that he could intervene effectively in England. The Flemings that he sent in May 1174 were strong enough to help Hugh earl of Norfolk sack Norwich (36). In terms of the rebellion against Henry II, England was certainly the most important area. Although the earls of Chester and Leicester, the two rebel earls with important Norman interests, began their rebellion on the Continent, they did not fight from within their Norman honours. Indeed, there was virtually no internal rebellion in Normandy. Important rebels such as the count of Meulan left their Norman castles undefended when they fled to the king of France. The earl of Leicester left Breteuil undefended and Pacy, another

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(35) Warren, Henry II, p.125.
(36) Diceto, 1, p.381.

of his principal Norman castles, was defended for Henry II against the rebels and their allies at the beginning of the war (37). Ducal control over castles in Normandy was far greater than royal control over castles in England. Robert earl of Leicester had returned to England by the end of September 1173 (38). It is far from clear that the demands of rebel strategy were better served by the earl of Chester's intervention on the Continent than they would have been had he gone to England, where his own resources were probably much greater.

The simplest explanation for Earl Hugh's presence in the Normandy-Brittany frontier area at the outbreak of the revolt is that he was actually on his way back from Compostella, returning from Spain via western France. This is suggested by Robert of Torigny's account: 'Comes etiam Gestriae Hugo, a Sancto Jacobo Galliciensi rediens, secutus est eum (i.e. the Young King) (39). He would thus not have to have come from England by conscious decision as to where he might best serve the rebel cause, as W.L. Warren suggests he did (40). Of course, this did not necessarily mean that the earl could not have travelled to England, but a journey from Brittany to a safe haven perhaps in Cheshire might have been difficult (41) Having

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(37) Chronicles, iv, p.256; Gesta Henrici, i, p.51; Diceto, i, p.367.
(38) Ibid., p.377.
(39) Chronicles, iv, p.256.
(40) Warren, Henry II, p.125.
(41) Henry II had gathered a fleet at Sandwich (Kent) no doubt to secure his own communications across the Channel and inhibit those of his enemies: PR 19 Henry II, pp.2, 13, 31, 43, 117, 132-4.

found himself in the Normandy-Brittany frontier area, Earl Hugh had reasons to remain there to play his part in the revolt. Over the border in Normandy was one of the centres of his Norman honour, St. Sever, near Vire in south-western Calvados. His lands in this area and his vicomté of the Avranchin gave him an interest in this sector of the war, irrespective of any claims arising from the grants to his father in 1153 (42) The leader of the Breton rebels with whom Earl Hugh joined forces was Ralph de Fougères. Jordan Fantosme states that,

"Li cuens Huge de Cestre en est sis afiez." (43)

Whether this alliance was more than the convenience of joint action by two rebels is difficult to tell, but the house of Chester's interest in Brittany certainly persisted. Earl Hugh's son and heir, Ranulf de Blundeville, married firstly, in 1187/8, Constance duchess of Brittany, and secondly, in 1199, Clemence, the daughter of William de Fougeres (44).

William earl of Derby (d. 1190) was, like Hugh earl of Chester, a minor at his father's death in 1158-9. William's lands remained in royal hands until 1161 (45). Assuming that William was at least in his late teens when he gained possession

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(42) Sir Maurice Powicke, The Loss of Normandy 1189-1204, 2nd edn. (Manchester, 1961), pp.335-6.
(43) "Earl Hugh of Chester is in league with him in this:" Jordan Fantosme, pp.12-13.
(44) CP, iii, p.168.
(45) The lands appear in the king's hands in the years 1158-9, 1159-60 and 1160-61: PR 5 Henry II, p.57; PR 6 Henry II, p.44; PR 7 Henry II, pp.39-30. Robert earl of Derby probably died some time towards the end of 1158. William seems to have gained possession around Michaelmas 1161.

of his lands, he cannot have been much, if at all, below the age of 30 at the outbreak of the 1173-4 rebellion. Jordan Fantosme had a poor opinion of the earl's character:

> 'E li cuens de Ferrieres - un simple chevalier,
> Mielz deust bele dame baiser e acoler
> Ke par mal de guerre ferir un chevalier.' (46)

It is difficult to know what weight to place on this view, unsupported as it is by other sources. Certainly, Earl William was effective enough to take and burn the town of Nottingham in the face of a royal garrison in 1174 (47). Like Robert earl of Leicester, Earl William went on the Third Crusade in 1190, but that proved no easy knightly pursuit. The earl died at the siege of Acre (48).

If Jordan Fantosme's judgement of Earl William was correct, it might be wrong to look for hard political motives in his rebellion, but there were reasons why Earl William could have felt aggrieved by Henry II. In 1155, Henry II took into his own hands the lands of William Peverel of Nottingham, forfeit presumably because of Peverel's alleged poisoning of Ranulf earl of Chester (d. 1153). Peverel's lands would normally have passed to his surviving daughter, Margaret, wife of Robert earl

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(46) "And Earl Ferrers - a simple knight, more fitted to kiss and embrace fair ladies than to smite other knights with a war-hammer:" Jordan Fantosme, pp.70-1.
(47) Gesta Henrici, i, p.69.
(48) CP, iv, pp.193-4.

of Derby (d. 1158) and mother of William earl of Derby (49). That Peverel's forfeiture resulted from his own crime and only incidentally affected the interests of his son-in-law, was little consolation to the Ferrers family, who must have been anticipating a substantial increase in their landed wealth through the inheritance of the Peverel lands. The claim was certainly remembered even in King John's reign (50). Such a claim need not, however, necessarily lead to rebellion. Aubrey earl of Oxford (d. 1194), who had married Agnes, daughter and prospective heiress of Henry de Essex, had his hopes of a valuable inheritance dashed by the forfeiture of Henry de Essex, but remained loyal throughout Henry II's reign (51).

Robert earl of Leicester (d. 1190) was probably adult or nearly adult at the beginning of Henry II's reign. In 1153, the then Duke Henry granted the lands of Robert earl of Leicester (d. 1168) *first to Robert, the son of the earl, only* later granting them to the father (52). The first grant to the son was probably made to preserve the earl's formal loyalty

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(49) Ibid., p.192, App. I, pp.761-771; M. Jones, 'The Charters of Robert II de Ferrers, earl of Nottingham, Derby and Ferrers,' Nottingham Medieval Studies, xxiv (1980), 9-10.
(50) CP, iv, App. I, pp.765-6.
(51) Ibid., x, pp.205-6 & 205 n(f).
(52) Regesta, iii, nos.438, 439.

to King Stephen. While this might not necessarily have indicated the son's age, there are other indications that he had reached or nearly reached adulthood. Within a few years of the beginning of Henry II's reign, Robert the son had married (53). By 1157 at the latest, he had witnessed royal charters (54). It seems likely that he was over the age of 30 at the outbreak of the rebellion in 1173. Youthful ardour can hardly be used as a reason for his support of the Young King.

Though no youngster, the earl of Leicester does appear to have been a man of more action than thought. Jordan Fantosme described the earl during his invasion of East Anglia in Autumn 1173:

> 'Li cuens de Leircestre fud de grant puissance,
> Mes trop fud de curage jofne e d'enfance,
> Quant il par Engleterre volt aler en ciance,
> Fesant sa roberie senz aver desturbance,
> E fait armer sa femme, porter escu e lance:
> La sue grant folie prendrad dure neissance.' (55)

In 1179 he travelled to Jerusalem and in 1190 he died while on crusade (56). He was not a man to seek a quiet or easy life.

W.L. Warren writes of the earl of Leicester, that he "was old enough to remember the days when the Beaumont family dominated the Midlands." (57) Territorially, the situation had not

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(53) CP, vii, p.532.
(54) Delisle, Receuil, i, pp.123, 129.
(55) "The Earl of Leicester was a powerful man, but his heart was full of immature folly in wanting to go openly about England, looting and pillaging without opposition, and he has his wife dressed in armour and gives her shield and lance to bear: his lunacy will have a hard life:" Jordan Fantosme, pp.74-5. His wife took part in the battle of Fornham and was captured after falling into a ditch while fleeing: Ibid., pp.78-9.
(56) He died on his return journey at Durazzo: CP, vii, p.533.
(57) Warren, Henry II, p.122.

greatly changed there. However, since Easter 1170, Bertram de Verdun had become sheriff of Leicestershire and Warwickshire (58). In 1171-2, the earl appeared on the pipe rolls owing 500 marks 'pro fine appelationis quam Bertrannus de Verdun et homines sui fecerunt versus homines Comitis Legercestrie de pace infracta.' (59) The exact cause of this clash is unknown, but it does not suggest an easy relationship between the earl and the new sheriff. No payment on the fine was extracted immediately. The king may have been content to hold a suspended sentence over the earl, though after the earl's revolt in 1173-4, the fine was paid in full (60). The fine, when first made against the earl in 1171-2, could hardly have endeared the king to the earl, but it was probably more important as a symptom of the bad relationship between the earl and sheriff, and, by implication, between earl and king. That the earl's estrangement from the king was not caused by any reduction in the earl's landed wealth is demonstrated by the fact that he had, not only all the lands inherited from his father and mother, but also had, in Normandy, his wife's inheritance, the honour

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(58) Bertram de Verdun, son of Norman de Verdun, held the castles of Alton (Staffs.) and Brandon (Warws.). The latter he possessed through his mother, the daughter of Geoffrey de Clinton I. Bertram was brought up by Henry II's constable of Normandy, Richard du Hommet. The first of Bertram's two wives was Maud, daughter of Robert earl of Derby (d. 1158) and therefore the sister of the rebel earl, William earl of Derby: E. Foss, The Judges of England (London, 1848), i, pp.317-9; Delisle, Receuil, Introduction, pp.359-60; R.A. Brown, 'A List of Castles 1154-1216,' EHR, lxxiv (1959), 261, 263.

(59) PR 18 Henry II, p.109.

(60) PR 22 Henry II, p.180; PR 23 Henry II, p.27; PR 24 Henry II, p.76; PR 25 Henry II, p.111.

of Grandmesnil (61). What the earl had lost was his father's role as chief justiciar, as the man second only to the king in authority in England. Even though Earl Robert could not claim to hold such a position by hereditary right, he had experienced his father's exalted position and could be expected to resent the fact that this position had died with his father (62).

At least 66 years old at the outbreak of the rebellion in 1173, Hugh earl of Norfolk joined the revolt as an old man (63). He can have had little hope of enjoying any gains personally for any length of time. Yet his eldest son fought on Henry II's side (64), It is possible that this was a means of hedging bets, of keeping a lifeline to the king's favour in case the rebellion failed. Of all the rebel earls, Hugh Bigod had the most concrete territorial and political grievances. W.L. Warren writes, "Earl Hugh Bigod had been as firmly denied control of East Anglia by Henry II as he had been by Stephen." (65) Whether or not Hugh's ambition was to control East Anglia, his position had certainly deteriorated during Henry II's reign.

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(61) CP, vii, p.532 & notes (f), (h).

(62) The inheritance of more restricted, local offices was coming under greater challenge in Henry II's reign, but there was in any case no precedent for the inheritance of a position like that of Robert earl of Leicester (d. 1168). For a discussion of the heritability of office, see J.C. Holt, 'Politics and Property in Early Medieval England,' Past and Present, lvii (1972), 27-9.

(63) His father died in 1107; CP, ix, p.578. William of Canterbury calls Hugh 'octogenariumque illum Bigoth:' Materials for the History of Thomas Becket, i, p.491.

(64) He played a prominent role in the battle of Fernham and his loyalty was reported to Henry II: Jordan Fantosme, pp.74-9, 116-17. In Richard I's reign, Roger, by then earl of Norfolk, claimed the right to carry the standard of St. Edmund in the abbot's retinue as he had carried it at the battle of Fernham: The Chronicle of Jocelin of Brakelond, ed. and transl. H.E. Butler (London, 1949), pp.57-8.

(65) Warren, Henry II, p.122.

Around Easter 1157, Earl Hugh lost control over the sheriffdoms of Norfolk and Suffolk and had his castles confiscated (66). The castles of Framlingham and Bungay were returned to the earl, but perhaps only in 1164-5 when the earl was fined £1000 (67). 500 marks were paid in the first year and by Michaelmas 1169 a further 500 marks had been paid. These were heavy demands on any honour. The repayment of the remainder was suspended and remained so until after Earl Hugh's revolt (68). The fine cannot in itself have been the cause of Earl Hugh's rebellion, payments having been suspended some three and a half years before the outbreak, but could have been another reason for the earl's resentment at his treatment by Henry II. The king did not return all Earl Hugh's castles, but retained Walton which was held for the king against the rebels in 1173 (69). In 1165-6, Henry II began building Orford castle, uncomfortably close to Earl Hugh's centres of power (70).

Apart from Earl Hugh's grievances against Henry II, a possible factor in the earl's revolt was the promise made by the

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(66) From Easter 1157, William de Chesney took over as sheriff of Norfolk and Suffolk from William de Neville and William de Frasineto, Earl Hugh's vassals: List of Sheriffs, pp.86, 132; RBE, i, pp.395-6. For the castles, see Chronicles, iv, p.193.

(67) PR II Henry II, p.7; R.A. Brown, 'Framlingham Castle and Bigod 1154-1216,' Proceedings of the Suffolk Institute of Archaeology and Natural History, xxv (1950), 130.

(68) PR II Henry II, p.7; PR 12 Henry II, p.19; PR 13 Henry II, p.19; PR 14 Henry II, PR 15 Henry II, p.96.

(69) In September-October 1173 the earls of Norfolk and Leicester unsuccessfully attacked Walton castle: Diceto, i, p.377.

(70) R.A. Brown, 'Royal Castle-building in England 1154-1216,' EHR, lxx (1955), 391.

Young King in return for support. There is a disagreement among the chroniclers as to what the promise included. The 'Gesta Henrici Secundi' states that Earl Hugh was promised the custody of Norwich castle and the honour of Eye (71). Roger de Hoveden includes only the castle of Norwich, assigning the honour of Eye to the promise made to Matthew count of Boulogne (72). The latter account seems more likely, as the count of Boulogne could reasonably claim to be the heir, as King Stephen's son-in-law, to Stephen himself and William, King Stephen's son, both of whom had held the honour. Whichever version is true, the revolt offered Earl Hugh a chance to repair his position in East Anglia and reverse the decline in his power.

The remaining earldom involved openly on the rebel side was in a unique position. In 1157, Malcolm king of Scotland had surrendered Scottish control over Northumberland and Cumbria in return for the recognition of his claim to the earldom of Huntingdon. In 1165, Malcolm's brother William succeeded to both the Scottish crown and the earldom (73). Although the 1157 agreement had been a compromise, it was a hard one for the Scotsto accept. King Malcolm, fifteen or sixteen

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(71) Gesta Henrici, i, p.45.
(72) Hoveden, ii, p.46.
(73) Chronicles, i, pp.105-6; iv, p.192; CP, vi, p.644.

years old, as yet unknighted, had little choice but to reach agreement with the new king of England (74). The surrendered northern lands had been granted to the Scots by treaty with King Stephen and the Scottish claim went back to Malcolm's great-grandfather, Waltheof (75). These claims were not to be forgotten lightly.

If the surrender of the northern lands was hard for Malcolm to accept, it was even more so for Malcolm's successor, his brother William. William had been made earl of Northumberland by his grandfather, King David, in 1152 on the death of William's father, Henry, who had been recognised as earl of Northumberland and Huntingdon by King Stephen in 1139. William, though only around fourteen years old in 1157, had been earl of Northumberland for around five years (76). There is some evidence that relations between William and Henry II were uneasy almost immediately after William's accession to the Scottish throne in 1165 (77). In 1168, King William appears in a letter of John

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(74) Ibid., p.644. In 1158, Henry II refused to knight Malcolm, finally doing so on the Toulouse expedition of 1159: Hoveden, i, pp.216-7.

(75) CP, vi, pp.638-44.

(76) Ibid., p.644; Symeon of Durham: Historical Works, ed., T. Arnold, R.S., 75 (London, 1885), ii, p.327; RRS, ii, nos.1-4.

(77) King Malcolm seems to have attempted some diplomatic intervention in the Becket dispute: The Letters of John of Salisbury, ii, no.152. In 1166, the king apparently flew into a rage when Richard du Hommet spoke favourably of the king of Scotland concerning some negotiation: Materials for the History of Thomas Becket, vi, p.72.

of Salisbury as promising aid to the French king against Henry II (78).

It is clear that King William saw Henry II's problems in 1173 as a chance to make good his claim to Northumberland, either with Henry II's agreement or in war against him. The Young King, Henry, at the instigation of the French king, sent envoys to King William, reminding him of the homage sworn at the Young King's coronation in 1170 and requesting help against Henry II in return for 'la terre que orent ti anceisur ' (the land your ancestors had), specified as the land between the Rivers Tyne and Tweed, Carlisle and the whole of Westmorland (79). The Young King also promised to give King William's brother David the earldom of Huntingdon, who would therefore take over as earl from his royal brother, and in addition 'totam Cantebrigesiram.' (80) The Young King had omitted to remind King William that the homage sworn in 1170 had been against all men except Henry II (81). It hardly needed scruples over this point to prompt King William to demand his inheritance in the northern counties from Henry II. After all, Henry II, faced with a dangerous revolt, might peacefully grant King William's claims in order to avoid adding another enemy. King William, with the

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(78) The Letters of John of Salisbury, ii, no.279.
(79) Jordan Fantosme, pp.20-1. See also Gesta Henrici, i, p.45; Hoveden, ii, p.47.
(80) Gesta Henrici, i, p.45. See also Hoveden, ii, p.47.
(81) Gesta Henrici, i, p.6; Hoveden, ii, p.5; Jordan Fantosme, pp.2-3.

help of his barons, decided to send envoys to Henry II in Normandy (82). Ralph de Diceto, recording King William's claim to Northumberland with great fairness, reports the rejection of the approach by Henry II (83). Jordan Fantosme tells a more complex story. The Scottish envoys offered King William's service with an army if Henry II would restore Northumberland. If necessary, the claim was to be proved by a knight in single combat. Henry II's answer was refusal, but added that if King William's brother David would come to Henry II's aid,

> 'Tant li durrai de terre e tant de chasement,
> Tutes ses demandes ferai a sun talent.' (84)

When the envoys returned to Scotland, they reported Henry II's answer in such a way, if Jordan Fantosme is to be believed, that the eager young knights of the Scottish court and King William himself would demand nothing less than war (85).

Apart from the earls who actually rebelled in 1173, there were three earls who have come under suspicion, either at the time or in the work of modern historians - the earls of Gloucester, Hertford and Pembroke. At the end of July 1174, when the fighting in England had been brought to a close: 'Willelmus comes Glocestriae et Ricardus comes de Clare gener

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(82) Ibid., pp.20-5.
(83) 'Rex Scottorum Willelmus quae in provincia Northanhimbrorum avo suo regi David fuerant donata, tradita, cartis confirmata, quae etiam fuerant ab ipso tempore longo possessa, repetens a rege patre sed repulsam inveniens, ...:' Diceto, i, p.376.
(84) "I shall give him such lands and fiefs as will satisfy all his demands:" Jordan Fantosme, pp.26-7.
(85) Ibid., pp.28-31.

eius, de quibus habebatur suspicio, quod in partem adversam declinare proponerent, occurrerunt regi, suo per omnia parituri mandato.' (86) It is rather surprising to find William earl of Gloucester's loyalty in doubt. Not only was he included in one of the chronicle lists of the king's leading supporters, he was also actively involved in the campaign of the royal forces which led to the defeat of the earl of Leicester at Fornham in October 1173 (87). There are, however, indications that the earl of Gloucester's loyalty was a qualified loyalty. In 1175, 'rex implactiavit comitem Gloucestriae, eo quod tempore hostilitatis expulit custodes regis de Turre Bristoldi, et eam in manu sua tenuit quamdiu werra duravit. Et comes inde volens regi satisfacere, reddidit ei turrim Bristoldi.' (88) The earl's loyalty to the king did not preclude an attempt to exploit the revolt as a chance of reinforcing his control over Bristol, the castle and town that the earl's father had held against King Stephen. It is not known when the king's 'custodes' had been placed in Bristol, but they would certainly have been regarded by the earl as an unwelcome intrusion. They may even

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(86) Diceto, i, p.385.
(87) Gesta Henrici, i, pp.51 n 4, 61. In the annals of Winchcombe Abbey (Gloucestershire) it is even the earl of Gloucester alone who is mentioned as the conqueror and captor of the earl of Leicester: R.R. Darlington, 'Winchcombe Annals 1049-1181,' A Medieval Miscellany for Doris Mary Stenton, ed. Patricia M. Barnes and C.F. Slade, Pipe Roll Soc., New Ser., xxxvi (London, 1962 for 1960), p.135.
(88) Gesta Henrici, i, p.92.

have been sent at the outbreak of the revolt as an attempt to secure Bristol and the earl's loyalty for the king.

The relationship between the king and the earl of Gloucester seems to have been uneasy even before the 1173-4 revolt. As the son of Robert earl of Gloucester, the man who, more than any other, had made it possible for Henry II to become king, Earl William had a good claim on Henry II's favour. However, an outburst attributed to Earl William's brother, Roger bishop of Worcester, criticizing the king for his treatment of the sons of Earl Robert, makes it clear that Earl William believed he had not received his due (89).

William earl of Gloucester was married to the sister of the rebel earl of Leicester (90). While such a marriage would not necessarily indicate a political alliance, Jordan Fantosme puts the following words into the mouth of the countess of Leicester, addressing her husband:

> 'Li cuens de Glowecestre fet mult a reduter,
> Mes il ad vostre sorur a muillier e a per;
> Pur tut l'aveir de France ne volsist cumencier
> De faire nul ultrage dunt eussiz destrurbier.' (91)

Jordan does not mention that, at this time, the earl of Gloucester was with the royal forces marching against the earl of Leicester (92). If there is any reality behind the words of

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(89) Materials for the History of Thomas Becket, iii, pp.104-6. See also Mary G. Cheney, Roger Bishop of Worcester 1164-1179 (Oxford, 1980), pp.47-9.

(90) CP, v, p.688.

(91) "The earl of Gloucester is much to be feared, but he is married to your sister, and not for all the wealth of France would he start any extravagant action that would cause you any trouble:" Jordan Fantosme, pp.72-3.

(92) Gesta Henrici, i, p.61.

the countess, they can only be taken to mean that the earl of Gloucester would do the earl of Leicester no personal harm.

When the earl of Gloucester appeared before the king in 1174, he appeared with Richard earl of Hertford (d. 1217), 'gener eius.' Earl Richard was married to Amice, William earl of Gloucester's daughter, and only succeeded his father, Earl Roger, in the year of the rebellion (93). The rumour of Earl Richard's disloyalty also occurs in Jordan Fantosme's chronicle. In the bishop of Winchester's report to Henry II in Normandy in 1174 it is stated that:

> 'Gilebert de Munfichet sun chastel ad fermé,
> E dit que les Clarreaus vers lui sunt alié.' (94)

It is hard to believe that Earl Richard acted significantly to deserve these suspicions. Whether it was his connection with the earl of Gloucester or some other cause, any important act of disloyalty would probably have been explicitly recorded by some chronicler.

W.L. Warren suggests that, due to Henry II's intervention in Ireland in 1171 to stop Richard de Clare, earl of Pembroke, from winning a kingdom in Ireland, Earl Richard must automatically have been suspect and the king's call for the earl to come to

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(93) Diceto, i, p.385; CP, vi, pp.501-2.

(94) "Gilbert de Munfichet has fortified his castle, and proclaims that he has the support of 'les Clarreaux:'" Jordan Fantosme, pp.120-1. The editor translates this as 'earls of Clare,' but as this section of the report to Henry II concerned London, it must be possible that at least one of the 'Clarreaux' was Walter fitz Walter de Clare, lord of Little Dunmow and Baynard Castle in London: Sanders, English Baronies p.129 n 8.

Normandy was to "ensure that Ireland would not become a haven for rebels." (95) There may have been some resentment over Henry II's intervention in Ireland, but the fact that the earl answered the call to Normandy indicates that he had put all thoughts of disloyalty firmly behind him. The earl came to Normandy with some knights around April 1173 and was put in charge of the important frontier castle of Gisors, an unlikely appointment if the king had still suspected the earl (96). Earl Richard is included in a list of supporters of the king and there is no reason to doubt his loyalty (97).

The other earls who were listed as supporters of the king and whose loyalty was not doubted were William earl of Arundel (d. 1176), Reginald earl of Cornwall (d. 1175), William earl of Essex (d. 1189), 'Comes' Simon de Senlis, later to be earl of Huntingdon, Hamelin earl of Surrey and William earl of Salisbury (98). It is more difficult to find reasons for loyalty to the king than to find reasons for rebellion. Loyalty was the natural choice for any earl who wanted position and influence, who had no particular grievance against the king or vice versa, and who did not believe that a rebellion would succeed. The earl of Arundel had been one of the king's most active servants. The earl of Cornwall was the king's half-uncle

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(95) Warren, Henry II, p.123.
(96) G.H. Orpen, Ireland under the Normans 1169-1216 (Oxford, 1911), i, p.315.
(97) Gesta Henrici, i, p.51 n 4.
(98) Ibid.

and had been closely associated with Henry fitz Empress's cause during King Stephen's reign and since. The earl of Essex was to become an active royal servant and one of Henry II's "most senior counsellors." (99) 'Comes' Simon de Senlis used the rebellion of King William of Scotland and his brother, David, as a chance to press his claim to the earldom of Huntingdon (100). Hamelin earl of Surrey was Henry II's half-brother and owed his position in England totally to the king, through the marriage to Isabel de Warenne who brought Hamelin his earldom (101). Little is known about William earl of Salisbury at this date, though he may have been just coming of age and may have been favourably treated by Henry II during his minority (102).

In any nobility there would always be a number who were either incapable or unwilling to play an active role in politics or military affairs. Baldwin de Redvers, son and heir of Richard earl of Devon (d. 1162), was still a minor in 1173-4(103). Although Aubrey earl of Oxford (d. 1194) would live another

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(99) Warren, Henry II, p.610.
(100) Gesta Henrici, i, pp.70-1.
(101) CP, xii, pt. i, pp.499-500.
(102) In the pipe roll for 1172-3, William is described as 'Willelmus filius Comitis Patricii,' as he had been since his father's death in 1168: PR 19 Henry II, p.96. In the pipe roll for 1173-4, as for the rest of the reign, he is described as 'Comes Willelmus de Sar:' PR 20 Henry II, p.28. William had been credited with his Third Penny of Wiltshire and his 'terrae datae' since his father's death and there is no sign that his lands were in royal hands. However, he does not occur in either chronicles or charters before the 1173-4 revolt. It is possible that he was allowed his lands, even though a minor, because of the manner of his father's death, commanding royal forces against Poitevin rebels: Chronicles, iv, p.236. An anniversary at the church of St. Hilaire in Poitiers was established in Earl Patrick's honour by Queen Eleanor, with the assent of Henry II: Delisle, Receuil,no.278.
(103) CP, iv, p.313.

twenty years after the revolt, he may already have been too old to take an active part in affairs (104). The remaining earl, William earl of Warwick (d. 1184), was apparently adult in 1173-4, but he seems to have played no active role in the revolt or in politics generally (105).

Previous writers have usually seen the harshness of Henry II's government, in taxation and the administration of justice, as an underlying cause of the 1173-4 revolt. However, as far as the earls were concerned, taxation in the usual sense - danegeld, 'dona,' 'auxilia,' scutage, feudals aids - was a relatively light burden, especially after danegeld and the early type of county 'dona' had been effectively abandoned. Through the system of pardons granted by the king, taxation was also very dependent on the relationship between an individual and the king. The impact of royal justice and royal exploitation of feudal rights was equally dependent on that relationship and on the earl's behaviour. As the power of royal government increased, the position of an earl, particularly an ambitious earl, at the royal court or in the king's favour became more and more important.

The table on the following page is designed to show the frequency of attestations to royal charters issued before the outbreak of the revolt in 1173, by earls who were adult and in possession of their honours at the time of the revolt (106).

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(104) He may have been born ca. 1110 and was certainly adult when granted an earldom by Empress Matilda in 1141: CP, x, p.199; Regesta, iii, no.634.
(105) CP, xii, pt.ii, pp.362-3.
(106) The table is constructed from charters included in Delisle, Receuil; Eyton, Court, Household and Itinerary; Delisle, 'Notes sur les Chartes de Henri II,' 275-295.

Table B

Earls' Attestations to Royal Charters before April 1173

Earl	No. of Years as Adult Earl before April 1173	No. of Attest-ations	Average per Year
Reginald e. of Cornwall	18	83	4.6
William e. of Essex	6	20	3.3
William e. of Gloucester	18	19	1.1
Hugh e. of Norfolk /	18	14-19	0.8-1.1
William e. of Arundel	18	17	0.9
Robert e. of Leicester //	5	0.4	0.0-0.8
Hugh e. of Chester /	11	1-6	0.1-0.6
Hamelin e. of Surrey	9	3	0.3
Aubrey e. of Oxford	18	2	0.1
Richard e. of Pembroke	18	2	0.1
William e. of Derby	12	1	0.1
William e. of Warwick	7	0	-
'Comes' Simon de Senlis	15	0	-

/ Five attestations were by "Earl Hugh" and could be either the earl of Norfolk or the earl of Chester.

// All of the earl of Leicester's attestations could be either Robert earl of Leicester (d. 1190), the rebel of 1173, or Robert earl of Leicester (d. 1168), Henry II's justiciar. As the latter was a very frequent witness to royal charters, the probability is that most or perhaps all of these attestations were by the justiciar Earl Robert.

Certain earls have been excluded. Richard earl of Hertford only succeeded to his earldom in the year of the revolt and therefore had no opportunity to witness royal charters before the revolt. William king of Scotland, though nominally earl of Huntingdon, cannot be compared with a normal earl. David, King William's brother, took possession of the earldom of Huntingdon only during the revolt. William earl of Salisbury probably attained his majority only during the revolt. On the other hand, although Simon de Senlis only obtained the earldom of Huntingdon after the revolt, he had previously born the title 'comes' in recognition of his comital rank and is included in the table.

The figures on the table make little sense if looked at in isolation from other information about these earls, but the indication of the frequency with which the earls attended the king is a valuable supplement in assessing their relationship with the king. The earls of Cornwall and Essex stand out as the most frequent witnesses in the group by a considerable margin. This corresponds with their position as two of the king's most trusted earls. The frequency of the earl of Gloucester's attestations would appear to offer no confirmation of an uneasy relationship with the king, but sixteen of the nineteen attestations were before the end of the year 1158. Except in these first few years of the reign, the earl of

Gloucester rarely appeared at court (107). This contrast perhaps illustrates a change for the worse in the relationship between the earl of Gloucester and the king, at the root of the ambiguous position of the earl in 1173-4. Like the earl of Gloucester, Hugh earl of Norfolk enjoys a deceptively high position on the table. Thirteen of his attestations were made before the end of 1158. Again, in the fifteen years before the rebellion in 1173, Earl Hugh was a very rare visitor to the royal court. William earl of Arundel was only a moderately frequent witness to royal charters, but his other activities as a royal servant, as soldier, as ambassador or as escort for a royal princess establish his position of trust and responsibility. None of the remaining earls on the list witness very frequently. It is clear that infrequent attendance on the king did not make an earl into a rebel. However, for any earl not content merely to tend his estates, as those who rebelled clearly were not, absence from the royal court signified an absence from the source of patronage and political power that was the king's government.

Chronicle sources for the rebellion of 1173-4 exhibit various interesting attitudes to the rebellion. The 'Gesta Henrici Secundi' shows a clear and uncompromising attitude. The rebellion was 'nefanda proditio.' The rebels, 'furore

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(107) There is a general bias in the numbers of charters towards the early years of the reign, but in the case of the attestations of the earl of Gloucester, and below, the earl of Norfolk, it is particularly marked.

diabolico debacchati, circumquaque devastabant igne et gladio terram regis Angliae in Normannia, et Aquitannia, et Andegavia, et Britannia.' (108) The news of the capture of Aumale by Henry II's enemies 'excitavit furorem perfidae gentis Angliae.' (109). In this chronicle, the metaphor of madness or disease is frequently used, as in 'nefanda proditorum rabies' or 'vesana proditorum rabies.' (110) Referring to the flight of the Young King, the chronicle comments: 'Uninius dementia dementes efficit multos.' (111) Rebellion was irrational, a disease, a madness. It was also unavoidable, a fulfilment of Merlin's prophecy (112). It was also a perversion of 'fidelitas.' The rebels who joined the Young King 'reversi fidelitatem juraverunt regi patri ipsius.' Treachery in England had previously been hidden 'sub velamento fidelitatis.' (113) There were many in England who 'prave et ficte tenuerunt cum rege.' Most of the nobility were thought untrustworthy. Henry II preferred to put his trust in mercenaries, 'de quibus plus caeteris confidebat.' (114) In 1174, the Young King and the count of Flanders were invited to invade England 'per mandatum comitum et baronum Angliae.' (115) The outcome of the battle of Fǿrnham was the verdit of God: 'ex eo tempore timuerunt regem

(108) Gesta Henrici, i, pp.42, 47.
(109) Ibid., p.47.
(110) Ibid., pp.45, 47.
(111) Ibid., p.43 n 8.
(112) Ibid., p.42.
(113) Ibid., pp.46-7.
(114) Ibid., pp.49, 56.
(115) Ibid., p.71.

Angliae, quia Deus erat cum eo.' The battle itself is given a religious flavour. The royal army, 'praeferentes sibi vexillum Beati Eadmundi regis et martyris; et ordinatis aciebus suis, in virtute Dei et gloriosissimi martyris Sui Eadmundi percusserunt aciem in qua comes Leicestriae erat.' (116)

William of Newburgh echoes the imagery of the 'Gesta Henrici Secundi:' 'Sane cum illa filii contra patrem infilialis vesania fere biennio debacchata noscatur.' (117) Like the 'Gesta Henrici Secundi,' William had little faith in the loyalty of Henry II's nobility: 'Cum ergo tot tantique proceres a rege seniore descivissent, omnesque contra eum tanquam pro anima una gererent: admodum pauci erant, qui ei fideliter et firmiter adhaererent, ceteris circa eum pendule fluitantibus, dum a regis junioris absorberi victoria scrupulosius formidarent.' (118)

Gervase of Canterbury also uses the language of madness and disease: 'Dum itaque Cantuariensis archiepiscopus repedaret, et inter reges et principes nostros omnis spes pacis deperisset, perfidorum invaluit rabies, et in omnibus terris regis Angliae proditorum furer incanduit.' (119) Several chroniclers give importance to Henry II's visit to Canterbury in July 1174 and its coincidence with the capture of the king of Scotland at Alnwick, but Gervase gives this even greater significance by

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(116) Ibid., pp.61-2.
(117) Chronicles, i, p.180.
(118) Ibid., pp.171-2.
(119) Gervase, i. p.247.

painting a very black picture of Henry II's situation before the visit. Henry had crossed to England 'quasi in desparationem.' (120) The rebellion offered a good occasion to increase the reputation both of Becket and of Canterbury.

The language used by Ralph de Diceto is much less hysterical than that of the 'Gesta Henrici Secundi.' While he certainly does not in any way favour the rebels, he uses more subtle means to discredit them. After his account of the flight of the Young King and his brother, Ralph states: 'Fiunt undique conjurationes, fiunt rapinae, fiunt incendia.' (121) This is what rebellion meant. There follows a long section with many examples from history of filial rebellion. The message is clear. Sons should not rebel against their fathers (122). Diceto also emphasises that the earl of Leicester and William de Tancarville had sworn fidelity to Henry II. Rebellion involved the breaking of oaths. The fatal wound received by Matthew count of Boulogne was God's judgement on his broken oath to Henry II (123). Henry II is compared favourably with his son, the Young King. Henry II did not take ransoms from his prisoners, whereas the Young King did, 'e contrario jure belli.' (124)

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(120) Ibid., p.248; of Diceto, i, pp.383-5.
(121) Diceto, i, p.355.
(122) Ibid., pp.355-66.
(123) Ibid., pp.371, 373.
(124) Ibid., p.395.

In contrast to the strong moral disapproval of the rebellion shown by the above chroniclers, Robert of Torigny reports the rebellion in a very matter-of-fact style. When the mediators sent by the Pope failed to restore peace, it was due to 'impedientibus hominium peccatis,' blame placed safely on unspecified people. In the 'Gesta Henrici Secundi,' there is no doubt where the blame lay. It was the French king's influence that forced an end to the attempt at arbitration(125).

Jordan Fantosme, the chronicler most favourably disposed to the rebels, was also writing in a form intended for consumption by the lay nobility - a vernacular verse chronicle in the 'chansons de geste' tradition. While he does not ignore Henry II's rebels among the nobility, he makes it clear that large numbers of them served Henry II faithfully. In a passage describing Henry II's campaign against the rebels at Dol in Brittany, Jordan writes:

'Apreste sun barnage en qui li mult se fie.' (126)

It must be admitted that the mercenaries which play the leading role in other chronicle accounts of this campaign do not fit well with Jordan's Romance picture of warfare. While Jordan was more favourable towards the rebels than other chroniclers, he shared a dislike of faithlessness:

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(125) Chronicles, iv, p.263; Gesta Henrici, i, p.59.
(126) "He marshals his trusty barons:" Jordan Fantosme, pp.16-17.

'Bien l'avez oi dire suvent en reprovier:
Ki fait tricherie sun seignur dreiturier,
U nule flunie u il ait desturbier,
D'aver malveis gueredun ne se deit pas duter;
E ki leaument lu sert si fait mult a preisier.' (127)

For Jordan, rebellion is not a madness, a disease in the body politic, it is an offence against a feudal code of honour.

It was an ambitious task for the rebels to try to defeat Henry II, probably the richest and strongest monarch in western Europe. Did the rebellion have a chance of success at its outbreak? The exact strength of the rebellion in England is rather difficult to measure. Of those rebels mentioned in the principal chroniclers, 34 can be found on the pipe rolls for the years 1172-3 and 1173-4, suggesting that they had at least some interest in England (128). There are 45 other persons who seem to have suffered confiscation of lands during these years, or were connected with the rebels on the pipe rolls for the years 1172-3, 1174-5, 1175-6, 1176-7 and 1177-8 (129). Other rebels or people who helped the rebels are probably hidden behind unspecific judicial offences.

Another measure of the strength of the revolt in England is the number of castles held by the rebels at the outbreak of the rebellion. According to J. Beeler, there were 23 rebel castles, including those of Hugh de Puiset, bishop of Durham,

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(127) "You have often heard the proverb which says: he who acts falsely towards his rightful lord or does any wrong which causes him annoyance can be sure of getting his merited punishment; and he who serves him loyally is greatly to be esteemed:" Jordan Fantosme, pp.64-5.
(128) PR 19 Henry II, passim; PR 20 Henry II, passim.
(129) PRs 19-24 Henry II, passim.

who maintained a kind of armed neutrality (130). This number was markedly smaller than the number of castles held by the king and his supporters: "Over forty royal castles were put in a state of readiness throughout the length and breadth of the realm." (131) The number of rebel castles was not, however, less than the number of castles held against King Stephen in 1138. To continue this comparison with King Stephen's reign, it was not necessarily essential to inflict total defeat on Henry II. King Stephen had eventually been forced to compromise with his rebels, though he was never totally defeated. It was also likely that, if the rebellion gained initial success, previously loyal men would join it, not through any hidden predisposition to rebel, but through a concern to join the winning side.

Though I have concentrated above on England, one of the main strengths of the rebellion was that it was not limited to one part of the Angevin dominions: "For once all parts of Henry's dominions were disturbed at the same time, and the rebels were sufficiently dispersed to undermine his authority and disrupt his government." (132) This meant that royal resources and attention were necessarily dispersed. The rebels were also of course helped by external allies, principally the king of France, the king of Scotland and the counts of Flanders, Boulogne

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(130) J. Beeler, Warfare in England 1066-1189 (New York, 1966), p.185.
(131) Warren, Henry II, p.123.
(132) Ibid.

and Blois (133).

It is difficult to assess the ability of the earls to organise military resources to make their revolt effective and how they approached the problem. The evidence is very scanty and scattered. One source of the earls' military power was their own feudal tenants. Some of the earl of Chester's vassals supported him, both in France and in England. William Patric (d. 1184), who held half the barony of Malpas (Cheshire) from the earl, was included in one of the main lists of rebels. He or his son, William, was captured in front of Dol by Henry II's troops, and two other members of the Patric family were captured in Dol (134). Lands of William Patric were in the king's hands on the pipe rolls for the years 1172-3 and 1173-4 and some of his lands were still suffering penalties in 1174-5. These lands were in Essex, Kent and Gloucestershire (135). Robert 'Pincerna,' the son of the founder, of the same name, of Poulton Abbey (Lanc.), was among those captured by Henry II at Dol (136). Richard de Lovetot, William de Rhuddlan ('Ruthelan,' 'Rwelent'), and Richard de Cumbray all witnessed charters of Earl Hugh and were captured in or around Dol (137) In England, Hamo de Masci

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(133) Gesta Henrici, i, pp.43-5.
(134) G. Ormerod, The History of the County Palatine and City of Chester, 2nd edn. rev. and enlarged by T. Helsby (London, 1882), ii, pp.592-3; Gesta Henrici, i, pp.56-8.
(135) PR 19 Henry II, pp.20, 88-9, 155; PR 20 Henry II, pp.24, 74; PR 21 Henry II, pp.218-19.
(136) Gesta Henrici, i, p.58; Facsimiles of Early Cheshire Charters, ed. G. Barraclough (Oxford, 1957), pp.1-5.
(137) G. Barraclough, 'Some Charters of the Earls of Chester,' Medieval Miscellany, pp.36-9; Gesta Henrici, i. pp.56-8.

and Geoffrey de Costentin (Constantine) were named as rebels, Hamer holding Dunham Massey and Ullerwood castles, Geoffrey holding Stockport castle (138) Hamo de Masci was the lord of the important Cheshire barony of Dunham-Massey. His land in Wiltshire was in the king's hands on the pipe rolls for the years 1173-4 and 1174-5 (139). In 1174-5, Hamo owed 300 marks and 20 birds of prey 'pro habenda benivolencia Regis.' (140) The Constantine family were lords of Tushingham (Cheshire) (141). In contrast to these examples of loyalty to the immediate lord, one of the earl's principle vassals, John, constable of the earl of Chester, sided with the king against the rebellion (142).

If the earl of Chester's complete lordship over Cheshire might have been expected to produce a high degree of loyalty by the vassals to the earl, he was certainly not the only rebel earl to attract support from his vassals. Land of Sewaldus fitz Fulcher, the tenant of the earl of Derby for nine knight's service - the largest single mesne tenancy of the earl's honour - was in the king's hand on the pipe roll for 1173-4 (143). David, brother of King William of Scotland, was attended by a

(138) Ibid., p.48.
(139) PR 20 Henry II, p.34; PR 21 Henry II, p.106.
(140) Ibid., p.68.
(141) Ormerod, Cheshire, ii, p.654.
(142) Gesta Henrici, i, p.51 n 4.
(143) PR 20 Henry II, p.143; RBE, i, p.336.

number of tenants of the honour of Huntingdon and others connected with the honour when he came to the Midlands (144). Even though the earl of Leicester was absent from his honour during the revolt, his cause was well supported in the Midlands. The leaders of his honorial support were his two constables, Anketillus Mallore and William de Diva (145). Some of the lands of Anketillus Mallore in Leicestershire or Warwickshire were in the king's hands on the pipe roll for 1173-4. In the following year, he accounted for £200 'pro dissaisina contra assisa.' (146) The size of the charge probably indicates an element of punishment for his rebellion. In 1174-5, land of William de Diva at Balderton (Notts.) owed two marks 'pro defalta.' (147) In 1176-7, Ernald de Bosco, the earl's steward, accounted for 100 marks 'pro habenda benivolentia regis.' This may also have been connected with the revolt. In 1173-4, land of Ernald de Bosco in Gloucestershire was in the king's hands (148). There are also signs of a more general support for the earl among his

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(144) K.J. Stringer, 'The Career and Estates of David, earl of Huntingdon (d. 1219)' (Univ. of Cambridge, Ph.D. thesis, 1971), i, pp.20-25.

(145) Gesta Henrici, i, p.73. In a charter issued in Henry II's reign Anketillus witnessed as 'Ancatillo Mallorei senescallo comitis:' Stenton, Danelaw Documents, no.332. The use of constable in the chronicle may indicate Anketil's function as custodian of castles, rather than the exact household office.

(146) PR 20 Henry II, p.143; PR 21 Henry II, p.92.

(147) Ibid., p.33. It is interesting that a William de Diva witnesses three charters of the Young King: Delisle, Receuil, Introduction, pp.259-61.

(148) PR 23 Henry II, p.29; PR 20 Henry II, p.24.

vassals in Leicestershire and Warwickshire. From Michaelmas 1174 the knights of the earl of Leicester in those two counties were liable to an annual aid, payed to the sheriff, of £58 (149). A more detailed study of the behaviour of the earls' vassals during the revolt cannot be attempted here, but a close study of the pipe rolls and of local feudal geography might yield more examples.

As well as feudal resources, the rebel earls used mercenaries. The war of 1173-4 was not one between feudal rebels and a king with payed professionals. Both sides used both kinds of troops. Hugh earl of Norfolk had Flemish soldiers in 1173 and, after reinforcement from abroad, in 1174, when he sacked Norwich (150). There were apparently Flemings in the garrison of Leicester (151). There may also have been mercenaries in the rebel garrison of Huntingdon (152). William king of Scotland used Flemings in his attack of Northumbria. (153) The earl of Leicester raised a loan before going abroad to join the rebellion. When he returned, it was with an army of Flemings (154).

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(149) This was revealed by an inquest in the fourth year of King John and resulted in an account on the pipe roll for 1208-9. The aid had been paid to the sheriffs of Leicestershire and Warwickshire during the period of the aid and had not been handed over to the king. The money was demanded from the sheriffs or their heirs. As the money for the first nine and a half years was due from Nicholas, the heir of Bertram de Verdun, it is possible that Henry II had been quite prepared to see Bertram de Verdun receive the money in return for his staunch service against the earl of Leicester. King John, evidently, did not see it that way: PR II John, pp.xxv, 16-17.

(150) Diceto, i, pp.378, 381; PR 20 Henry II, pp.38, 63.

(151) PR 22 Henry II, p.184.

(152) 'Milites et servientes' are mentioned as having been in the garrison of Huntingdon when Henry II took the castle: Gesta Henrici, i, pp.72-3. The word 'serviens' is frequently used in the sense of a paid soldier.

(153) Jordan Fantosme, pp.86-91, 94-5.

(154) Diceto, i. p.371; Gesta Henrici, i, p.60.

How far the loan covered the cost of the army is unknown, but there is little doubt that by using mercenaries the rebels were staking their financial, as well as their political, futures on the rebellion.

The other side of the question of the revolt's chances of success is the king's ability to defeat the revolt. Despite the increased demands a revolt and a war placed on royal resources, the revolt itself reduced those very resources. Rebellion made the collection of revenues difficult. In the exchequer year 1171-2 the amount paid in to the treasury or accounted for in expenditure on the pipe roll was £21,295 19s 3d, including 'combustiones.' In 1172-3, which included around six months of revolt, this sum was down to £15,924 6s 3d, and in 1173-4, which included around nine months of revolt in England, it was £12,613 4s 7½d (155). If only the surplus paid into the treasury is counted, the sums become £14,759 15s 0d (1171-2), £10,510 7s 11d (1172-3) and £7,902 1s 0d (1173-4) (156). The decrease between the years 1171-2 and 1172-3 was not due entirely, or even largely to the revolt. The appointment of new bishops to the vacant bishoprics had a dramatic impact.

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(155) J.H. Ramsay, A History of the Revenues of the Kings of England 1066-1399 (Oxford, 1925), i, p.191.
(156) These are my own figures from the relevant pipe rolls.

Table C

Revenue from bishoprics and abbeys on the pipe rolls 1171-2, 1172-3 and 1173-4 (157)

Year	Paid in or accounted for	Surplus to the Treasury
1171-2	£6,200 14s 11d	£4,168 3s 11d
1172-3	547 14s 0d	366 8s 6d
1173-4	497 9s 4d	325 6s 10d

The sudden decrease in Henry II's revenues from this source, while not directly connected with the revolt, was a result of the reconciliation between Henry II and the Church in 1172 after the murder of Becket and the long dispute that preceded it. The Church of England and the Pope gave no help or encouragement to the rebels in 1173-4. It is not clear whether any intimations of trouble to come made Henry II more anxious to appease the complaints over vacant Church offices. However, if Henry II's income was more affected in 1172-3, by the loss of these vacancies than by the rebellion, it was the rebellion that caused the further fall in his pipe roll income in 1173-4.

During the rebellion, therefore, an already depleted royal revenue was significantly reduced at a time of increased demands. England regularly helped finance the king's government on the Continent. Demands there would also be increased, again on reduced resources. As long as the revolt did not last too long and as long as the rebels did not appear likely to defeat the

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(157) Ramsay, Revenues, i, pp.110, 115, 118 and my own figures from the relevant pipe rolls.

king, Henry II's credit would have remained good enough to supply his needs, but it is questionable how long he could sustain the same level of military effort. In King Stephen's reign, the king had had considerable early success against his rebels in 1138 and 1139, but thereafter his military effort became more intermittent and ineffective. The same could well have happened to Henry II had he not been able to defeat the rebellion relatively quickly. The Norman-Angevin system of government depended on its rich receipts. Without this strong flow of funds, the strength of its kings would be dissipated.

Even while Henry II's finances and forces were in a healthy condition, his resources were not unlimited. It is notable that Richard de Lucy, in command in England, could not launch full-scale campaigns against Leicester castle, the Scots and the earl of Leicester's invasion all at the same time. He had to abandon the siege of Leicester in order to drive back the Scots and then abandoned this campaign in turn to be able to face the earl of Leicester in East Anglia (158). In Normandy, where Henry II was in personal command in 1173, he did not go with or send large forces to deal with the threats to Pacy or Gournay, or to repel the counts of Flanders and Boulogne: "Henry remained content to trust to his defences until the right moment arrived to intervene with his field army." (159) However conscious Henry II was of

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(158) Gesta Henrici, i, pp.58, 61.
(159) Warren, Henry II, p.127.

using a strategy of interior lines, it was a strategy forced on him by the need to defend a long frontier with forces inadequate to meet all threats simultaneously. When it came to besieging rebel strongholds, Henry carried out some extremely swift captures, as at Dol (160). Leicester, however, was besieged for 25 days by Henry's main army in England, and though the town was taken and burned, forcing the citizens supporting the earl to treat for peace, the castle held out and continued in rebel hands until the end of the rebellion in England (161).

It is now time to turn to the actions of the individual earls in the revolt and the events of the revolt that affected them. The only actions of the earl of Chester which are recorded by the chroniclers were in the Normandy-Brittany border area, in collaboration with Ralph de Fougeres and other rebels of the district. The struggle there appears to have begun around the beginning of August when the king of France was beseiging Verneuil (162). Henry II sent some mercenaries to ravage the lands of Ralph de Fougeres, but part of this force

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(160) Gesta Henrici, i, p.57.
(161) Diceto, i, p.376.
(162) The king of France retreated from Verneuil in the face of an advance by Henry II on 9 August: Gesta Henrici, i, p.55. The first defeat of the Brittany rebels occurred on 20 August: Ibid., p.56. The events there before this defeat, best described by Robert of Torigny, must take the outbreak of the revolt in the Normandy/Brittany border area back towards the beginning of August or beyond: Chronicles, iv, pp.259-60.

was destroyed, while transporting supplies, by the rebel forces. This action took place somewhere between St. James de Beuvron (Manche, arr. Avranches) and Fougeres (Ille et Vilaine). The rebels then took and burnt St. James de Beuvron and Le Teilleul (Manche, arr. Mortain) castles and gained possession of the castles of Dol and Combourg (Ille et Vilaine), by bribing the custodians (163). The rebels were therefore having considerable early success and Henry II responded by sending more mercenaries, who defeated the rebels and forced them to take refuge in the castle of Dol, having captured some rebels outside the castle. This defeat took place on 20 August. Henry II, hearing of his troops' victory on 21 August, arrived on 23 August. The siege had already been begun by the mercenaries and the people of Avranches, who were obviously not supporting their vicomte, the earl of Chester. The siege was over by 26 August, as was the rebellion as far as the earl of Chester was concerned. He was captured with his allies at Dol (164). He was taken to Falaise as a prisoner. In July 1174 he was taken with the king to England and then back to Falaise when the king returned to Normandy in August 1174 (165).

As has been shown in connection with the earl of Chester's vassals, the castles of Dunham Massey, Ullerwood and Stockport, as well as the castle of Chester itself, were held against the

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(163) Ibid.
(164) Gesta Henrici, i, pp.56-8; Chronicles, iv, p.260.
(165) Gesta Henrici, i, pp.62, 72, 74.

king in England, and there may have been some fighting in Lancashire (166). There is also some evidence of royal action against the earl's English land, though very little. In 1172-3, £4 5s 0d was paid 'de assisa feodis Comitis Cestriae' under an account of the earl of Leicester's land. In 1174-5, the men of the earl of Chester at Coventry and the prior of Coventry had to pay a total of 20 marks for concealing the lands of the enemies of the king, though this offence probably relates to the aftermath of the rebellion rather than to the war itself (167). There was also the confiscation of Hamo de Masci's land in Wiltshire in 1173-4 (168). Considering the great size of the earl of Chester's fief in England, it played a minimal role in the revolt.

The earl of Derby's involvement was totally within England. There seems to be some disagreement over the date of his rebellion. While most of the chroniclers include him in their original lists of rebels, William of Newburgh places his rebellion alongside that of Roger de Mowbray, in 1174 after the arrival of David, brother of the king of Scotland, at Leicester, probably after March 1174 (169). If this was so, the story told by Jordan Fantosme of a letter sent by the earl of Derby to the earl of Leicester in East Anglia must be either

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(166) Ibid., i, p.48; PR 21 Henry II, pp.8-9.
(167) PR 19 Henry II, p.196; PR 21 Henry II, p.93.
(168) PR 20 Henry II, p.34.
(169) Chronicles, i, p.180.

a fabrication or it was a letter sent before the earl of Derby was in open rebellion. The letter urged the earl of Leicester to march to Leicester, emphasising the support he would receive and minimising the resistance he would meet. It also indicated the Tower of London as a subsequent objective which would be easily reached (170). In support of William of Newburgh's version of the date of the earl of Derby's revolt, or perhaps in explanation of it, there is no record of the earl taking any active part in the revolt until his attack on Nottingham around May 1174. This attack was carried out with knights from Leicester. Roger de Hoveden writes only of the town being taken: 'Robertus (sic) comes de Ferrers, una cum militibus Leicestriae, venit diluculo ad Nottingham, villam regis, quam Reginaldus de Luci custodivit; et eam cepit, et combussit, et praedavit, et burgenses captivos secum duxit.' (171) The castle was garrisoned with royal troops and there is no sign on the pipe rolls that the castle, itself, was taken (172). Counter-action against the earl of Derby came from the king's Welsh ally, Lord Rhys, who besieged the castle of the earl's caput at Tutbury, probably around July 1174, when the king was besieging

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(170) Jordan Fantosme, pp.70-1.
(171) Hoveden, ii, p.58.
(172) PR 20 Henry II, pp.14, 56, 59, 61.

and taking Huntingdon (173). Tutbury was surrendered at approximately the same time as the other remaining rebel strongholds in England, though whether as a result of the siege or as part of the general collapse of the revolt in England is not known (174).

In the pipe roll for the year 1173-4, there are entries indicating that land of the earl of Derby was controlled by the king in Essex, Berkshire and Warwickshire/Leicestershire(175). One reason why the king garrisoned so many castles throughout the country was that the demesnes of the rebels were widespread, even if the centres of their power were not. Distraint was not just a feudal technicality, it was a practical means of waging war. The war effort of the rebels was just as dependent on their ability to collect revenues or use them as collateral as was the king's.

I will not examine the actions of the king of Scotland in the revolt. Though he was perhaps still technically earl of Huntingdon, his responsibilities in that area were handed over to his brother David. David was sent by the king of Scotland to Leicester presumably to take over the leadership of the rebellion in the Midlands, the earl of Leicester having been captured in October 1173. David left the North after 31 March

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(173) Diceto, i, p.384. Evidence of Lord Rhys's movements can be found in the pipe roll for 1173-4 concerning Gloucestershire, Oxfordshire and Herefordshire: PR 20 Henry II, pp.21, 77, 121. Since 1171, Henry II had made Rhys ap Gruffydd his closest ally in South Wales: J.E. Lloyd, A History of Wales (London, 1911), ii, pp.540-4. After the rebel collapse in England, Rhys sent 1000 Welsh troops to help Henry II in Normandy: Gesta Henrici, i, p.74.

(174) The surrender of Tutbury is grouped with that of the Leicester and Mowbray castles: Gesta Henrici, i, p.73.

(175) PR 20 Henry II, pp.74, 115, 143.

1174 and began his individual contribution to the war (176). He brought troops with him and garrisoned Huntingdon, which evidently had not been occupied with royal troops and was probably already held for David. He was then welcomed in Leicester (177). Jordan Fantosme and William of Newburgh, both primarily interested in the events in the North, make David the leader of the rebel effort in the Midlands, though it is only Jordan Fantosme who attributes the attacks on Nottingham and Northampton directly to David (178). The castle of Huntingdon does not seem to have seen any action until around 24 June 1174, when Richard de Lucy besieged it. The knights in the castle burnt the town and Richard de Lucy then constructed fortifications outside the gates of the castle so that the garrison could not escape. He then handed these fortifications over to 'Comes' Simon de Senlis, who claimed the honour of Huntingdon and had been promised it by Henry II, if Simon could take it (179). The castle resisted until Henry II arrived himself and it fell on 21 July 1174 (180). At the end

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(176) Gesta Henrici, i, p.64.
(177) Jordan Fantosme, pp.82-3; Chronicles, i, p.180.
(178) Jordan Fantosme, pp.82-5; Chronicles, i, p.180. In the other accounts of the attacks on Nottingham and Northampton, Earl David is not mentioned: Hoveden, ii, pp.57-8; Gesta Henrici, i, p.68.
(179) Gesta Henrici, i, pp.70-1.
(180) Ibid., p.72.

of the rebellion in England, David either retreated to Scotland or surrendered to Henry II (181).

The rebellion of the earl of Leicester began when he borrowed money and came openly to London, requesting and receiving permission to cross the Channel, and swearing his loyalty to the king (182). His oath was apparently trusted, for otherwise it is unlikely that he would have been permitted to leave. He left England probably sometime in the Spring of 1173. William of Newburgh states that the earl of Leicester was the first to rebel in England and that many were corrupted by his example (183). This might help explain the ease with which he left the country.

The earl's castles in England were left in the hands of his constables, Anketillus Mallore and William de Diva (184). Even without their lord, they were to prove tough opposition to the royal forces. On 3 July 1173 the earl of Cornwall and Richard de Lucy invested the town and castle of Leicester (185). Some idea of the scale of this campaign can be gained from the pipe roll for the year 1172-3. There are payments recordedin Northamptonshire for siege equipment. In Staffordshire, the employment of one master and 24 carpenters is noted. Under

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(181) Chronicles, i, p.195; Jordan Fantosme, pp.150-1.
(182) Diceto, i, p.371.
(183) Chronicles, i, p.177.
(184) Gesta Henrici, i, pp.68, 73.
(185) Diceto, i, p.376.

Shropshire there are payments to 330 serjeants and possibly other troops. Under the borough of Gloucester archers are noted as being sent to Leicester with siege equipment. Materials for the siege were also sent from Worcestershire. Under Nottinghamshire and Derbyshire 41 carpenters and one master are employed for the siege. A further 115 carpenters and more materials for the siege are accounted for under Warwickshire and Leicestershire. Various other bodies of troops mentioned in the roll were probably part of the army attacking Leicester, though it is not always made clear (186). All this show Angevin organisation at its most impressive, concentrating men and materials from many counties on a particular place, but it was all to no avail. The town was taken and burnt, the citizens forced to treat for peace, but the castle stubbornly held out. The siege was abandoned by the royal forces on 28 July 1173 (187). The abandonment of the siege was probably caused by the threat of the first Scottish invasion of the revolt and took the form of a truce until Michaelmas (188).

While his men had borne the brunt of the royal offensive in England, the earl of Leicester seems to have gone first to Breteuil (Eure, arr. Évreux), one of his chief Norman castles. No action was taken against him at first, nor is he known to

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(186) PR 19 Henry II, pp.33, 58, 107-8, 156, 163, 173, 178.
(187) The citizens had to pay 300 marks to leave the city: Diceto, i, p.376.
(188) Ibid. Chronicles, i, p.177.

have attempted any aggression himself, though the attack on Leicester in England makes it clear that his rebellion had been revealed before the beginning of July 1173. Around the beginning of July King Louis of France invested Verneuil, on the borders of Normandy just south of Breteuil (189). When Henry II marched to meet this threat, the earl of Leicester fled from Breteuil to King Louis, without leaving any garrison at Breteuil, which was in Henry II's hands by 8 August and was burnt by the king (190). According to Roger de Hoveden, the earl was present at the conference between Henry II and the king of France on 25 September 1173 between Gisors and Trie, when the earl said 'multa convitia et opprobria' to Henry II. This appears to be inaccurate because Ralph de Diceto states that the earl landed in East Anglia on 29 September and the time between the two events seems hardly adequate for the earl of Leicester to organise an invasion (191).

Before dealing with the earl's invasion of England, the pipe roll for the year to Michaelmas 1173 presents an opportunity to examine the situation with regard to his lands in England at the time of his landing in England. Much of his land, particularly the more scattered estates, appears to be in the king's hands. In Hertfordshire, Berkshire, Bedfordshire, Wiltshire,

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(189) Gesta Henrici, i, pp.49-50.
(190) Ibid., p.51; Hoveden, ii, p.50.
(191) Hoveden, ii, p.54 & nI; Diceto, i, p.377. Diceto's dates are so numerous and apparently so plausible, it is difficult to dispute their accuracy. The 'Gesta Henrici Secundi' states that 'Statim vero post illum colloquium (i.e. the conference on 25 September) Robertus comes Leicestriae, missus a rege Franciae, et a juvene rege, cum exercitu transfretare in Angliam festinavit:' Gesta Henrici, i, p.60. It is not unlikely that Roger de Hoveden, putting the conference and the earl together, added a little extra evidence of the earl's wickedness by having him insult the king.

Northamptonshire and elsewhere, there manors of the earl accounted for on the roll. His castle at Brackley in Northamptonshire was apparently occupied unopposed by royal forces and then destroyed (192).

The earl landed near Walton (in Felixstowe, Suffolk) with an army of Flemings and Normans, both mounted and on foot (193). There are several versions of the events that ensued, which need careful sorting. The 'Gesta Henrici Secundi' states that the earl went to Framlingham and stayed there for a few days. Then he marched to Haughley castle, held for the king by Ranulf de Broc, and took it within four days. Hearing of the royal army gathering at Bury St. Edmunds, he delayed with Earl Hugh of Norfolk. Apparently, however, these hesitations were put aside and the earl advanced again towards Bury St. Edmunds with the intention of reaching Leicester, but the king's forces intercepted him and the battle of Fornham took place around 16 October (194). Roger de Hoveden's account is largely the same except that he implies that the delay spent with Earl Hugh was back at Framlingham (195). Ralph de Diceto's narration adds a four day attempt by both earls to take Walton immediately after the earl of Leicester's landing. This attempt failed. The chronicler then proceeds immediately to the successful siege of Haughley, which capture he dates as 13 October. He states that about 30

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(192) PR 19 Henry II, pp.20, 37, 66-7, 70, 76, 102-4, 196.
(193) Diceto, i, p.377.
(194) Gesta Henrici, i, pp.60-1.
(195) Hoveden, ii, p.54.

knights were captured and forced to ransom themselves. It is then implied that Earl Hugh could no longer sustain the earl of Leicester's army and that the latter was forced to try and reach Leicester and his other Midlands strongholds. The march towards Bury St. Edmunds and the battle of Fornham then followed, the battle being dated 17 October (196).

These three accounts are all compatible with an account as follows. The earl of Leicester landed near Walton or or around 29 September. Joined by Hugh earl of Norfolk, he besieged Walton castle unsuccessfully for four days and thence retired on Framlingham. This was followed by a march on Haughley which was successfully captured by 13 October. Hearing of royal forces the earls retired again on Framlingham, but shortage of supplies forced the earl of Leicester to try and break through the royal army and reach his base in the Midlands. The result was the battle of Fornham on 17 October.

Two other chroniclers provide a different account, which does not fit well with the above picture. William of Newburgh records the earl of Norfolk leading the earl of Leicester's army against Norwich, sacking it and then moving on to attack, unsuccessfully, Dunwich (197). Apart from the order of the attacks, this agrees with the account in Jordan Fantosme's chronicle. The Durham manuscript of Jordan's chronicle states that the earl landed at 'northwales,' which may be a corruption

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(196) Diceto, i, pp.377-8.
(197) Chronicles, i, pp.178-9.

of Walton. The Lincoln manuscript indicates 'Arwelle,' that is somewhere on the Orwell estuary (198). Richard Howlett saw this as an indication that these events had been displaced from 1174, when Talph de Diceto reports the landing of Flemings at 'Airewell.' (199) The name, however, is no proof, as a landing in the Orwell estuary is quite compatible with a landing near Walton and could therefore apply to the landings of either year. More convincing as a reason for rejecting the placing of the attacks on Dunwich and Norwich in 1173 is the tight schedule of the earl of Leicester's movements between 29 September and 17 October. The 'Gesta Henrici Secundi,' Roger de Hoveden and Ralph de Diceto all agree in placing the attack on Norwich in 1174 (200).

The battle of Fornham was such a complete victory for the royal army that it seems likely that the earl's army was caught unprepared, hoping to avoid a battle. The army was caught crossing a marsh (201). The earl of Leicester and his wife were taken prisoner and their personal contribution to the war was over (202). It also appeared to be the end of the English rebels' hopes of launching anything but local attacks. The earl and his wife were transferred to Falaise in Normandy and thereafter followed the same path as the earl of Chester (203).

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(198) Jordan Fantosme, pp.60-1 & n814.
(199) Chronicles, i, p.178 n3; Diceto, i, p.381.
(200) Gesta Henrici, i, p.68; Hoveden, ii, p.58; Diceto, i, p.381.
(201) Gesta Henrici, i, p.61; Beeler, Warfare in England, p.177.
(202) Gesta Henrici, i. p.62.
(203) Ibid., pp.62, 72, 74.

The earl of Leicester's castles in the Midlands - Leicester, Mountsorrel and Groby - were still intact and were strengthened in the Spring of 1174 by the arrival of David, brother of the king of Scotland (204). In May 1174, Anketillus Mallore, perhaps with Earl David, felt strong enough to lead a force against Northampton where he defeated the defenders of the town and plundered it, though the castle apparently remained in the hands of Reginald de Lucy, the royal custodian (205). The pipe roll for 1174-5 reveals some inhabitants of the borough that had communicated with the rebels (206). Knights of Leicester were led by the earl of Derby in the attack on Nottingham around the same time (207). There was also an unsuccessful attack by knights from Leicester on Castle Donington, the castle of John constable of the earl of Chester, who had remained loyal to the king (208). These were the last sparks of rebel initiative in the Midlands. Robert de Mowbray, probably a son of the rebel Roger de Mowbray and constable of the Isle of Axholme, was captured by peasants on his way to seek help from Leicester (209). The capture of the king of Scotland at Alnwick on 13 July 1174 ended any hopes of effective

(204) Ibid., p.64.
(205) Ibid., p.68; Jordan Fantosme, pp.84-5; Chronicles, i, p.180.
(206) PR 21 Henry II, pp.46-7.
(207) Hoveden, ii, p.58.
(208) Reginald Monachi Dunelmensis Libellus, ed. J. Raine, Surtees Soc., i (London, 1835), p.273.
(209) Gesta Henrici, i, p.68.

help from the North and the fall of Huntingdon on 21 July must have been the final blow. The castles of the earls of Leicester and Derby, together with the remaining castle of Roger de Mowbray, Thirsk, were surrendered to the king on 31 July 1174. The earl of Leicester's castles were handed over by his constables, Anketillus Mallore and William de Diva (210).

In the pipe roll for the year 1173-4 there are accounts for the earl of Leicester's lands in Somerset, Wiltshire, Hertfordshire, the city of Winchester, Northamptonshire and Warwickshire/Leicestershire. From the failure of the siege of Leicester in July 1173 and before the siege of Huntingdon in June 1174, royal policy in the Midlands seems to have been to try and contain the forces of the earls. There are references to considerable numbers of knights and serjeants in royal garrisons at Nottingham, Peak Castle, Bolsover, Northampton, Yelden, Newcastle under Lyme, Warwick and Kenilworth. Relating to the period between the surrender of the rebel castles on 31 July 1174 and Michaelmas 1174, there are references to royal garrisons in Leicester and Mountsorrel (211).

Now we must return to East Anglia to look at Hugh earl of Norfolk's revolt in its entirety, though part of it has already been touched on in connection with the earl of Leicester's

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(210) The news reached Henry II at London on 18 July. Hugh earl of Norfolk surrendered to Henry II on 25 July: Gesta Henrici, i, pp.72-3.

(211) PR 20 Henry II, pp.14, 51-2, 54-6, 59, 61, 94, 139-40, 142, 144.

invasion. The chroniclers do not record any activity by Earl Hugh before that invasion, so it is to the pipe roll for 1172-3 that we must look. Any indications there of action must refer to the period before the earl of Leicester's landing. The royal troop dispositions leave little doubt that Earl Hugh was in rebellion some time before this landing. The garrison of Walton castle had been reinforced. Garrisons are also shown at Colchester, Orford and Norwich. Thetford castle, which may once have been a Bigod castle, was occupied and then destroyed by royal officers in June 1173 (212). Earl Hugh was only given half a year's worth of his third penny of Norfolk. His land at Finchingfield in Essex was in royal hands. His 'terrae datae' in Norfolk and Suffolk, however, seem to have remained in his control as a full year's deduction was allowed to the sheriff (213). There is one indication of military activity undertaken by Earl Hugh or his followers: 'Et pro carbone 25s per idem breve de quibus 5s *missae sunt in castello de Oreford* et 20s amissae per rapinam Flandr.' (214)

The actions of earl Hugh, as recorded by the chroniclers, between the earl of Leicester's landing (29 September 1173) and the latter's defeat at Fornham (17 October 1173) have been noted above in connection with the earl of Leicester. After the battle of Fornham, the victorious royal army at Bury St. Edmunds,

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(212) PR 19 Henry II, pp.20, 30-1, 117-20, 129-30, 132.
(213) Ibid., pp.20, 115-16.
(214) Ibid., pp.116-117.

together with forces gathered at Colchester and Ipswich, prepared to crush Earl Hugh, who was having difficulty providing supplies for the Flemings in his pay. In spite of this and the formidable forces arrayed against him, part of which had already humbled his fellow rebel earl, Earl Hugh was able to negotiate a truce until the following Spring, granted him on condition that his Flemish mercenaries were dismissed and escorted out of the country via Essex, Kent and Dover (215). This can only have been at least partly welcome to Earl Hugh, freeing him as it did from the need to supply the mercenaries over the winter. This apparently favourable truce for Earl Hugh is only comprehensible if it is assumed that the royal commanders were having difficulties with the lateness of the season, with feeding and paying their troops or otherwise with holding their forces together. Even an apparently decisive victory such as the battle of Fornham could lead to a superiority only fragile and temporary.

The war in East Anglia began again in earnest on 15 May 1174 when a force of Flemings landed on the Orwell estuary ('Airewellam'). They were apparently an advance party of a planned, but never executed, invasion by the count of Flanders. Even this vanguard was enough to allow Earl Hugh, with the help of the Flemings, to take and sack the city of Norwich by 18 June 1174 (216). Before or after this, Earl Hugh also attempted to

(215) Diceto, i, p.378.
(216) Ibid., p.381.

take Dunwich, but was repulsed (217). In July 1174, Henry II, now in England, gathered a large force at Bury St. Edmunds intending to besiege Earl Hugh's castles, Framlingham and Bungay, simultaneously (218). He advanced to Seleham near Framlingham expecting to have to carry out the sieges, for he arranged for 500 carpenters to come to Seleham (219). Earl Hugh, inferior in numbers of troops and despairing of success, surrendered to the king at Seleham on 25 July 1174, giving up his castles to the king. The Flemings were again repatriated (220).

The extent of the war in East Anglia is revealed by the pipe roll of 1173-4. The royal garrisons of Colchester, Norwich, Orford and Walton are again mentioned (221). The castle of Eye was provisioned and it seems to have been felt necessary to garrison even Cambridge 'quando Flandrenses novissime applicuerunt.' (222) The dangers of a link between the rebels of East Anglia and those of the Midlands did not disappear with the battle of Fornham. Various manors in the king's hands were excused debts due to the war:- East Bergholt, between Ipswich and Colchester; Buxhall, south-west of Haughley,

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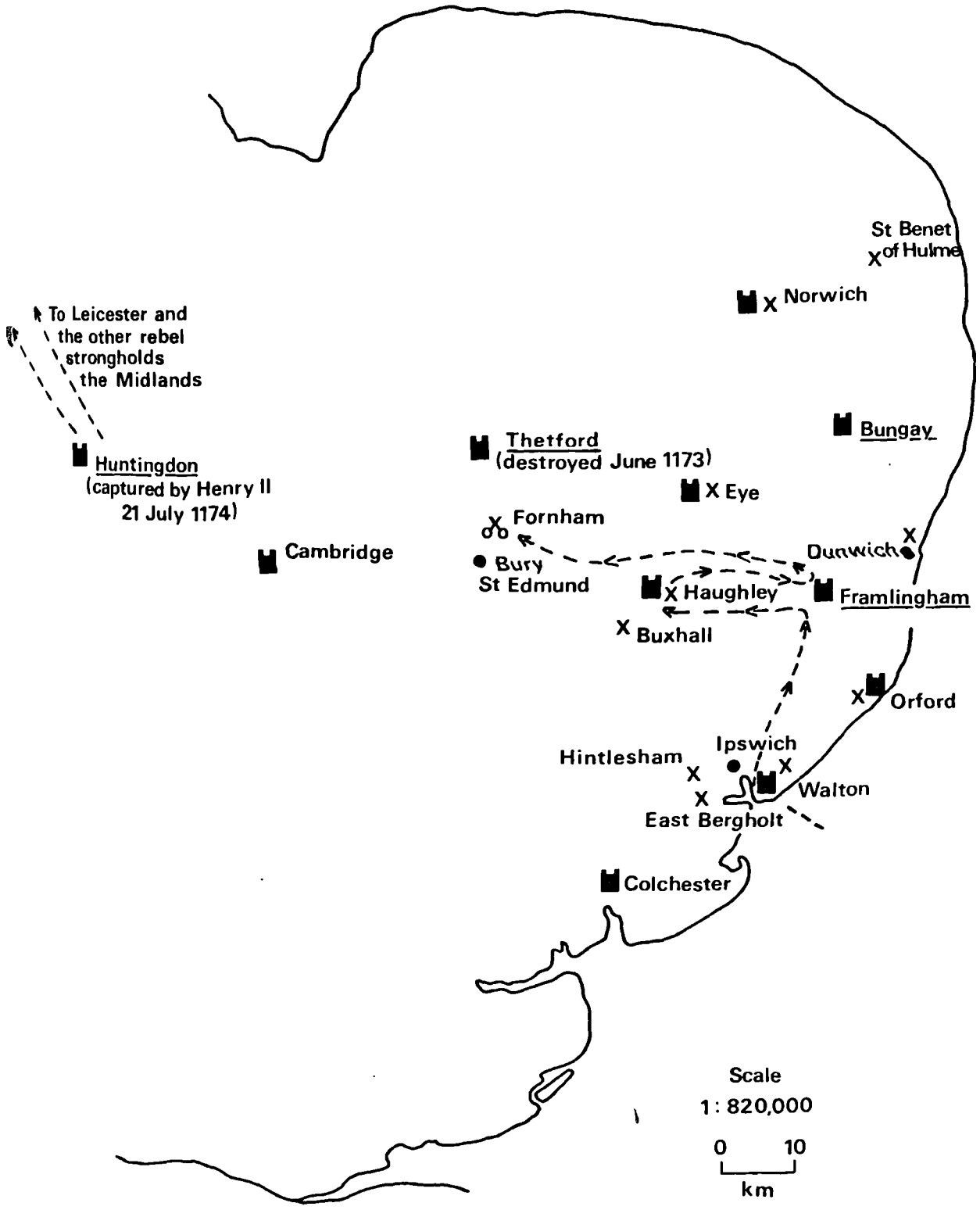
(217) Chronicles, i, p.178; Jordan Fantosme, pp.62-7;
(218) Diceto, i, p.384.
(219) Gesta Henrici, i, p.73; PR 20 Henry II, p.38.
(220) Diceto, i, pp.384-5; Gesta Henrici, i, p.73.
(221) PR 20 Henry II, pp.37-8, 67, 74-5.
(222) Ibid., pp.37, 63.

Map 2

The War in East Anglia in 1173-4



Rebel castles at the beginning of the revolt	■	Bungay
Royal castles at the beginning of the revolt	■	Colchester
Places attacked, damaged or captured by the rebels	X	Hintlesham
Other places held for the king	●	Ipswich
The earl of Leicester's campaign Sept.-Oct. 1173	- - - → - - - →	
The battle of Fornham	⚔	Fornham

and Hintlesham near Ipswich (223). In the next pipe roll, 1174-5, losses due to the war are mentioned at Norwich, Orford and in the honour of Eye, where there is a report of corn burnt and carried away by Earl Hugh (224). In the roll of 1175-6, the lands of the abbey of St. Benet of Hulme appear as having suffered during the war (225).

There is understandably much less in the chronicles about the earls who did not revolt. The only actions of the suspect earls of Gloucester and Hertford have been noted above. This is also true of the earl of Pembroke. It is interesting that during the revolt there had been an attack on his lands in Gwent that had even reached the walls of Chepstow castle by Iorwerth ab Owain and his son Hywel. In the pipe roll of 1173-4, the earl's men recaptured the castle of Usk from the Welsh and Henry II at least contributed to supplying the earl's garrison through the sheriff's farm for Gloucestershire (226).

William earl of Arundel was with the king in Normandy during the Verneuil campaign of August 1173. The 'Gesta Henrici Secundi' places a speech of exhortation to the army in the earl's mouth (227). By October 1173, Earl William was in East Anglia in the army directed against the earl of Leicester, and he took part in the battle of Fornham (228). The earl of

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(223) Ibid., pp.38-9.
(224) PR 21 Henry II, pp.110, 117, 126.
(225) PR 22 Henry II, p.70. For the war in East Anglia, see Map 2.
(226) Lloyd, A History of Wales, ii, pp.545-6; PR 20 Henry II, p.22.
(227) Gesta Henrici, i, pp.52-3.
(228) Ibid., p.61.

Cornwall's first appearance was with Richard de Lucy at the siege of Leicester in July 1173. Whether he went to Scotland with Richard de Lucy is not known, but he appeared again in the Fornham campaign (229). From easter 1173 he was sheriff of Devon until his death in 1175, though from Michaelmas 1174 through deputies (230). The actions of 'Comes' Simon de Senlis, future earl of Huntingdon, at Huntingdon have been noted above. Nothing else is known. Nor is anything known of the actions of Hamelin earl of Surrey and William earl of Salisbury. The same is true of the minor, Baldwin earl of Devon, and of the earls who took no part - the earls of Oxford and Warwick.

William earl of Essex was, like the earls of Arundel and Pembroke, with the king on the Verneuil campaign in August 1173 (231). After the abortive conference between Henry II and the king of France between Gisors and Trie around 25 September 1173 there was a skirmish between knights from both sides in which the earl of Essex captured Ingerammus de Tria (232). There are some entries on the 1173-4 pipe roll which help to follow Earl William's later movements. Three entries concern crossing the Channel: one a payment 'in passagio sociorum Comitis Willelmi et harnesii eius' under Bosham in Sussex; one a payment to 'Earl William' for the preparation of his crossing with the 'familia regis,' and one a payment for the crossing of

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(229) Ibid., pp.58, 61.
(230) List of Sheriffs, p.34.
(231) Gesta Henrici, i, p.51; Diceto, i, p.375.
(232) Gesta Henrici, i, p.60.

'Earl William de Mandeville' and the 'familia regis' on the feast of St. Lawrence 'quando missus fuit ad Roth' (Rouen), the last two under Winchester and Southampton respectively (233). Another entry on the same roll shows a payment of £20 to Philip de Hasting' for keeping knights in Norwich castle 'quando Flandrenses fuerunt ad Bungheiam et ad Framingeham.' The knights had been there 'per praeceptum Comitis Willelmi.' (234) Though there were other 'Earl Williams' - the earls of Arundel and Salisbury - William earl of Essex is frequently referred to as 'Earl William' in later pipe rolls and the entries in 1173-4 probably do refer to him (235). Earl William was again with Henry II at Falaise at the beginning of December 1174, when the treaty was made with the king of Scotland (236). From this information, it can be suggested that the earl of Essex was with the king fairly continuously, crossing to England with him in July 1174, accompanying him to East Anglia to confront the earl of Norfolk and returning to Normandy with the king in August 1174.

Finally, the consequences of the failed revolt for the rebel earls should be examined. The earls of Chester and

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(233) PR 20 Henry II, pp.118, 133, 135.
(234) Ibid., p.38.
(235) e.g. PR 21 Henry II, p.2; PR 22 Henry II, pp.11, 211; PR 27 Henry II, p.138.
(236) Delisle, Receuil, ii, no.470.

Leicester had been prisoners of the king since August and October 1173 respectively. The date of their release is difficult to establish. It has been linked with the formal restoration of their lands in January 1177, but there was no necessary link between this and their personal freedom (237). For the earl of Leicester, at least, there is some indication that his personal freedom was not fully obtained until around Michaelmas 1177. In the pipe roll for 1176-7 the old debt for the 'Irish' scutage is still being demanded from Anketillus Mallory and Robert the chaplain, as officials of the earl. However, in the next pipe roll the debt is simply recorded as being owed by the earl of Leicester (238). The charter and chronicle evidence offers some support for this view. In January 1177 he was with the king at Northampton, where the formal restoration of his lands took place (239). In March 1177 the earl witnessed the king's settlement at Westminster of the dispute between the kings of Navarre and Castile. Finally, at the end of September 1177 he was with the king at Verneuil (240). Though only three occasions, this represents much more frequent attendance on the king than either before or after this period. It suggests that the earl was at least being kept close to the king during the period from the end of

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(237) Warren, Henry II, p.139. The chronicles that record this restoration do not mention the personal freedom of the earls: Gesta Henrici, i, pp.134-5; Hoveden, ii, p.118.
(238) PR 23 Henry II, p.27; PR 24 Henry II, p.78.
(239) Hoveden, ii, p.118. This was also the occasion for a claim by William de Cahagnes to hold his fief directly of the king, instead of from the earl of Leicester. The claim was denied after a display of public submission, no doubt pre-arranged, by the earl: Gesta Henrici, i, pp.133-4; Warren, Henry II, pp.366-7.
(240) Delisle, Receuil, ii, no.505; Gesta Henrici, i, p.195.

the revolt until around Michaelmas 1177. The same thing may have happened to the earl of Chester, though for a slightly shorter period. He was with the king at Falaise at the beginning of December 1174, at York in August 1175, at Northampton in January 1177 and at London in March 1177. Around 8 May 1177, the earl received a further formal restoration of lands while presumably with the king at Windsor and was then sent to help Prince John subdue Ireland (241). There is no indication that the earls of Derby and Norfolk suffered any imprisonment or detention at court. Whether Earl David had returned to Scotland or given himself up to Henry II after the collapse of the revolt in England, he certainly joined the captive King William in Normandy for the peace agreement between the two kings. He probably returned to Scotland with King William around February 1175 (242).

There is no record on the pipe rolls of any large scale confiscation of the earl of Chester's lands, though this does not necessarily mean that no confiscation took place. In the chronicles, the return of his lands was placed at the same time as that of the earl of Leicester - January 1177 (243). There are, however, serious objections to this date for the actual, as opposed to formal, restoration of the earl of Leicester's land. In the pipe roll of 1174-5 the accounts for the con-

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(241) Delisle, Receuil, ii, nos.470, 505; Gesta Henrici, i, pp.99, 135, 161.
(242) Stringer, 'David earl of Huntingdon,' pp.29-30.
(243) Gesta Henrici, i, p.35; Hoveden, ii, p.118.

fiscated land of the earl of Leicester all contain the clause 'antequam Comes Legrecestrie rehaberet terram suam.' (244) This suggests strongly that the earl's land was restored before Michaelmas 1175 and that the restorations of January 1177 were formal rather than actual, though it is possible that some land not recorded on the pipe rolls, for example in Normandy, was withheld until this date.

In the pipe roll of 1173-4 there are three small accounts of confiscated land of the earl of Derby. They do not appear in the succeeding rolls and were in any case far from a total confiscation (245). David, brother of the king of Scotland suffered by far the most serious and prolonged confiscation of lands. Neither David nor his brother regained the earldom and honour of Huntingdon until 1185, after the death without heirs of Earl Simon de Senlis who had won the honour and earldom through his support of Henry II during the rebellion (246). In the pipe roll of 1173-4 Hugh earl of Norfolk seems to have retained his land intact, including his 'terrae datae.' In 1174-5 the only confiscation that appears is in Yorkshire, probably the manor of Settrington (N. Yorks.) which Earl Hugh held as part of the honour of Aubrey de l'Isle (247). In 1175-6, not even this appears.

Only Hugh earl of Norfolk suffered a fine that appears on the pipe rolls directly as a result of his rebellion. After the

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(244) PR 21 Henry II, pp.47, 77, 98, 106, 137.
(245) PR 20 Henry II, pp.74, 115, 143.
(246) CP, vi, 644.
(247) PR 20 Henry II, p.36; PR 21 Henry II, p.173. The Third Penny of Norfolk was paid to Earl Hugh for the nine weeks remaining of the exchequer year after he had made his peace with the king: PR 20 Henry II, p.36.

rebellion, Earl Hugh still had 500 marks remaining unpaid of the fine originating in 1164-5. In 1175-6 this fine was pardoned and replaced by another of 700 marks 'pro fine quem fecit cum rege de omnibus querelis et demandis preteritis que ad denarios pertinent, et ut teneat terras quas habet de dominio regis in vita sua.' 200 marks of this were paid immediately (248). After Earl Hugh's death in 1177, this fine, together with certain debts concerning damage done by Earl Hugh in the war, was transferred to his son Roger on the pipe roll for 1176-7 (249). In 1177-8, these debts were all cancelled in return for a new debt of 500 marks 'pro fine quem fecit cum Rege de quietantia debitorum que exigebantur ab eo et a patre suo pro wasto werre.' (250) Roger Bigod's support for the king against Earl Hugh may have mitigated the punishment for rebellion, but it did not avoid it completely. It is also likely that Henry II's treatment of the dispute between Roger and his half-brother, Hugh, whereby a large part of Earl Hugh's lands were held in the king's hands for the rest of the reign, was partly at least a result of Earl Hugh's rebellion (251).

The earl of Leicester does not seem to have been fined as a result of his revolt, but he was made to pay off every penny of the pre-rebellion fine of 500 marks for his men's infraction of the peace against Bertram de Verdun. By Michaelmas 1179, he

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(248) PR 22 Henry II, pp.62, 70.
(249) PR 23 Henry II, pp.125, 130, 143.
(250) PR 24 Henry II, pp.20-1, 27.
(251) Gesta Henrici, i, pp.143-4; PRs 23-34 Henry II, passim.

had been forced to pay the whole fine (252). The earl also seems to have suffered a reduction of his Third Penny of Leicestershire to only £4, at which rate the earl refused to accept any of it (253). As a further weakening of the resources of his honour, the earl's knights in Leicestershire and Warwickshire suffered an annual aid payable to the sheriff (254). Possibly worse than these financial penalties was the political cost to the earl. For the rest of the reign he remained excluded from any important position at court and was also suspect in the eyes of the king. The earl suffered two further confiscations of his land in 1179-80 and in 1183. In 1183, during the last revolt of the Young King, the earl of Leicester was even imprisoned (255).

The castles of the earls were their greatest source of strength during the revolt. After the revolt's failure, the king was obviously determined to cripple this strength. The earl of Chester's castle at Chester was retained by the king even after the 'restoration' of his lands in January 1177 (256). The castles of the earl of Derby - Tutbury and Duffield - were both demolished in 1175-6 (257). Of the earl of Leicester's castles, Brackley had been destroyed in 1173, Leicester and Groby were demolished in 1175-6, and Mountsorrel was retained

(252) PR 22 Henry II, p.180; PR 23 Henry II, p.27; PR 24 Henry II, p,78; PR 25 Henry II, p.111.
(253) PR 27 Henry II, p.79.
(254) PR II John, pp.xxv, 16-17.
(255) PR 26 Henry II, p.105; PR 29 Henry II, pp.32, 40, 45, 123, 129, 153-4; PR 30 Henry II, pp.50, 94; Gesta Henrici, i, p.294.
(256) Gesta Henrici, i, p.135.
(257) Gesta Henrici, i, p.73; Diceto, i, p.404.

by the king. In Normandy, Breteuil had been burnt in 1173 and Paci, which had been occupied by the king's forces at the beginning of the rebellion, was retained by the king after the revolt (258). Hugh earl of Norfolk's castles of Framlingham and Bungay were destroyed after his surrender, together with Walton castle which had been taken from Earl Hugh in 1157 and had since been in the king's hands (259).

The consequences for the rebel earls were moderate, but still a hard burden. They place the extravagant language of some of the chroniclers in perspective. If the opinion of the king and court had matched this language, one would expect complete forfeiture at least, probably death, as a punishment for such a crime. Despite the chroniclers' distrust of Henry II's nobility, most of it had remained loyal and it provided some of his closest advisers. These men would not have felt easy in a situation where men of their own class, even relatives, were utterly destroyed. Rebellion, or at least one that failed, was a very bad mistake; it was not yet a capital crime.

The revolt of 1173-4 had no great constitutional programme. The only stated aims were the demands of the Young King to exercise real power. Nevertheless, if this aim had succeeded, the history of the Angevin Empire would have been changed considerably. As has been argued above, the length of the revolt was crucial to its success or failure. Its length was un-

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(258) PR 19 Henry II, p.70; PR 22 Henry II, p.179; Diceto, i, p.404; Gesta Henrici, i, p.126.
(259) PR 21 Henry II, p.108; Diceto, i, p.404; Gesta Henrici, i, p.127.

deniably affected by what can only be called a series of unfortunate disasters for the rebels: the capture of the earl of Chester and Ralph de Fougeres at Dol in August 1173, the surprisingly easy defeat and capture of the earl of Leicester in October 1173 and the miraculous capture of the king of Scotland at Alnwick in July 1174. Even after the first two of these disasters, the king's officials in England were sufficiently worried to send Richard, bishop-elect of Winchester, on what appears to have been an appeal for help to the king in Normandy in June 1174 (260). While it is fruitless to speculate on what might have happened, the apparently efficient way in which Henry II defeated the revolt should not be allowed to obscure the seriousness of the challenge it presented.

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(260) Diceto, 1, p.381.

Chapter Eight

The Earls in Cambridgeshire, Essex, Norfolk and Suffolk

There is always an arbitrary element in the choice of an area for a regional study, but the choice of these four counties does have some particular merit in connection with the earls of Henry II's reign. Firstly, there is the practical consideration that many of the earls had important demesne lands or other interests in this region and that the earls of Arundel, Essex, Hertford, Norfolk, Oxford and Surrey had honours with their caputs in the area. The greatest landholder in England, apart from the king, William earl of Surrey, the son of King Stephen, had his greatest concentration of lands and honours in this region. The escheat of his lands in 1159, many of which were retained by the king for the rest of the reign, was a significant boost to royal power and influence in the region. One of the chief rebels of 1173-4 was Hugh earl of Norfolk, whose lands and interests were chiefly in this region.

The extent of the area chosen was partly dictated by questions of feasibility. Logical boundaries for a region are always difficult to determine. The four counties of Cambridgeshire, Essex, Norfolk and Suffolk do have a certain compactness. A 'natural' boundary of some sort exists on three sides: in the Wash; the North Sea, and the Thames Estuary, though water cannot be regarded as a barrier. For convenience, the western boundary of the region has to rely on county boundaries, which, however

real in terms of their long history and administrative importance, must be artificial in some respects (1). Norfolk and Suffolk, roughly the old Anglo-Saxon kingdom of the East Angles, have long been seen as a definite unit. The grouping of Norfolk and Suffolk with Cambridgeshire and Essex needs some justification. The larger unit does have the advantage that a bigger and more varied group of earls can be included. Essex was included in Little Domesday with Norfolk and Suffolk. The compilers obviously saw nothing wrong with this grouping (2). Tenurially, the links between Essex, Norfolk and Suffolk were considerable. Over half the Suffolk tenants-in-chief in 1086 also held land in Norfolk and just under half held lands in Essex (3). Of the five earls who had caputs of honours in Essex and Suffolk - the earls of Essex, Hertford, Norfolk, Oxford and Surrey - the last four had important lands in both counties (4). Cambridgeshire was also closely linked to the three counties of Norfolk, Suffolk and Essex. In 1086, almost half the tenants-in-chief held land in at least one of the other counties and most

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(1) "The shires were old, historic divisions, each with its own history:" V.H. Galbraith, Domesday Book: Its Place in Administrative History (Oxford, 1974), p.38. In Henry II's reign Essex was regularly coupled with Hertfordshire and Cambridgeshire with Huntingdonshire, each pair under a single sheriff or groups of sheriffs. However, many items were dealt with separately for the individual counties, including danegeld and tallages: e.g. PR 8 Henry II, pp.68-72; PR 33 Henry II, pp.120-8.
(2) Galbraith, Domesday Book, p.38.
(3) VCH Suffolk, i, p.388.
(4) See Maps 4-8.

of these held land in at least two. It must be acknowledged that the links between Cambridgeshire and Huntingdonshire were at least as strong. Not only did almost a third of Cambridgeshire tenants-in-chief hold lands in Huntingdonshire, but these represented half the whole tally of Huntingdonshire tenants-in-chief (5). None of the earls of Henry II's reign had a caput in Cambridgeshire, but the earls of Essex, Oxford and Surrey had important possessions there (6).

Two of the counties of the region gave their names to the titles of earls of Henry II's reign - Essex and Norfolk. When King Stephen made Geoffrey de Mandeville (d. 1144) an earl, probably between December 1139 and December 1140, Essex was a logical choice of county. Though the Domesday Mandeville fief had extended over eleven shires, the lands in Essex constituted by far the largest single portion (7). Despite the disastrous end to the first earl's career, killed while an excommunicate with his lands forfeit, his son Geoffrey managed to receive first the recognition of Empress Matilda, and, in 1156, the regrant of the earldom from Henry II (8). The case of Norfolk

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(5) Domesday Book, i, fo. 189r; ii, fos. Ir, 109r, 281r.
(6) See Maps 4, 7, 8.
(7) Regesta, iii, no. 273. Calculating from the values given in Domesday Book for 1086, Geoffrey de Mandeville (d. ca. 1100), the first earl's grandfather, held lands worth £325 in Essex, out of a total valuation for the honour of £799.
(8) Regesta, iii, nos. 43, 277; Appendix I (b).

is more complex. Under Edward the Confessor, Gyrth, one of Earl Godwin's sons, had held an earldom in Norfolk and Suffolk, a position to which Ralf de Gael succeeded some time after the Norman Conquest. Florence of Worcester and Henry of Huntingdon both regarded Ralf as earl of East Anglia (9). When Ralf was deprived of his lands in 1075, Roger Bigod was one of those who benefited substantially from the subsequent redistribution of lands. When Hugh Bigod, Roger's son, was made an earl, probably by Empress Matilda in 1141, there seems to have been some sense of continuity between the new and old earldoms. Henry of Huntingdon confirms this by referring to Hugh as 'consul de Estangle.' (10) Nevertheless, where Earl Hugh witnesses charters of Empress Matilda or Duke Henry with any territorial designation, it is as earl of Norfolk. Also, when Henry II granted that earldom to Hugh, the grant included the Third Penny of the Shire of Norfolk, but did not mention Suffolk (11). The reason for Earl Hugh's earldom being only of Norfolk, and, perhaps more significantly, for Suffolk remaining without an earldom throughout the twelfth century, was probably

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(9) For Gyrth's earldom in East Anglia, see Florence E. Harmer, Anglo-Saxon Writs (Manchester, 1952), nos.23-5, 61, 80, p.562. For Ralf, see CP, ix, p.573; Florentii Wigorniensis Monachi Chronicon ex Chronicis, ed. B. Thorpe (London, 1849), ii, p.10; Henri Huntendunsis Historia Anglorum, ed. T. Arnold, R.S.74 (London, 1879), p.206.

(10) CP, ix, p.575; Henry of Huntingdon, p.273. Henry of Huntingdon uses titles rather loosely, referring to Hugh as earl before he probably received the earldom. Subsequent to the grant of the earldom the chronicler refers to Hugh without any title: Ibid., p.278; R.H.C. Davis, King Stephen (London, 1967), pp.141-2.

(11) Regesta, iii, nos. 275, 364, 634; Appendix I(d).

the possession of the Third Penny of Ipswich by the earls of Richmond. Held in 1066 by Earl Gyrth, confused in 1156 by the exchequer with the 'tercius denarius comitatus,' it was apparently enough to prevent any earldom from including Suffolk (12). Though Earl Hugh's caput, Framlingham, and his principal castles, Framlingham and Bungay, were in Suffolk, he had extensive lands in Suffolk and Norfolk. Given the disqualification of Suffolk, Norfolk as a single county earldom was the logical choice. It was presumably the same problem with Suffolk that prompted King Stephen to make Gilbert de Clare earl of Hertford, where Earl Gilbert had only one manor, instead of earl of Suffolk, where the earl had his caput at Clare and extensive lands (13).

The absence of an individual earldom of Cambridgeshire in Henry II's reign reflected a similar problem to that of Suffolk. Cambridgeshire was claimed by the Scottish lords of the honour of Huntingdon to be part of the earldom. William de Roumare enjoyed a brief earldom of Cambridgeshire in 1139, while King Stephen was at war with the Scottish king, but this was apparently ended by the Treaty of Durham in April 1139 (14). It was proposed by the Empress Matilda to grant the earldom of Cambridgeshire to Aubrey de Vere in 1141, 'si rex Scotie non

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(12) Domesday Book, ii, fo. 294r; PR 2-4 Henry II, p.8; PR 18 Henry II, p.5. In 1086 it had already passed to Alan count of Brittany, predecessor of Conan earl of Richmond (d. 1171). There is no evidence that Earl Ralf had possessed the Third Penny of Ipswich between 1066 and 1086.

(13) The manor in Hertfordshire, Standon, was not even of Richard fitz County Gilbert's tenancy-in-chief, but was acquired as part of a 'maritagium' with Richard fitz Count Gilbert's wife, Rohese Giffard: Domesday Book, i, fo. 143r.

(14) Davis, King Stephen, pp.138-9.

habet illum comitatum.' Aubrey's lands were mainly in Essex, with substantial portions in Suffolk and Cambridgeshire. As Essex already had an earl in Geoffrey de Mandeville (d. 1144), and as Suffolk was impossible because of the reasons given above, Cambridgeshire seemed a reasonable solution. However, the rights of the king of Scotland did prove a bar to this and Aubrey was forced to choose Oxfordshire, where he had no land, one of the alternatives offered in anticipation of the objection to Cambridgeshire (15). The king of Scotland's objections had some grounds. In Henry I's reign, David earl of Huntingdon, later King David of Scotland (d. 1153), had apparently possessed the Third Penny of the Borough of Cambridge, while in King John's reign David earl of Huntingdon received the Third Penny of Cambridgeshire (16).

It is interesting to examine the structure of the honours of earls with caputs in the region. The honour held by the Aubigny earls of Arundel in Norfolk was created after the main post-conquest settlement through grants by William II and Henry I to William d'Aubigny, who was made Henry I's butler in 1101 (17). The grants included lands already enfeoffed as well

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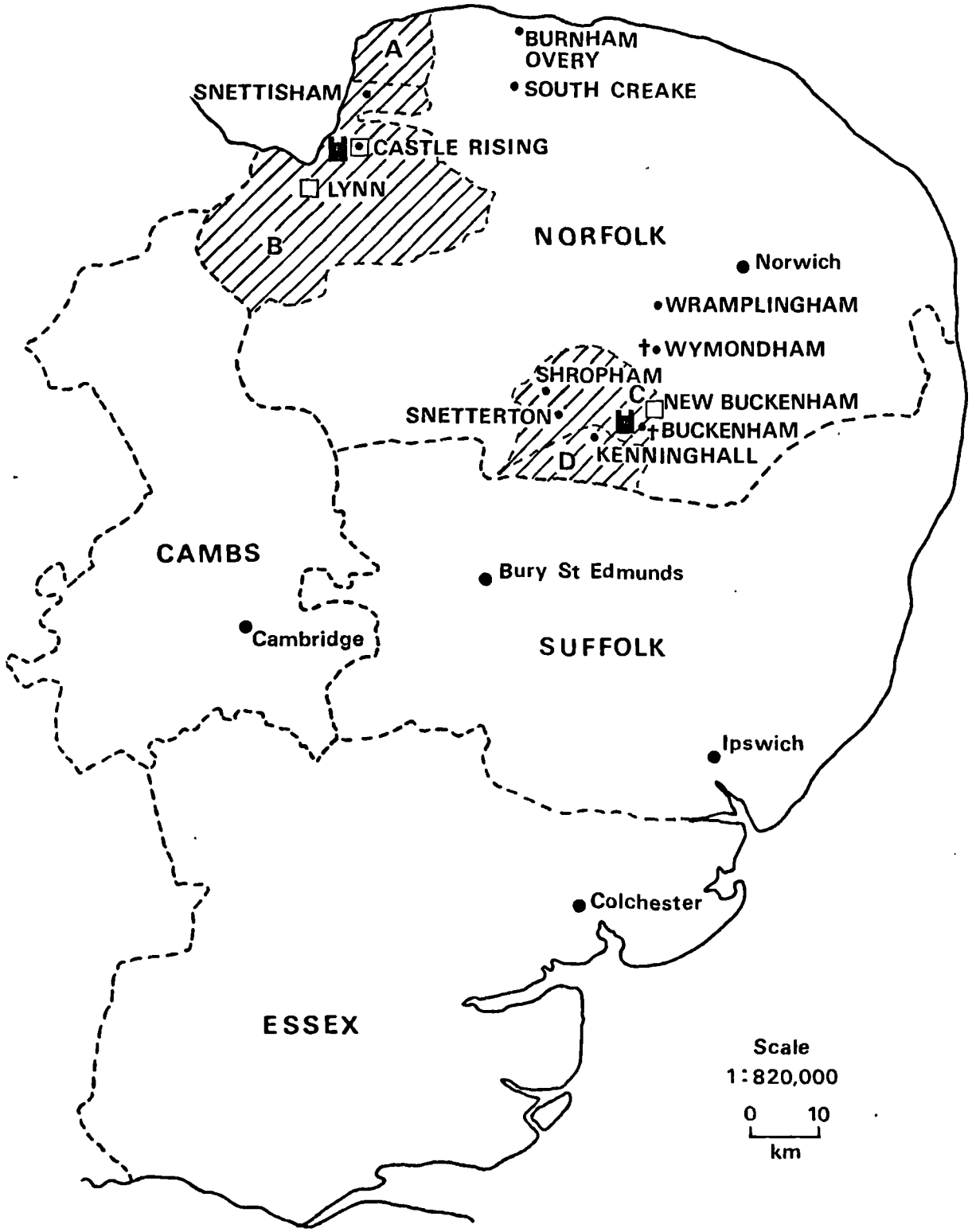
(15) Regesta, iii, no.634.

(16) Liber Memorandum Ecclesie de Bernewelle, ed. J. Willis Clark (Cambridge, 1907), p.93; Rotuli Litterarum Clausarum in Turri Londinensi Asservati, ed. T.D. Hardy (Rec. Comm., 1833), i, p. 33b.

(17) Regesta, ii, no.515. For a grant to William d'Aubigny by William II, confirmed by Henry I, see Ibid., no.911. William d'Aubigny inherited his father's Norman fief. William's brother, Nigel d'Aubigny, also received extensive royal favour from Henry I in the form of the extensive honour of Mowbray: Charters of the Honour of Mowbray, 1107-1191, ed. D.E. Greenway, British Academy: Records of Social and Economic History, new ser., i (London, 1972), p. xvii. For the family, see the genealogical table: Ibid., p.260.

Map 3

The Demesne Lands, Castles, Boroughs, Religious Houses and Private Hundreds of the Earls of Arundel



Demesne lands ca. 1154

Castles ca. 1154

Boroughs of the earl or important borough rights

Religious houses founded by lords of the honour before 1189

Other places not of the honour

Private Hundreds of the honour :

A- Smithdon Hundred

B- Freebridge Hundred and a Half

C- Shropham Hundred

D- Guiltcross Hundred

• KENNINGHALL

■ CASTLE RISING

□ NEW BUCKENHAM

† WYMONDHAM

● Cambridge

(A)

as demesne manors, placing William between the king and tenants who previously held in chief. William then proceeded to enfeoff more tenants (18). William's successors, the first two earls of Arundel, retained two main groups of demesne manors in Norfolk. The first of these was in southern Norfolk, focussing on the caput of the honour at Old Buckenham. As well as the demesne manor here, there was a castle and, from 1146, a priory of Augustinian canons founded by William earl of Arundel (d. 1176). From the time of this earl, a small borough grew up nearby at New Buckenham (19). The status of Buckenham as an administrative centre for the honour is confirmed by the presence in the late 1160s of a chamberlain of Buckenham receiving revenues of the honour (20). Near the castle/manor/borough/priory complex of Buckenham were other lands of the honour at Kenninghall, Snetterton and Shropham, and in the rough direction of Norwich, lands at Wymondham and Wramplingham. At Wymondham was the first religious house founded on the honour, in 1107 by William d'Aubigny 'pincerna' as a benedictine priory dependant on St. Albans. As a further consolidation of the earl's position in this area, the hundred of Shropham pertained to the manor of Buckenham and the earl probably also held Guiltcross Hundred

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(18) RBE, i, pp.397-9. Cf. the fiefs of certain 1086 tenants-in-chief, whose service was granted to William d'Aubigny: Domesday Book, ii, fos. 258v-260v (Robert fitz Corbutio in 1086 - 'de feodo quod fuit Corbuchun 15 milites feffatos' in the 1166 'carta'), 202r-205v (Godric Dapifer in 1086 - 'servitium Radulfi filii Godrichi de 12 militibus' in the 1166 'carta'), 270v-271r (Alvred in 1086 - 'servitium Alvredi de Athleburcho' (Attleborough, Norf.) in the 1166 'carta').

(19) For these and the other possessions of the earls of Arundel, see Map III. For New Buckenham borough, see M.W. Beresford and H.P.R. Finberg, English Medieval Boroughs: A Hand-List (Newton Abbot, 1973), p.140. For Buckenham Priory, see D. Knowles and R. Neville Hadcock, Medieval Religious Houses: England and Wales, 2nd ed. (London, 1971), pp.138, 150.

(20) This is from the Inquest of Sheriffs returns: RBE, ii, App. A, p. cclxvii.

towards the Suffolk border (21).

The second main group of lands held by the earls of Arundel in Norfolk centred on the castle, manor and borough of Castle Rising. Nearby, on either side, were the manor of Snettisham and the port of (Kings) Lynn, where the earl had important rights. Further to the north and east were other lands at Burnham Overy and South Creake. The second earl, William earl of Arundel (d. 1193), supplemented the family's lands in Norfolk by his marriage to the heiress of the fief of James de St. Hilaire, the barony of Field Dalling (Norfolk), held until 1173 by the heiress's first husband, Roger de Clare,

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(21) Medieval Religious Houses, pp.58, 81. The earl had a market - 'foro meo' - at Wymondham: BM Cotton MS, Titus C viii fos. 18-18b. Wymondham was probably on the road marked on the fourteenth century Gough Map, branching off the Great North Road at Ware in Hertfordshire and proceeding via Barkway, Cambridge, Newmarket and Thetford to Norwich, Wymondham lying between the last two places: The Map of Great Britain circa 1360 A.D. known as the Gough Map, with an Introduction to the Facsimile, by E.J.S. Parsons and The Roads of the Gough Map by F.M. Stenton, printed for the Bodleian Library and the Royal Geographical Society by the University Press (Oxford, 1958), p.18. A Richard d'Aubigny, probably the uncle of William d'Aubigny 'pincerna,' was abbot of St. Albans at the time of Wymondham Priory's foundation, explaining the choice of mother-house: Charters of the Honour of Mowbray, p.260. In Henry II's reign, there was a dispute between William earl of Arundel (d. 1176) and the abbot of St. Albans, concerning the latter's rights to intervene in a dispute between the priory and monks of Wymondham. The case went to the earl of Leicester and to the Archbishop Thomas Becket and nearly resulted in the earl's excommunication, though a settlement was eventually reached: Gesta Abbatum Monasterii Sancti Albani a Thoma Walsingham, ed. H.T. Riley, R.S. 28 (London, 1867), i, pp.166-175. Ralf earl of East Anglia had held Shropham Hundred and Buckenham manor: Domesday Book, ii, fos 126v-127r; Helen Cam, 'The Private Hundred in England before the Norman Conquest' in Law-Finders and Law-Makers (London, 1962), p.69. For the earls' later possession of Shropham and Guiltcross Hundreds, see Helen Cam, The Hundred and the Hundred Rolls (London, 1930), pp.274-5. At the time of the Hundred Rolls the hundreds were held by the heirs of the earls of Arundel: Isabel (dowager) countess of Arundel (Guiltcross) and Robert de Tattershall (Shropham).

earl of Hertford (22). The Castle Rising group of lands was also supplemented with private hundreds. Henry I confirmed a grant by William II to William d'Aubigny 'pincerna' of Freebridge Hundred and a Half and Smithdon Hundred (23). Perhaps partly because of the honour's relatively late formation, it has the appearance of careful, logical construction.

The demesne lands of the earl of Essex in Essex also split clearly into two groups. Around the castle and manor of Pleshy was a closely grouped set of manors: High Easter; Roding, and Great Waltham, with Pleshy itself as the caput of the whole honour (24). The second group was the castle and manor of Walden, with the benedictine priory of Walden founded by Geoffrey earl of Essex (d. 1144) in 1136. Though isolated in Essex, Walden looked towards the earl's lands in Cambridgeshire

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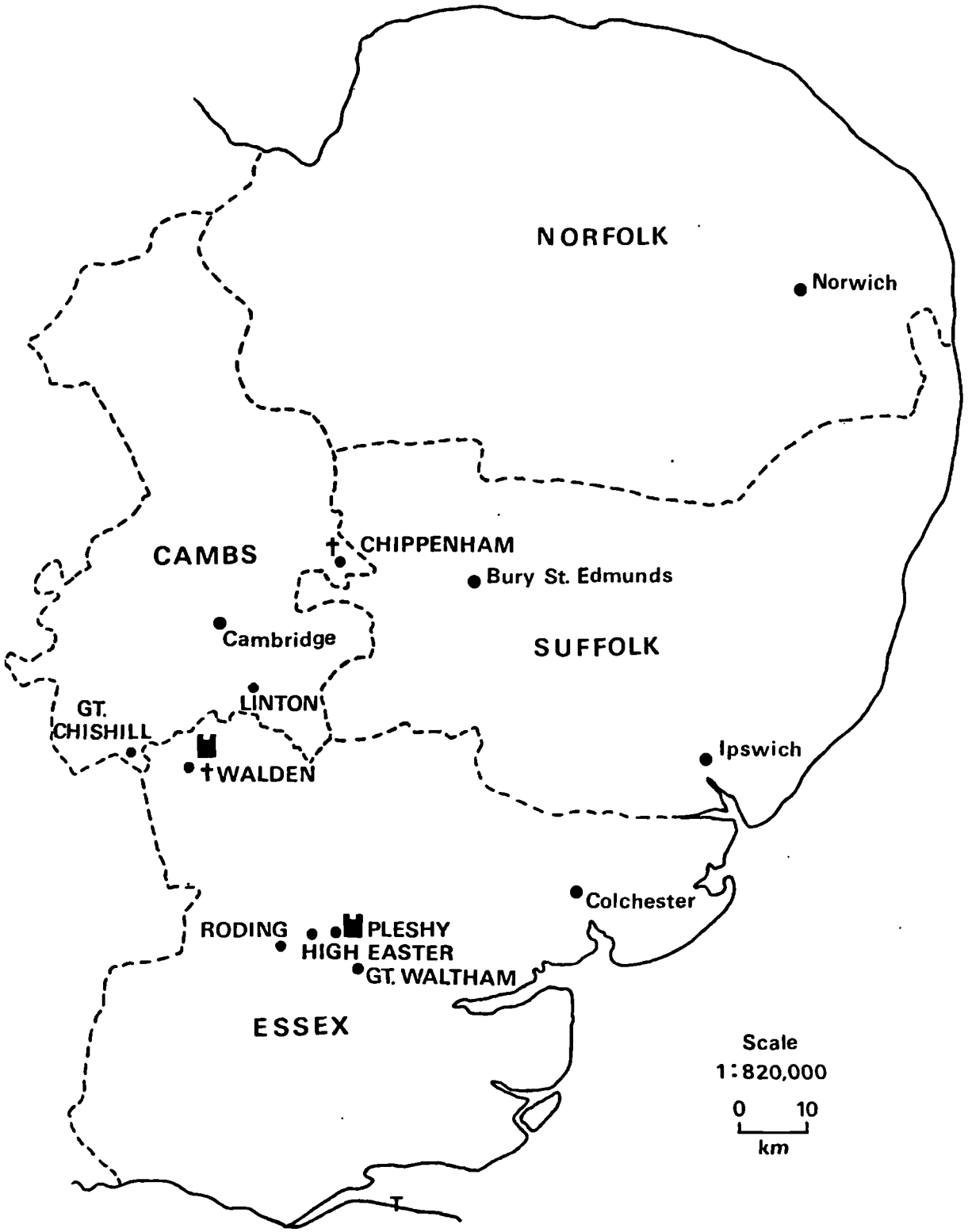
(22) Sanders, English Baronies, p.44. Trade of some kind was evidently important at the borough of Castle Rising. The list of payments made by the inhabitants of the borough to help the earl of Arundel with his debts to the Jews, probably Deulebeneus of Castle Rising, indicates that the borough's most important inhabitants were two merchants. Two other merchants made lesser payments. Another particularly interesting inhabitant was 'Ubertus Testor,' presumably some sort of notary: RBE, ii, App. A, p.cclxviii; cf. p. cclxvii for Deulebeneus as the creditor. Castle Riding was close to (Kings) Lynn, where the rights of William d'Aubigny (d. 1139) were defined by a charter of Henry I. William was granted the gilds ('misteria') of Lynn, together with half the market and toll and other customs. He also received the port with its landing-dues, the right to purchase first in the market, the water-way ('viam aque') and the ferry ('transitum') with all plaints ('querelis'): Regesta, ii, no.911.

(23) Ibid. For private hundreds in general in the region, see Map 9.

(24) For the possession of the earls of Essex, see Map 4. J.H. Round noted the concentration of the lands in central Essex in the Mandeville Domesday honour: VCH Essex, i, p.343.

Map 4

The Demesne Lands, Castles and Religious Houses of the Earls of Essex



Demesne lands ca. 1154

Castles ca. 1154

Religious houses founded by lords of the honour before 1189

Other places not of the honour

● GT. WALTHAM

■ PLESHY

† CHIPPENHAM

● Bury St. Edmunds

at Great Chishill and Linton, and eastwards towards the Mandeville lands in Hertfordshire, outside our region. The isolated manor of Chippenham in Cambridgeshire was granted to the Hospitallers in 1184 (25).

The caput of the lands of the earls of Hertford in the region was Clare on the Suffolk/Essex border. Already by 1086 there was a small borough accompanying the baronial caput (26). Also, there was a castle, inside which the chapel was granted to the abbey of Bec as a priory cell. This was later moved a few miles away to form Stoke by Clare Priory (27). Thus was built up the full castle/manor/borough/priory noted above in the case of Buckenham. Further east along the Suffolk/Essex border, Richard earl of Hertford (d. 1217) acquired another borough at Sudbury through his marriage to the daughter of the earl of Gloucester (28). The other demesnes of the earl of Hertford in the region stretched from over the Essex border at Thaxted and Great Bardfield, up the western side of Suffolk and into Norfolk with Crimplesham in the west and Wells and Wareham in the extreme north. Field Dalling was part of the lands acquired by Roger earl of Hertford's marriage to Matilda,

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(25) W. Farrer, Feudal Cambridgeshire (Cambridge, 1920), p.150. A charter concerning (Saffron) Walden mentions the nearby road from Newport (Essex) to Cambridge: BM Harley MS, 3697, fo. 2r. Sawbridgeworth, one of the most important Mandeville demesnes in Hertfordshire, was granted by Geoffrey earl of Essex (d. 1166) to Henry and Warin fitz Gerold: RBE, i, p.356.

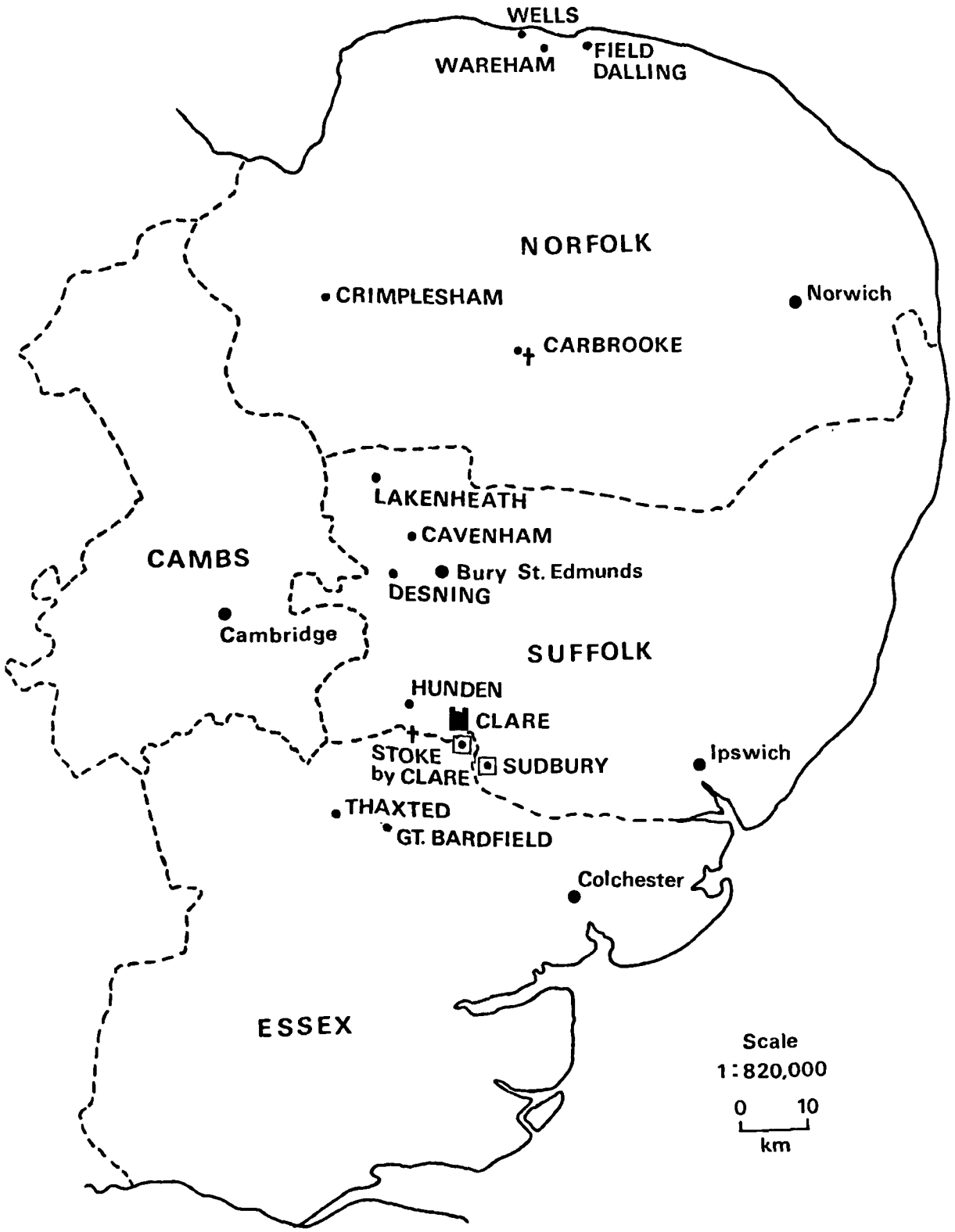
(26) Domesday Book, ii, fo. 389v. For the possessions of the earls of Hertford, see Map 5.

(27) Medieval Religious Houses, pp.83, 85, 87, 92.

(28) The marriage had definitely taken place before 1176: Gesta Henrici, i, pp.124-5. There was a road from Sudbury to Bury St. Edmunds: BM Cotton MS, App. xxi, fos. 29v-30r.

Map 5

The Demesne Lands, Castles, Boroughs and Religious Houses of the Earls of Hertford



Demesne lands ca. 1154

Castles ca. 1154

Boroughs of the earl

Religious houses founded by lords of the honour before 1189

Other places not of the honour

• GT. BARDFIELD

■ CLARE

□ SUDBURY

† STOKE BY CLARE

● Cambridge

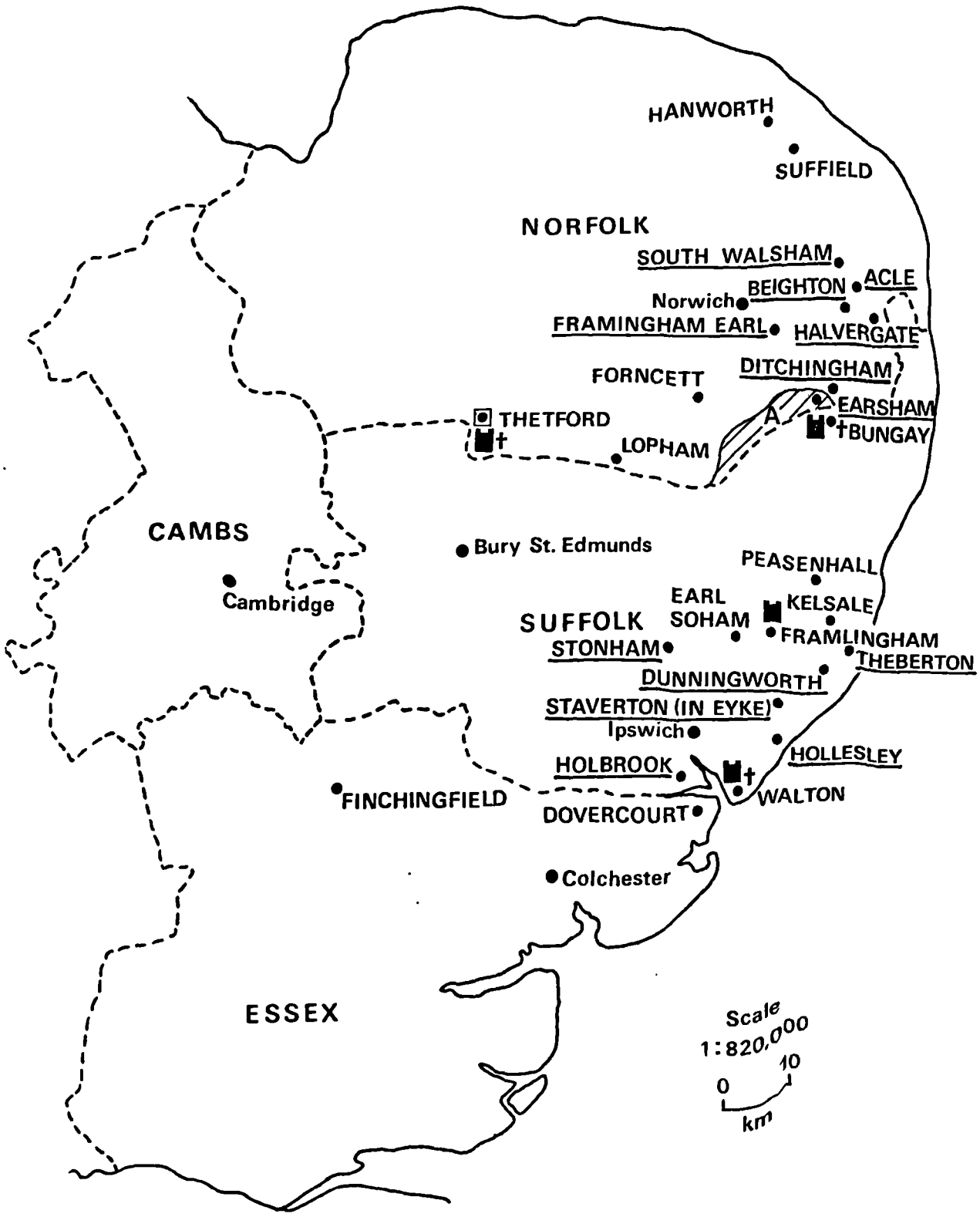
daughter and heiress of James de St. Hilaire. Carbrooke, where Countess Matilda granted two churches to the Hospitallers, was also probably part of these lands. From ca. 1173-6, these lands were acquired by Matilda's second husband, William (from 1176) earl of Arundel (d. 1193) (29).

With no borough and no religious foundation, Framlingham seems strangely undeveloped as the caput of the large honour of the earl of Norfolk (30). Nevertheless, the connection between castles, boroughs and religious houses holds good elsewhere in the honour. The Cluniac Priory of Thetford was founded by Roger Bigod (d. 1107) in 1103/4. Thetford borough was important before the Conquest, though it had declined somewhat by 1086. Roger Bigod had important holdings in and around the borough, though it is not clear how much of this was later retained in demesne. The castle at Thetford may have belonged to the Bigods, though the only evidence for this is that the castle was destroyed after the 1173-4 revolt in which Hugh earl of Norfolk participated (31). The castle at Walton (Felixstowe) was accomanied by a priory cell dependent on Rochester Abbey, founded by Roger Bigod ca. 1105 (32). Walton, on the Orewell estuary, between Ipswich and the sea, was presumably well placed for commercial activity. Bungay did not attract a religious foundation until after the castle was destroyed in 1176. After the

(29) Medieval Religious Houses, pp.300, 302; Sanders, English Baronies, p.44.
(30) For the possessions of the earl of Norfolk, see Map 6.
(31) Medieval Religious Houses, pp.98, 103; English Medieval Boroughs, p.140; Domesday Book, ii, fos. 118v, 173r; PR 19 Henry II, p.117.
(32) Medieval Religious Houses, pp.54, 65-6.

Map 6

The Demesne Lands, Castles, Boroughs, Religious Houses and Private Hundreds of the Earls of Norfolk



Demesne lands ca. 1154

Demesne lands confiscated in 1177

Castles ca. 1154

Borough where the earl had important interests

Religious houses founded by lords of the honour before ca. 1190

Other places not of the honour

Private hundreds of the honour:

A-Earsham Half Hundred

● FINCHINGFIELD

● HOLLESLEY

■ FRAMLINGHAM

□ THETFORD

† WALTON

● Cambridge

(A)

death of Hugh earl of Norfolk, Bungay was held by Hugh's widow, Gundred, and her second husband, Roger de Glanville, and they founded Bungay Priory in 1183 (33). The bulk of the Bigod demesne lands stretched in a band along the east coast of Suffolk and Norfolk, with Forncett and Lopham pointing the way to Thetford (34). Within this general picture, most of the Suffolk manors form a group around Framlingham and from there to the Suffolk coast. Walton, Holbrook, and Dovercourt (Essex) form a sub-group around the Orewell and Stour estuaries. Bungay in northern Suffolk was more closely linked to Earsham and Ditchingham just over the border in Norfolk, and pertaining to Earsham was the private half-hundred of Earsham. Earsham, its half-hundred, and another close group of manors - South Walsham, Acle and Halvergate - together with £16 worth of sheep-walks or sheep-folds ('bercharia') appear as 'terrae datae' held by Earl Hugh on the pipe rolls from 1157-8 to Christmas 1176. Though, along with many other lands, they were withheld from Earl Hugh's eldest son, Roger, as was the earldom, Acle, South Walsham, Halvergate and the 'bercharia' were restored to Roger at Christmas 1181 after the pardon of the fine which had resulted from Earl Hugh's rebellion (35). Apart from Dovercourt, across the estuary from Walton, Earl Hugh had the isolated Essex manor of Finchingfield. The most striking

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(33) Ibid., pp.253, 256-7.
(34) Lopham was also held by Countess Gundreda: PR 23 Henry II, p.133.
(35) PR 2-4 Henry II, p.125; PR 23 Henry II, p.125; PR 28 Henry II, pp.64-5. Most of the remainder of the lands confiscated in 1177 (see Map 6) was restored at the beginning of Richard I's reign - 'Comes Rogerus le Bigot r. c. de 1000m pro comitatu suo de Norf' et ut Hugo frater eius non ponatur in saisina de aliquibus terris que fuerunt patris sui nisi per judicium curie domini Regis factum per pares suos:' PR 2 Richard I, p.101. For the original dispute and confiscation after Earl Hugh's death, see Gesta Henrici, i, pp.143-4.

feature of the Bigod honour was the number of demesne manors, even allowing that information on the Bigod manors is fuller than most. Apart from the small honour of Aubrey de l'Isle in Yorkshire and Leicestershire, East Anglia represented almost all Earl Hugh's interests, but even so, the number of demesne manors seems exceptional.

The caput of the honour of Aubrey earl of Oxford (d. 1194) was at Castle Hedingham in the Colne Valley. Apart from the manor and castle, Aubrey founded, before 1191, a benedictine nunnery at Castle Hedingham (36). Towards the Suffolk border was the manor of Belchamp Walter. Down the Colne Valley from Castle Hedingham was the manor of Earls Colne, where the first Aubrey de Vere (d. 1112) had founded a benedictine priory (37). Near the mouth of the River Colne, downstream from Colchester, was the manor of Great Bentley. Away from this main group of Essex manors was the manor of Great Canfield, with the earl's second castle and the nearby benedictine priory of Hatfield Broad Oak, founded ca. 1135 by Aubrey de Vere (d. 1141), the earl's father (38). The earl of Oxford had two other groups of manors, one in the south-east corner of Cambridgeshire and the other stretching into central Suffolk from the Essex border.

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(36) Medieval Religious Houses, pp.253, 257. There is an interesting illustrated obituary roll of Lucy, first prioress and "foundress" of Castle Hedingham Nunnery: BM Egerton MS 2849. It has been argued that she was the fourth wife of Aubrey earl of Oxford and sister of his third wife Agnes de Essex. However, Agnes outlived Aubrey, making this fourth marriage doubtful: Monasticon Anglicanum, iv, p.436; CP, x, pp.205-7, 207n(b), App. J, p.120.
(37) Medieval Religious Houses, pp.53, 64.
(38) Ibid., pp.54, 67.

Map 7

The Demesne Lands, Castles and Religious Houses of the Earls of Oxford

Demesne lands ca. 1154

Castles ca. 1154

Religious houses founded by lords of the honour before 1189

Other places not of the honour

● GT. BENTLEY

■ GT. CANFIELD

† HATFIELD BROAD OAK

● Cambridge

The greatest lay landholder in the region, as well as being the greatest lay landholder in the kingdom apart from the king, was William, son of King Stephen, count of Boulogne and Mortain, and earl of Surrey. Two of his honours had their caputs in the region - Boulogne and Eye - and he also had lands from his honours of Warenne (later the holding of Hamelin earl of Surrey) and Lancaster. The main group of demesne manors of the honour of Boulogne was in the Colchester area. Blunts Hall in Witham was probably the caput of the honour as Witham was one of the two later feudal courts of the honour (39). The manor actually referred to as Witham was granted 1147-8 to the Templars, together with the half hundred of Witham which had presumably pertained to Witham and the honour before this time (40). The lords of the honour of Boulogne had extensive possessions in Colchester and nearby were the demesne manors of Great Tey and Langenhoe (41). In 1139-41, Queen Matilda, as lord of the honour, had founded Coggeshall Abbey by granting the manor of that name (42). There were two other groups of manors - one on the Suffolk border and a second in the south-western corner of Cambridgeshire. Fobbing (Essex) was an isolated manor near the Thames Estuary.

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(39) The other was at St. Martin le Grand, London: Sanders, English Baronies, p.151.

(40) Regesta, iii, nos.845-7. Witham was close to, though set away from, the road from London to Colchester and Ipswich. The market, too, was set away from the road, though later growth moved to the road: R.H. Britnell, 'The Making of Witham,' History Studies, i (1968), 13-15; Stenton, The Roads of the Gough Map, p.16.

(41) Eustace count of Boulogne had held extensive properties in Colchester in 1086: Doomsday Book, ii, fos. 27, 29v, 30r, 104, 106v. In 1161-2, the honour of Boulogne, then in royal hands, was pardoned 10s of the aid of the borough: PR 8 Henry II, p.11.

(42) Regesta, iii, no.207.

Map 8

The Demesne Lands, Castles, Boroughs, Religious Houses and Private Hundreds held by William Earl of Surrey (d.1159) at the beginning of Henry II's Reign

Key to Map 8

Demesne lands of the honour of Warenne ca. 1154 — • METHWOLD

Castles of the honour of Warenne ca. 1154 — (W) ■ CASTLE ACRE

Borough where the lord of the honour of Warenne had important interests — (W) □ THETFORD

Religious houses of the honour of Warenne founded by lords of the honour before 1189 — (W) † CASTLE ACRE

Private hundreds of the honour of Warenne: — A

A - Brothercross Hundred

B - Gallow Hundred

Demesne lands of the honour of Eye ca. 1154 — • THORNDON

Castles of the honour of Eye ca. 1154 — (E) ■ EYE

Boroughs of the honour of Eye — (E) □ DUNWICH

Religious houses founded by lords of the honour of Eye before 1189 — (E) † EYE

Demesne lands of the honour of Boulogne ca. 1154 — • GREAT TEY

Borough where the lord of the honour of Boulogne had important interests — (B) □ COLCHESTER

Religious houses founded by lords of the honour of Boulogne before 1189 — (B) † COGGESHALL

Demesne lands of the honour of Lancaster ca. 1154 — • CULPHO

Other castles held by Earl William ca. 1154 — (O) ■ NORWICH

Other boroughs held by Earl William ca. 1154 — (O) □ NORWICH

Other private hundreds held by Earl William: — C

C - Happing Hundred

D - West Flegg Hundred

E - East Flegg Hundred

Other places not held by Earl William — • Ipswich

The focus of the honour of Eye was Eye itself, inland near the Norfolk border. With Eye castle, the Domesday borough and the benedictine priory of Eye, founded by the 1086 holder of the honour, Robert Malet, Eye represents another fully developed honorial caput (43). The demesne manors of the honour radiate from Eye to the coast stretching from the Essex border, through the important part of Orford, to Dunwich the second borough of the honour (44). Also in Suffolk were two demesne manors of the

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(43) Medieval Religious Houses, pp.54, 65. For the Domesday Borough, see Domesday Book, ii, fos. 319v-320r. By King Stephen's reign, there was both a market and a fair at Eye: Regesta, iii, no.288.

(44) Dunwich was already an important borough by 1086, when it was largely under the control of Robert Malet, the first Norman holder of the honour of Eye. He held 236 burgesses. The abbot of Ely had a manor with 80 burgesses in Dunwich. Robert de Curcun held a manor of Roger Bigod which had three acres in the borough. Thorpe in Blything Hundred, over which Roger Bigod had at least the soke, had two acres in the borough, though Robert Malet held the soke over these. The king retained only some jurisdictional rights through the court of Blything Hundred: Domesday Book, ii, fos. 311v, 312, 331v, 334r. In his foundation charter to Eye Priory, Robert Malet granted the monks all the churches in Dunwich, the tithes of the vill and a fair for three days on the feast of St. Laurence: Monasticon Anglicanum, iii, pp.404-5. William earl of Surrey (d. 1159) confirmed the liberties of Blythborough Priory in the borough: Blythburgh Priory Cartulary, ed. C. Harper-Bill, Suffolk Record Society: Suffolk Charters, iii (Woodbridge, 1981), ii, no.257. Orford, though not a borough, was an important port and closely connected with Dunwich. King Stephen, as lord of the honour of Eye, granted the 'mercatum et thelonium' of Orford to Eye Priory: Regesta, iii, no.288. The 'consuetudines navium' of Orford were a valuable receipt after the escheat of the honour in Henry II's reign. When they first appear on the pipe rolls, they are worth around £60 annually, while the farm of the vill of Orford is around £25: PR 10 Henry II, p.35; PR 11 Henry II, pp.5-6; PR 12 Henry II, p.35; PR 13 Henry II, p.34. The charter of King Stephen to Eye Priory, cited above, excluded from the 'thelonium' of Orford the 'navium que pertinent ad firmam de Donewico.' This suggests that the customs on the ships from both ports were originally accounted for together.

honour of Lancaster - Mendham near the Norfolk border, and Culpho near Ipswich (45).

The centre of the Warenne lands in Norfolk was Castle Acre. Besides the manor and castle, there was the Cluniac priory of Castle Acre, founded by William earl of Surrey (d. 1138) in 1089 as a dependency of Lewes Priory. Lewes was the caput of the English honour as a whole (46). Soon after 1139, William earl of Surrey (d. 1148) founded a priory of the Holy Sepulchre on his interests at Thetford (47). Though the honour of Warenne in Norfolk was very extensive, it is difficult to discover many lands held in demesne in Henry II's reign. Methwold, on the edge of the Fens, was certainly one of the principal demesnes (48). The earl also seems to have had some land at Wiggenhall, near King's Lynn, and a group of manors close to the north-east coast of Norfolk. In the agreement between King Stephen and Duke Henry in 1153, Stephen's son, William, was specifically granted the 'castra .... et villas' of Norwich (49). As lord of the Warenne honour, William may have possessed the private hundreds of Brothercross and Gallow, certainly held by the earls of Surrey in the late thirteenth century (50). Towards the end of King Stephen's reign, Stephen's son, William, is found in possession of the hundred courts of Happing and East

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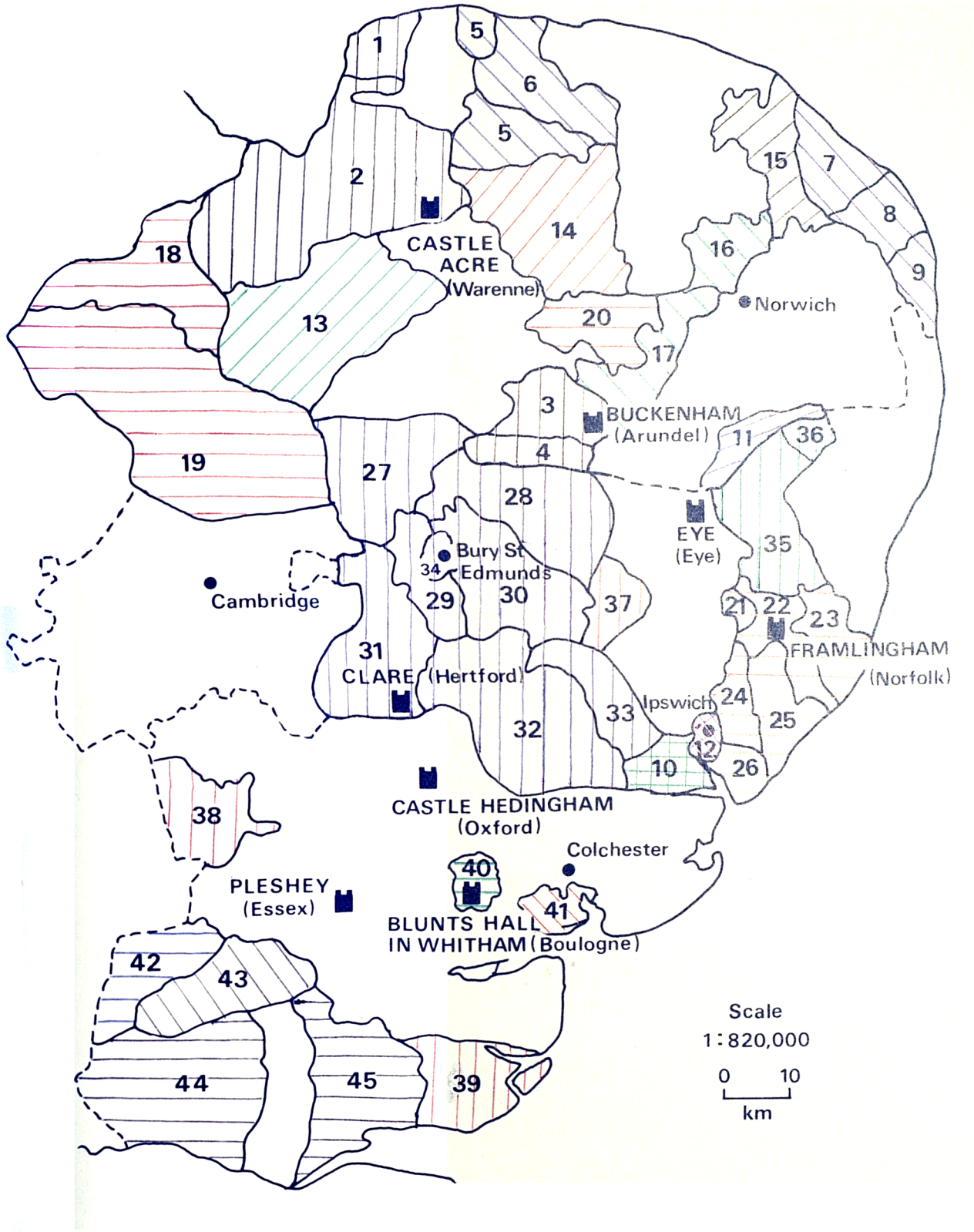
(45) The Lancashire Pipe Rolls and Early Lancashire Charters, ed. W. Farrer (Liverpool, 1902), p.264.
(46) Medieval Religious Houses, pp.96, 98. See Map 8 for the possessions of William earl of Surrey (d. 1159).
(47) Medieval Religious Houses, pp.144, 175-6.
(48) See EYC, viii, no.62 where it is mentioned on equal terms with Castle Acre.
(49) Regesta, iii, no.272.
(50) Cam, The Hundred and the Hundred Rolls, p.274.

Map 9

Probable Private Hundreds in Henry II's Reign



Key to Map 9

Caputs of earls' honours

■ BUCKENHAM (Arundel)

Other places not of earls' honours

● Cambridge

Private hundreds:

1 Smithdon - earl of Arundel
2 Freebridge (1½) - earl of Arundel
3 Shropham - earl of Arundel
4 Guiltcross - earl of Arundel
5 Brothercross - earl of Surrey
6 Gallow - earl of Surrey
7 Happing - } 1154-ca.1158 earl of Surrey
8 West Flegg - } ca. 1158-1189 abbey of St Benet of Hulme
9 East Flegg - }
10 Samford (1½) - ca. 1157-1164 William brother of Henry II
11 Earsham (½) - 1154-77 earl of Norfolk
12 Ipswich (2) - earl of Richmond
13 Clackclose (1½) - abbey of Ramsey
14 Launditch - fitz Alan family
15 Tunstead - abbey of St Benet of Hulme
16 Taverham - Chesney family
17 Forehoe (1½) - Chesney family
18 Wisbech - bishop of Ely
19 Witchford - bishop of Ely
20 Midford (1½) - bishop of Ely
21 Thredling (⅓) - prior of Ely
22 Lose - prior of Ely
23 Plomesgate (1½) - prior of Ely
24 Carlford - prior of Ely
25 Wilford - prior of Ely
26 Colneis - prior of Ely
27 Lackford - abbey of Bury St Edmunds
28 Blackbourne (2) - abbey of Bury St Edmunds
29 Thingoe - abbey of Bury St Edmunds
30 Thedwastry - abbey of Bury St Edmunds
31 Risbridge - abbey of Bury St Edmunds
32 Baburgh (2) - abbey of Bury St Edmunds
33 Cosford (½) - abbey of Bury St Edmunds
34 Banlieu of St Edmund - abbey of Bury St Edmunds
35 Hoxne - bishop of Norwich
36 ½ of Wangford - bishop of Norwich
37 Stow - 1154-63 Henry de Essex ?
38 Clavering (½) - 1154-63 Henry de Essex ?
39 Rochford - 1154-63 Henry de Essex ?
40 Witham (½) - Templars
41 Winstree - abbey of St Ouen
42 Waltham (½) - abbey of Waltham
43 Ongar - ca. 1170-89 Lucy family
44 Becontree - abbey of Barking
45 Barstable (1½) - abbey of Barking

and West Flegg. King Stephen granted them in 1147-9 to the abbey of St. Benet of Hulme, possibly as a confirmation of a grant by Earl William. This grant by Earl William was certainly confirmed by Pope Adrian IV (1154-9). Between November 1153 and October 1154, William's officials were ordered by King Stephen to allow the monks to hold the hundreds. This was apparently done at a price of 50 marks from the abbey by 1155-8, when Henry II ordered the money to be restored to the abbey because William was unable to give warranty for the grant (51). It is not clear whether William had claimed lordship over the hundreds as the lord of the Warenne honour, or whether through the grant of the 'comitatus' of Norfolk contained in the 1153 settlement (52).

While the demesne lands were central to the honours of the earls and were financially the most important part of the honours, the enfeoffed tenants of the honours, both lay and religious, were at least as important to the local power and influence, and the social position, of the lords. The relationship between the lord and his vassal did not end with the agreement over service to be owed for the land granted. The lord retained an interest in the land of his vassal, while the vassal relied on the lord as his title to the land. Confirmations by an earl of his vassal's grant to another person or religious house were

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(51) Regesta, iii, nos.402-3; The Cartulary of St. Benet of Hulme, ed. J.R. West, Norfolk Rec. Soc., ii (1932), nos.29, 75.
(52) Regesta, iii, no.272.

common. The act of confirmation reinforced the earl's ultimate lordship over the land. For the vassal making the grant, it confirmed his own lordship of the land. For the beneficiary of the grant, it guaranteed that the grantor had the right to make the grant and enlisted a more powerful lord in support of the grant. Geoffrey earl of Essex confirmed a grant of six librates of land in Sawbridgeworth (Herts.) made by Warin fitz Gerold to Bury St. Edmunds (53). Roger Bigod, the heir of Hugh earl of Norfolk, confirmed the gift of land in Bruisyard (Suffolk) made by his knight, Walter son of William de Shadingfield (54). More commonly surviving than these individual confirmations were general confirmations to religious houses including confirmation of the grants of vassals (55). Unless a vassal's grant was likely to threaten the service owed to the lord, there would normally be no reason to object. However, the formal consent of the lord to the vassal's grant was sought. Geoffrey earl of Essex's charter confirming Warin fitz Gerold's grant noted that the grant was made 'assensu meo.' (56) Ralph de Berners restored some land to the canons of St. Paul's London with the consent of Geoffrey earl of Essex (d. 1166) (57). It was not only in the grants of the vassals that the earls were involved, but also in the offences of their vassals against the

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(53) D.C. Douglas, Feudal Documents from the Abbey of Bury St. Edmunds (London, 1932), no.191.
(54) Book of Seals, no.335.
(55) See, for example, the long list of vassals' donations confirmed in the general confirmation by Roger earl of Hertford to Stoke-by-Clare Priory: BM Cotton MS, App. xxi, fos 23-24v.
(56) Feudal Documents: Bury, no.191.
(57) Early Charters of St. Paul's Cathedral, ed. M. Gibbs, Camden Soc., 3rd Ser., lviii (1959), no.253.

king. In 1176-7, Henry II pardoned Earl William of Essex 13 marks for the forest offences of his men. In the following year, the earl was pardoned £4 of a £6 debt of his knights for forest offences. The remaining money was charged against individual knights of the earl (58). This seems to indicate that the earl was not actually held responsible for the debts of his men, but that his favour with the king could obtain pardons on their behalf. Lordship had benefits for the vassals as well as the lord.

The more important vassals, the 'barones' of the honour, had a positive role in the running of the honour. They were advisers of their lord and were the records, through their memory, of past transactions of the honour. Roger earl of Hertford granted various churches to Stoke-by-Clare Priory 'consilio baronum meorum.' (59) When Earl Roger was apparently intending a long journey, he ordered his barons and men to assist the monks of Stoke and ordered all debtors of the monks to pay their tithes and rents, commanding Reginald his steward to enforce these orders (60). Richard earl of Hertford confirmed that the tithes of Roger de Ginnei in Whitwell and Haveringhead

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(58) PR 23 Henry II, p.150; PR 24 Henry II, p.37.
(59) BM Cotton MS, Appl. xxi, fo. 22; see also fos. 22, 24v, 26v-27; F.M. Stenton, The First Century of English Feudalism 1066-1166, 2nd edn. (Oxford, 1961), App. no.21.
(60) Ibid., App. no.19.

of the earl's fee, with the church of Clement the Martyr of Norwich, had been granted to Stoke-by-Clare Priory by Roger de Ginnei's grandfather. The earl asked his barons to assist the monks in enforcing these rights (61).

Ceremony was an important part of the process by which grants were committed to the memory of the honour. Two enfeoffments made by the earls of Hertford mention that the grants were made 'pro homagio' done by the grantee (62). The service demanded for one of these grants was one pound of pepper annually, a yearly physical reminder of the lordship over the land (63). Gifts of objects sometimes accompanied grants, again acting as physical reminders. A charter of Gilbert earl of Hertford (d. 1153) confirmed the sale of the manor of Langham (Essex) by Hugh Tirel to Gervase of Cornhill. Gervase was to hold the manor of Hugh by the service of a silver cup of three marks's weight to be delivered annually in London on demand. Gervase also gave the earl a silver cup for his warranty. Thus the theoretical chain of lordship was demonstrated and recognised. A charter of Roger earl of Hertford, Gilbert's brother and heir, explains the token nature of Gervase's service to Hugh. Gervase had given 100 marks to Hugh for his journey to Jerusalem. In this second charter, the earl grants that if Langham should come

(61) Ibid., App. no.22.
(62) BM Cotton MS, App. xxi fos. 21v, 25v.
(63) Ibid., fo. 25v.

to him, Gervase or his heirs should then hold the land directly of the earl by the service of one knight. This was both to secure Gervase's claim and to ensure that the earl received the service due from the land (64). By 1166, the terms of the charters had taken effect and Gervase held the land by one knight's service (65). While unwritten forms of record remained important, the written document was increasingly used as a record. The two methods could be used in combination. In a charter of Roger earl of Hertford, charters held by the monks 'cum testimonio baronum meorum' are cited. In the same charter, it is emphasised that the earl had added his seal to authenticate the charter (66). When a certain Peter, miller of Colneford, had been convicted of default of service due to Colne Priory and of seizing certain lands, in spite of the charter by which they were granted to Colne Priory, Aubrey earl of Oxford (d. 1194), the priory's patron, placed Peter in mercy, ordered him to surrender Colneford mill and the land called 'the marsh,' confirmed these to the priory and ordered Peter to surrender his charter (67). This was presumably to prevent Peter's charter from being used as the basis of a future claim.

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(64) Book of Seals, nos.84, 105.
(65) RBE, i, p.406.
(66) BM Cotton MS, App. xxi, fos. 20-20v; see also fos. 21-21v, 23-24v, 27-27v, 31v for clauses mentioning the sealing of the charters. For similar cases from the charters of the earls of Arundel to Wymondham Priory, see BM Cotton MS, Titus C viii, fos. 20-20v.
(67) Cartularium Prioratus de Colne, ed. J.L. Fisher, Essex Arch. Soc., Occ. Publns., i (1949), no.39.

When a great lord founded a religious house, it was not only intended to receive the grants of the lord himself and his family, but also the grants of his tenants. It became an institution of the honour. This is well illustrated by general confirmation charters issued to religious houses. In such a charter issued by William earl of Arundel (d. 1193) to Wymondham Priory, the earl first confirms the grants of his grandfather, the founder, and the earl's father. The charter later moves on to confirm various grants of vassals of the earl (68). The general confirmation granted by Roger earl of Hertford to Stoke-by-Clare Priory presents a similar structure(69). The honorial nature of such religious houses is emphasised when the interests of the religious house reflect the geographical spread of the honour. Hurley Priory, founded in Berkshire by Geoffrey de Mandeville (d. ca. 1100), possessed lands of the honour in Cambridgeshire, Essex, Hertfordshire and Middlesex, as well as Berkshire (70). Castle Acre Priory, the Warenne foundation in Norfolk, was not only dependent on Lewes Priory, on the Sussex lands of the honour, but had connections with the possessions of Lewes Priory on the Warenne lands in Yorkshire(71).

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(68) BM Cotton Titus MS, C viii, fos 18v-19.
(69) BM Cotton MS, App. xxi fos. 23-24v.
(70) Monasticon Anglicanum, iii, pp.433-5.
(71) The monks of Castle Acre Priory were evidently accustomed to travelling to the Warenne honour in Yorkshire, Hamelin earl of Surrey granted that they should be quit of carrying-service beyond the Well-stream towards Conisborough or Wakefield, provided that they performed it on the return journey as far as Castle Acre or Methwold (Norfolk): EYC, viii, no.62.

Grants of whole manors to religious houses were comparatively rare. The honour of Boulogne was exceptional in this. Stephen of Blois, as the lord of the honours of Boulogne, Eye and Lancaster, even before he became king in 1135, was in a position to be generous in a royal manner. Queen Matilda, in whose right Stephen held the honour of Boulogne, granted the manor of Coggeshall to found Coggeshall Abbey, and the manors of Cressing and Witham to the Templars (72). The more usual method of endowment is illustrated by the grants made by William earl of Arundel (d. 1176) to the admittedly more modest institution of the Augustinian Priory of Buckenham. He conceded the churches of the manor with various tithes, small portions of land, wood and meadow (73). Wymondham, founded by the earl's father, received similar kinds of grants: various churches of the honour; small portions of land; a fishery; tithes, etc. The monks did receive one manor, Happisburgh, an isolated manor of the honour on the north-east coast of Norfolk (74). The granting of small elements made good administrative sense, retaining the most profitable, central part of the demesne manors, even simplifying their administration by hiving off small attached lands. Tithes and churches have a rather different significance. The Church, through the religious houses, was trying to make the tithe apply to as much of the lay lord's

(72) Regesta, iii, nos.207, 843, 845.
(73) Monasticon Anglicanum, vi, p.419.
(74) BM Cotton MS, Titus C viii, fos. 16, 18-18v, 18v-19.

income as possible. In a charter of William earl of Essex to Walden Priory, the earl granted the tithes of all his assarts and 'novalium meorum.' The charter made the point that the monks should receive all the tithes of the earl's demesnes, 'scilicet de terra arabili, de pomeriis et ortis seu de gardinibus.' To make sure that everything was covered, the charter added that the monks should receive tithes from 'omnibus aliis rebus de quibus decimae exigi debet vel dari.'(75)

Grants of churches to religious houses were very numerous in the twelfth century. It was part of the long process of ending direct holding of churches by laymen, as a result of pressure from the reforming party in the Church. A large number of churches throughout the honour of the earls of Essex were confirmed to Walden Priory by William earl of Essex. He also confirmed the right of presentation to seven of these churches(76). There is a similar confirmation of a large number of churches by Roger earl of Hertford to Stoke-by-Clare Priory (77). Charters sometimes concerned individual churches or advowsons. Aubrey earl of Oxford (d. 1194) granted the church of Aythorpe Roding to Colne Priory. To Bury St. Edmunds, he granted all his rights in the advowson of the church of Cockfield (Suff.) (78). The

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(75) BM Harley MS, 3697, fo. 4.
(76) Ibid., fos. 18v-19r.
(77) BM Cotton MS, App. xxi, fo. 22.
(78) Cartularium Prioratus de Colne, no.44; Feudal Documents: Bury, no.197. Earl Aubrey held Cockfield of the abbey: The Kalendar of Abbot Samson of Bury St. Edmunds, ed. R.H.C. Davis, Camden Soc., 3rd Ser., lxxxiv (1954), p.70.

granting of churches to religious houses was complicated by the need to protect previously established rights, usually those of the rector, who had perhaps been placed in his church by the earl himself. A grant by Aubrey earl of Oxford (d. 1194) to Colne Priory of the church of White Colne included an agreement by the monks to allow Herbert of St. Edmunds (presumably the rector of the church) to continue to hold the church, paying the monks 10s annually. When the benefice became vacant, the monks were to enjoy it undisturbed. (79). Ca.1180, Earl Aubrey granted the church of Messing to Colne Priory, on condition that Michael, the earl's clerk, should hold the church, paying 100s annually to the monks. Michael had sworn to keep faith with the monks and not to scheme in any way to rob them of their church, or to contest their rights in it (80). A grant by William earl of Arundel of the church of Besthorpe (Norf.) to Wymondham Abbey safeguarded the "tenement and right" of Roger, the earl's clerk and 'dapifer,' 'quamdiu in habitu seculari vixerit.' Roger was to pay twelve pence annually as a recognition of the abbey's rights. He was probably intending to become a monk at the abbey, but not immediately (81).

The relationship between the earls and the religious houses they patronised often involved the local bishops, as the chief

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(79) Cartularium Prioratus de Colne, no.45.
(80) Ibid., no.50.
(81) BM Cotton MS, Titus C viii, fo. 20v.

ecclesiastical authorities in the region. In the sensitive area of lay proprietary rights over anything connected with the church made the involvement of the bishops was desirable. When William earl of Arundel founded Buckenham Priory, he did so 'consilio Willielmi Dei Gratia Norwycensis episcopi' (William Turbe, bishop 1146-74) (82). The earl addressed a notification of his confirmation of William d'Aubigny's (d.1139) grants to Wymondham Abbey to the same bishop (83). Bishops were also involved in individual grants made by the earls. When Aubrey earl of Oxford (d. 1194) notified Robert de Sigillo, bishop of London, that he had granted, "as far as lies in the power of a layman," the church of Aythorpe Roding to Colne Priory, and asked the bishop to do what was necessary to complete the gift. It was a recognition that a layman could no longer treat ecclesiastical property like any other kind (84). Roger earl of Hertford notified 'Reverentissimo patri suo Gilberto Dei gracie Lundoniensis episcopi,' the archdeacon and a rural dean, as well as the rest of the clergy of the diocease of London, when he granted the hermitage of Standon (Herts.) to Stoke-by-Clare Priory (85). When confirming the tithes of Roger de Ginnei to Stoke-by-Clare Priory, Richard earl of Hertford (d. 1217) wrote to Staingrim and William, archdeacons of Norwich, 'dilectis amicis suis,' asking them to assist the monks in

(82) Monasticon Anglicanum, vi, p.419.
(83) BM Cotton MS, Titus C viii, fos. 17v-18.
(84) Cartualrium Prioratus de Colne, no.44. For a very similar example, concerning the gift of White Colne church to Colne Priory and addressed to Gilbert Foliot, bishop of London, see Ibid., no.45.
(85) BM Cotton MS, App. xxi, fo. 24v.

obtaining the tithes (86). Perhaps because of the clerical scribes who wrote the charters and letters of the earls, the officials of the Church were always addressed with great respect.

Ceremonial played the same role in grants by the earls to religious houses as it did in grants to lay vassals. It made a grant memorable to the witnesses, who could then be expected to uphold the grant if it were ever to be challenged. Hugh Bigod, before he became earl of Norfolk, confirmed some grants made by his vassal, William de Brun. Hugh had witnessed the grant, which had been placed on the altar of the church of Thetford Priory on the Feast of All Saints (87). Aubrey earl of Oxford offered various grants on the high altar of Colne Priory, in the presence of the prior and monks (88). The involvement of the altar was no doubt intended to make the grant even more sacrosanct.

A lord's relationship with and responsibility for a religious house he or his predecessors had founded did not end with the granting of land, income and rights. William earl of Surrey (d. 1159) was described as "protector and advocate" of Eye Priory (89). Just as the lord retained an interest in fiefs granted to laymen, he was to protect and render general assistance

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(86) Stenton, First Century of English Feudalism, App. no.22.
(87) Book of Seals, no.284.
(88) Cartularium Prioratus de Colne, no.37.
(89) Monasticon Anglicanum, iii, p.406.

to his ecclesiastical vassal. After a complaint from the monks of Stoke-by-Clare Priory that some of the earl's men who held land from the monks were not paying certain renders, Roger earl of Hertford ordered his officers to force the men to pay by distraining their chattels (90). As we have seen, Aubrey earl of Oxford confiscated the land of Peter the miller of Colneford and returned it to the monks of Colne Priory, when Peter had been convicted of default of service to the monks (91). Richard earl of Hertford asked the archdeacons of Norwich to assist the monks of Stoke-by-Clare in obtaining the tithes and a church in Norwich, granted by the grandfather of Roger de Ginnei (92). Roger earl of Hertford wrote to his grandmother, Alice de Clermont, and her steward, Peter, protesting against the levying of certain customs and gelds from Stoke-by-Clare Priory's possessions and men. The earl ordered that the monks should be left 'in pace de omnibus causis.' (93) When the earl was going away, perhaps on pilgrimage or crusade, he ordered his barons and men to assist the monks, ordered all debtors in tithes and rents to the monks to pay, and commanded Reginald, his steward, to do justice to the monks in regard to the rents the earl himself owed (94). When a steward had used his position to take land from the monks, it was for the earl to

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(90) BM Cotton MS, App. xxi, fo. 21.
(91) Cartularium Prioratus de Colne, no.39.
(92) Stenton, First Century of English Feudalism, App. no.22.
(93) BM Cotton MS, App. xxi, fo.22.
(94) Stenton, First Century of English Feudalism, App. no.19.

put the matter right (96). It was useful for a religious house to be on good terms with the officials of its patron. Aubrey earl of Oxford, at the request of the monks of Colne Priory, confirmed some land to his forester for life, for an annual rent of two shillings (96).

It was obviously helpful, in normal times, for a lord to be on good terms with his neighbours, particularly other powerful lords. The relationship between the earls of the region, and between the earls and other lords of the region, was therefore important to them and to us. Links by marriage are the most easily observable form of these relationships. There was considerable intermarriage between the families of the earls with honours centred in the region. The mother of William earl of Arundel (d. 1176) was Maud, a daughter of Roger Bigod (d. 1107) and therefore sister to Hugh earl of Norfolk (d. 1177) (97). Geoffrey earl of Essex (d. 1144) married Rohese, daughter of Aubrey de Vere (d. 1141) and sister to Aubrey earl of Oxford (d. 1194) (98). These two families were further connected by the marriage of Geoffrey earl of Essex's (d. 1144) nephew, Geoffrey de Say, to Alice, daughter of Aubrey earl of Oxford (d. 1194) (99). Hugh earl of Norfolk's (d. 1177) first wife was

(95) Ibid., no.21.
(96) Cartularium Prioratus de Colne, no.46.
(97) CP, i, p.233. The 'carta' of 1166 for the Norfolk honour of William d'Aubigny (d. 1139), the first earl's father, suggests that the marriage was the work of Henry I, possibly after the death of Roger Bigod (d. 1107): 'Et postea (Henry I) dedit ei feodum de x militibus feffatis de terra Rogeri Bigod, cum filia Rogeri Bigod, de manu sua': RBE, i, pp.397-8.
(98) CP, v, pp.115-16.
(99) Sanders, English Baronies, p.98 nI.

Juliane, sister of Aubrey earl of Oxford (d. 1194) (100). Thus two of Earl Aubrey's sisters were married into local comital families. Earl Aubrey's son and heir may have married, as his second wife, Alice, a daughter of Roger earl of Norfolk (d. 1221), Hugh earl of Norfolk's son by the marriage to Juliane de Vere(101). These are only the most direct connections between the comital families of the area. Many much more obscure links can be traced and though their individual significance was slight, they must have added to the sense that everyone belonged to one gigantic family (102).

To put the marriage links between the earls of the region in perspective, it is necessary to look at their other marriages. Some of these were to other neighbouring families of the region who did not possess a comital title. Roger earl of Hertford (d. 1173) married Matilda, daughter and heiress of James de St. Hilaire, who had been lord of a barony with lands in Norfolk and Northamptonshire. On the death of Earl Roger, Matilda married William, son of William earl of Arundel (d. 1176), soon to succeed his father to the earldom and the Aubigny Norfolk honour. William gained possession of Matilda's lands for his lifetime, though after his death the lands returned to Matilda's son by her first marriage, Richard earl of Hertford (d. 1217) (103).

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(100) CP, ii, pp.585.

(101) Sanders, English Baronies, p.52 n5. This marriage would have been well within any measurement of consanguinity. Alice's grandmother was Aubrey's aunt.

(102) For example, Earl Aubrey (d. 1194) was the first cousin of Roger earl of Hertford, Aubrey's mother, Alice de Clare, was the sister of Richard fitz Gilbert (d. 1136), the father of Gilbert and Roger, the first two earls of Hertford. By the same link, Aubrey was first cousin to Richard earl of Pembroke (d. 1176), son of Gilbert earl of Pembroke (d. 1148/9), another brother of Alice de Clare: CP, x, p.198.

(103) Sanders, English Baronies, p.44. For a series of charters issued by Matilda and her two husbands, concerning lands of her fee at Rothwell in Northamptonshire, see The Cartulary of Cirencester Abbey, ed. C.D. Ross (London, 1964), ii, pp. 562-5, 567-8, 571, 586-7.

Aubrey earl of Oxford's (d. 1194) third marriage was to Agnes, daughter of Henry de Essex, lord of the honours of Haughley (Suffolk) and Rayleigh (Essex) (104). Aubrey's difficulties over this marriage will be discussed fully below. Henry de Essex's father, Robert, had married again after the end of his marriage to Henry's mother, Gunnor, to none other than Alice (de Essex), yet another sister of Aubrey earl of Oxford (d. 1194) (105). A further sister of Earl Aubrey married Roger de Raimes (d. ante 1159), lord of the barony of Rayne (Essex) (106). Thus, all

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(104) CP, x, p.205. Earl Aubrey's second wife was Eufeme de Cantilupe, daughter of a William de Cantilupe. Simon and Robert, brothers with this surname attest Aubrey's charters to Colne Priory: Cartularium Prioratus de Colne, nos. 33, 43, 50. None, however, appear as holding knight's fees of Aubrey in 1166. A Robert de Cantilupe held one knight's fee of the earl of Essex and a Walter de Cantilupe shared a fee of four knights with Robert Chevauchesul of the same lord. A Simon de Cantilupe held two and a half knight's fees. He was accused by Richard de Raimes of holding Hingham (Norfolk), which Richard claimed as part of his demesne: RBE, i, pp.345-6, 356, 396. There are then local members of one or more Cantilupe families. The editors of the Complete Peerage, volume X, suggest that Eufeme's father was a William de Cantilupe who witnessed charters of Henry d'Oilly (d. 1163): CP, x, p.205; The Cartulary of Oseney Abbey, ed. H.E. Salter, iv, Oxford Hist. Soc., xcvii (1934), nos.20, 20A. If this was Eufeme's father, it would provide an interesting link between Earl Aubrey and the county of his earldom. It seems unlikely that Eufeme brought much as an inheritance or 'maritagium.' Ickleton (Cambs.) was granted to Eufeme by King Stephen and Queen Matilda on her marriage to Earl Aubrey, probably so that she could bring some land to her husband: Cartularium Prioratus de Colne, no.56.

(105) Retuli de Dominabus et Pueris et Puellis de XII Comitatibus (1185), ed. J.H. Round, Pipe Roll Soc., xxv (London, 1913), pp.76-7 & n.

(106) Sanders, English Baronies, p.139 n4.

four sisters of Earl Aubrey were married to important local families: Rohese to Geoffrey earl of Essex (d. 1144); Juliane to Hugh earl of Norfolk (d. 1177); Alice to Robert de Essex (d. 1132-40), and another to Roger de Raimes (d. ante 1159). Earl Aubrey may even have married, as his fourth wife, Lucy, another daughter of Henry de Essex (107).

Not all, by any means, of the marriages made by the earls of the region and their families were to families based in the four counties. Some of these 'outside' marriages were to the families of other earls. William d'Aubigny earl of Arundel (d. 1224), son and heir of William earl of Arundel (d. 1193), married Mabel, the second daughter of Hugh earl of Chester (d. 1181) (108). William earl of Essex (d. 1189) married Hawise, daughter and heiress of William count of Aumale, King Stephen's earl of Yorkshire (109). Richard earl of Hertford (d. 1217) married Amice, second daughter and eventually sole heiress of William earl of Gloucester (d. 1183) (110). Robert, the

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(107) See above, note 36.
(108) Sanders, English Baronies, p.2 n2.
(109) CP, v, pp.118-9. The marriage took place at the caput of the Mandeville honour, the castle of Pleshy (Essex), on 14th January 1180: Diceto, ii, p.3. As William earl of Essex was high in royal favour, Hawise was probably given by the king, who, after the death of William count of Aumale in 1179, would have had Hawise in his gift, rather than an arrangement between the two comital families.
(110) CP, vi, p.502 & n(i). There was some local significance in this marriage. Amice brought with her the borough of Sudbury in 'maritagium,' a borough very close to the caput of the earls of Hertford at Clare, which had its own borough: see Map 5. Richard and Amice were forced to separate for some time before 1200 on grounds of consanguinity: Curia Regis Rolls, i, p.186.

younger brother of the first two earls of Hertford (Gilbert d. 1153 and Roger d. 1173), also found a bride of comital rank, marrying Maud, a daughter of Simon earl of Northampton (d. 1153) (111). Hugh earl of Norfolk (d. 1177) married, as his second wife, Gundred, daughter of Roger earl of Warwick (d. 1153) (112).

Some marriages, while not being to the families of 'English' earls, were to persons of equal and sometimes greater rank. William d'Aubigny, later earl of Lincoln and then Arundel, (d. 1176), married the widow of King Henry I, Adeliz. She was of high rank in her own right as the daughter of Godfrey duke of Lower Lorraine, count of Brabant and Louvain(113). Geoffrey earl of Essex (d. 1166) married Eustache, a kinswoman of Henry II (114). Aubrey earl of Oxford (d. 1194) married, as his first wife, Beatrice, sole heiress to the county of Guisnes (115). Maud, a daughter of Hamelin earl of Surrey (d. 1202), married Henry count of Eu (d. 1190/1), who was himself the son of a marriage between his father, County John of Eu (d. 1170), and Alice, a daughter of William earl of Arundel (d. 1176) (116).

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(111) Robert held the barony of Little Dunmow (Essex): Sanders, English Baronies, p.129 & n8.
(112) CP, ix, p.585.
(113) Ibid., i, p.235.
(114) Ibid., v, p.117 & n(f).
(115) Ibid., x, pp.204-5 & 205 n(d).
(116) Sanders, English Baronies, pp.119-20 & 120 n7. There was a local aspect to both these marriages, though in Sussex rather than in the eastern counties. The Warenne family were lords of the Rape of Lewes, the counts of Eu, lords of the Rape of Hastings, and the earl of Arundel, lord of the Rape of Arundel. When Alice d'Aubigny had married John count of Eu, her father had given the count the service from eleven knight's fees in Kent 'in maritagio:' RBE, i, p.398.

The marriages of the earls of the region were therefore generally to persons of equal or superior rank, both inside and outside the region, or to lower-ranked persons with interests geographically close to those of the earls. Exceptions to this generalisation are hard to find. Roger earl of Norfolk married a certain Ida, whose parentage is unknown. Aubrey earl of Oxford (d. 1214), son of Aubrey earl of Oxford (d. 1194), married Isabel, daughter and heiress of Walter de Bolebec (d. ante 1185). The barony of Whitchurch was, it is true, mostly outside the region, though it did include Swaffham Bulbeck in Cambridgeshire. The marriage had a particular story behind it. In 1185, Aubrey earl of Oxford (d. 1194) received custody of Isabel, though he did not have custody of the lands, which were in the custody of Reginald de Courtney. The next step was to purchase the right to marry the heiress to Earl Aubrey's son, Aubrey. When the marriage failed to produce children, Robert earl of Oxford, brother and heir of Earl Aubrey (d. 1214) married Isabel's heir, her aunt Isabel (117).

Every marriage was to an heiress, or a potential heiress. The usual practice of dividing an inheritance approximately equally between coheiresses, when there was no male heir, meant that even the youngest of several daughters could bring a considerable inheritance. Sometimes, a marriage could result in

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(117) CP, x, p.209; Rotuli de Dominabus, pp.34 & n2, 40 & n4. Sanders, English Baronies, p.98. Aubrey was charged 500 marks 'pro habenda filia Walteri de Bolebec ad opus filii sui,' which he paid immediately at the beginning of Richard I's reign: PR 2 Richard I, p.110. In 1185, Swaffham was in the hands of Gilbert Basset, as the dower of his wife, the widow of Walter de Bolebec: Rotuli de Dominabus, p.86 & n4.

an inheritance, long after the actual marriage. Richard fitz Count Gilbert (d. ca. 1090) married Rohese, daughter of Walter Giffard (d. 1084). It was on the basis of this marriage that Richard earl of Hertford (d. 1217), the first Richard's great-great-grandson claimed half the Giffard honour in 1190, though he had to proffer 2000 marks to the king for the claim to be recognised (118). By examining the marriages of the earls of the region, one can see just how important the potential for inheritance offered by a wife was. The castle and honour of Arundel, which Queen Adeliz brought to her marriage with William d'Aubigny (d. 1176), was not really an inheritance, but was an exceptional dower (119). Though, as dower-lands, the honour might have been expected to revert to the crown in 1151, on Queen Adeliz's death, Henry II confirmed it to William earl of Arundel (d. 1176) and his heirs at the beginning of the reign(120). By the time the earl died in 1176, Henry II seems to have changed his mind and withheld the honour from the earl's heir, William earl of Arundel (d. 1193). Richard I proved more amenable, especially when soothed by an offer of 2000 marks to recover the lands, though the castle and town of Arundel, and the dependent

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(118) Sanders, English Baronies, p.62 & n5; PR 2 Richard I, p.102. William Marshal, earl of Pembroke, who claimed the other half of the Giffard honour, presumably through his wife Isabel de Clare, the great-great-granddaughter of Richard fitz Count Gilbert, was also charged 2000 marks: Sanders, English Baronies, pp.34-5, 62 & n5, III.

(119) Ibid., p.2. Robert of Torigny states that William d'Aubigny received the 'castellum et comitatum Harundel, quod rex Henricus dederat ei in dote:' Chronicles, iv, p.137 - though as the marriage did not take place until 1139, the gift was actually made to Adeliz.

(120) Appendix I (a).

honour of Petworth, remained in royal hands (121). Thus most of the gain from the marriage descended to the heirs of William earl of Arundel (d. 1193). As has been stated above, the latter's own marriage to Matilda de St. Hilaire, widow of Roger earl of Hertford (d. 1173), was only a temporary success. After Earl William's death, the lands passed in 1196 back to the Clares, though there was always the possibility that the Clare line would fail.

It is not known whether the obscure Eustache who married Geoffrey earl of Essex brought hope of any inheritance with her. It was probably her kinship with the king that was the attraction. The marriage did not work anyway. Geoffrey refused to sleep with her and Henry II divorced the couple. Eustache was later married to Ansel, count of St. Pol (122). Property and status were the most important elements of an earl's marriage, but personal factors could play a role. William earl of Essex (d. 1184) married a lady with a ready-made inheritance of considerable size - Hawise, daughter and sole heiress of William count of Aumale. Through her mother, she was heiress to the honour of Skipton, the honour of Cockermouth, and to half the

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(121) Sanders, English Baronies, p.2 n2; PR 2 Richard I, p.120.
(122) CP, v, p.117 & n(f).

honour of Papcastle (123). Another childless marriage, however, robbed the Mandeville heirs of their prize and ended the male line of the earls of Essex. Hawise's inheritance passed to her later husbands and their heirs, though even this probably seemed less of a disaster to the dying Earl William than the fact that he had failed to produce a son and had no brothers to succeed him. While the desire to produce a male heir probably did not often affect the choice of a wife, it was the single most important purpose of marriage.

Roger earl of Hertford's marriage to Matilda de St. Hilaire has already been discussed in connection with the earl of Arundel. In spite of the temporary loss of her inheritance to William earl of Arundel (d. 1193), her second husband, the marriage was ultimately a complete success for the Clares. Richard earl of Hertford's (d. 1217) marriage was an even greater, though much delayed, success. He married Amice, second daughter of William earl of Gloucester (d. 1183). Provided, as seems likely, the marriage took place after 1166, when William earl of Gloucester's only son died, Amice was probably expected to share the inheritance with her two sisters. However, in 1176 a disaster occurred. Henry II made an agreement with Earl William that Prince John should be betrothed to the earl's youngest daughter, Isabel, and that John should succeed to the whole honour. The other two daughters and their husbands were

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(123) Sanders, English Baronies, pp.134, 142.

to receive only 100 librates of land each from the honour. Ralph de Diceto states that Earl William was unwilling to see his inheritance divided between his daughters and therefore made this agreement, though, given the earl's uneasy relationship with the king, it is difficult to imagine that he was too pleased that the king's son should be his heir (124). He would have been even less pleased if he had known that after his death, the lands were to fall to Henry II on behalf of John. If the agreement was painful for *Earl William, it was more so* for Richard earl of Hertford, who had seen a potentially very lucrative marriage apparently lose its main attraction. But the marriage-game could bring pleasant, as well as unpleasant, surprises. In spite of the apparently hopeless situation in 1176, the vaguaries of the Gloucester inheritance led to, in 1217, Amice's inheritance of the whole of the earl of Gloucester's English lands, the Norman lands having been lost to the French king. The Clares then had possession of the honour right up to 1314, making them probably the wealthiest comital family in England (125).

Neither of Hugh earl of Norfolk's marriages - to Juliane,

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(124) The third daughter was married to Amaury count of Evreux (d. 1191): Hoveden, ii p.100; Diceto, i, p.415. William earl of Gloucester had come under the king's suspicion in 1173-4 and had had a dispute with the king over Bristol castle. In 1183, shortly before the earl's death, he was imprisoned by the king as a precaution against rebellion: Diceto, i, p.385; Gesta Henrici, i, p.92, 294. See also Roger bishop of Worcester's (the earl's brother) outburst to Henry II, complaining of the king's treatment of the family: Materials for the History of Thomas Becket, iii, pp.104-6.

(125) CP, v, pp.688-94; vi, pp.502-3; Sanders, English Baronies, p.6.

sister of Aubrey earl of Oxford, and to Gundred, daughter of Roger earl of Warwick (d. 1153) - were to actual heiresses, though they could of course have become so. The first marriage must have been annulled for some reason. Juliane married again, to Walkelin Maminot (d. 1145-57), and was living in 1185 (126). The identity of Roger Bigod earl of Norfolk's wife, Ida, is unknown, as is therefore any inheritance she may have brought.

Aubrey earl of Oxford's first marriage, to Beatrice, sole heiress of the count of Guisnes, was dissolved after only a few years ca. 1146. Though he seems to have taken the title 'comes' from his wife, it is doubtful how long he had possession of her inheritance. It was certainly lost forever when Beatrice married a second time, to Baldwin lord of Ardres (127). Any hope of inheritance from Earl Aubrey's second wife, Eufeme de Cantilupe, is uncertain, but she died childless, or at least without a male child (128). Earl Aubrey's third wife, Agnes daughter of Henry de Essex, whom he married in 1162/3 appeared to be a promising match and she was to be the mother of Aubrey's sons. Henry de Essex does not appear to have had any male children, so that Agnes could be expected to become at least

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(126) CP, ix, p.585. Walkelin was lord of West Greenwich (Kent) and witnesses a charter of Earl Aubrey: Sanders, English Baronies, p.97; Cartularium Prioratus de Colne, no.36.

(127) Aubrey did go to Flanders to become count of Guisnes and and also secured Beatrice's English inheritance. He was referred to as count of Guisnes in a charter of the abbot of St. Edmund: Round, Geoffrey de Mandeville, pp.189-90. Though Beatrice's second husband claimed the county of Guisnes, the inheritance actually passed to Beatrice's cousin, Arnold, lord of Tournehem, son of Winemar constable of Ghent: CP, x, p.205 n(d). A Radulf de Guisnes held one knight's fee of Earl Aubrey in 1166 and witnessed charters of Earl Aubrey to Colne Priory: RBE, i, p.352; Cartularium Prioratus de Colne, nos.35, 36, 38, 44.

(128) See above, note 104.

a coheiress. However, when her father was defeated in a trial by battle after having been accused of treason, the lands were taken into royal hands. This suddenly made Agnes unattractive as a match and Aubrey tried to repudiate her on somewhat dubious grounds. Aubrey was, however, forced to take her back (129).

When William, son of King Stephen, married Isabel, daughter and sole heiress of William earl of Surrey (d. 1148), the inheritance, together with additional lands and rights, was to form the bulk of William's lands. It was only on the death of his elder brother, Eustace, the heir to King Stephen's personal lands, that William became heir to the great collection of lands he held at the beginning of Henry II's reign (130). In 1164, Hamelin, half-brother to Henry II, had no lands in England until his marriage to William of Blois's widow (131).

The marriage of an earl or an earl's son had to be carefully chosen. If successful, it could increase a family's lands to a

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(129) Aubrey's excuse was that Agnes had originally been betrothed to his brother Geoffrey and sent to stay with him by her father. Agnes was however only eleven when she married Aubrey and protested that she had never agreed to marry Geoffrey. The case went via Gilbert Foliot, bishop of London, to Rome and at one point, in 1172, Aubrey was threatened with an interdict and excommunication by the Pope, if Aubrey would not treat her as his wife. Before this directive, Gilbert Foliot had written to Earl Aubrey, complaining that Agnes was being kept in close custody and urging that Aubrey should treat her with more gentleness. The Pope's threat persuaded Aubrey and the couple's first child was born soon after: The Letters and Charters of Gilbert Foliot, ed. A. Morey and C.N.L. Brooke (Cambridge, 1967), letters nos.162-4.

(130) Regesta, iii, no.272; H.A. Cronne, The Reign of King Stephen 1135-54: Anarchy in England (London, 1970), p.147.

(131) CP, xii, pt i, pp.499-500. Hamelin did have lands in the Touraine until he exchanged them from Thetford in 1190: EYC, viii, no.82.

greater extent and with much less difficulty than any other method. Royal cooperation was essential if the full benefits were to be achieved, but there was always an element of chance; a childless marriage could ruin the best hopes of success.

While the possibility of obtaining an inheritance through marriage was often speculative, brides usually brought some lands to their husbands as a dowry ('maritagium'). Though these lands could be of considerable importance in themselves, they were also important because they created a tenurial connection between the family of the bride and the family of the groom. The groom would hold the bride's 'maritagium' of the bride's father or the lord of the bride's family lands, though technically and sometimes practically the lands would belong to the bride until they passed to an heir or heirs by the bride's husband. When Richard earl of Hertford (d. 1217) married Amice, daughter of William earl of Gloucester (d. 1183), Amice brought, as her 'maritagium,' the borough of Sudbury (Suffolk) and the manor of Eltham (Kent). Sudbury, so close to Clare itself, and Eltham, between the Clare lands at Tonbridge, and London, were clearly useful lands for Richard earl of Hertford to acquire. Amice issued several charters in respect of her 'maritagium.' (132). She also founded a hospital which was granted to Stoke-by-Clare Priory (133). The connection between the earls of Gloucester and Hertford created by the marriage showed itself in a grant by William earl of

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(132) BM Cotton MS, App. xxi, fos. 28v-31v.
(133) Ibid., fos. 29-31.

Gloucester to Stoke-by-Clare Priory, the chief Clare religious foundation, confirming a grant by a vassal. Richard earl of Hertford and his brother, Richard, witness the charter (134). The relationship between the two earls seems to have been close enough for them to fall jointly under suspicion in 1174, at the end of the rebellion of 1173-4 (135).

When William d'Aubigny (d. 1139) married Maud Bigod, he received ten knight's fees of the Bigod as a 'maritagium.' (136) The connection set up continued to have importance in later years. William earl of Arundel, in a general confirmation to Wymondham Abbey (founded by his grandfather, William d'Aubigny (d. 1139)), confirmed lands from his grandmother, Maud Bigod. Among the witnesses to this charter was Roger Bigod, probably Roger earl of Norfolk (d. 1221) before he was recognised as earl in 1190 (137). This Roger, as earl of Norfolk, confirmed an agreement made between a vassal and the abbey (138). When William earl of Arundel (d. 1176) founded Buckenham Priory in the later years of King Stephen's reign, the charter was witnessed by Hugh earl of Norfolk (139). A charter of the same earl of Arundel to Boxgrave Priory in Sussex was witnessed, interestingly, by Roger the steward of the earl of Norfolk (140).

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(134) Earldom of Gloucester Charters, no.174.
(135) Diceto, i, p.385. The earl of Hertford had been suspected of involvement in the rebellion before its end: Jordan Fantosme, p.121.
(136) RBE, i, pp.397-8; see also Ibid., p.395.
(137) BM Cotton MS, Titus C viii, fos 18v-19.
(138) Ibid., fo. 67v.
(139) Monasticon Anglicanum, vi, p.419.
(140) Cartulary of the Priory of Boxgrave, transl. and ed. L. Fleming, Sussex Rec. Soc., lix (Lewes, 1960), no.40, p.35.

When Hugh earl of Norfolk (d. 1177) married Juliane de Vere, sister of Aubrey earl of Oxford (d. 1194), Dovercourt (Harwich, Essex) formed part or all of the 'maritagium.' Roger earl of Norfolk (d. 1221) confirmed the church of Dovercourt and the chapel of Harwich to Colne Priory, one of the Vere foundations. Earl Hugh and Countess Juliane were mentioned in the dedications of this charter (141). The best example of a connection between two families, involving a link by marriage, concerned another sister of Earl Aubrey, Rohese de Vere, who married Geoffrey earl of Essex (d. 1144). Countess Rohese issued charters to Colne Priory concerning her lands (142). Her son, Earl Geoffrey (d. 1166), in a charter to Colne Priory, granted a piece of land, and confirmed to them the gift made by Aubrey de Vere of two-thirds of the tithe from the demesne of Beauchamp Roding, which must have formed part of Rohese's 'maritagium.' William earl of Essex (d. 1189), Earl Geoffrey's (d. 1166) brother and successor, confirmed this grant in a charter witnessed by Earl Aubrey (d. 1194) (143). The relationship between the Veres and Mandevilles went far beyond the connections necessitated by the marriage. When Geoffrey earl of Essex (d. 1144) married Rohese de Vere, he was probably considerably older than his new wife and her brother, the future Earl Aubrey. Geoffrey was apparently of age as early as 1130, while Aubrey lived until 1194 and Rohese until 1207 (144).

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(141) Monasticon Anglicanum, iv, p.102. It was held in 1086 by Aubrey de Vere (d. prob. 1112) in demesne: Domesday Book, ii, fo. 77v.

(142) Cartularium Prioratus de Colne, nos.53-5.

(143) Beauchamp Roding must have been left to Rohese as her dower. She married, secondly, Payn de Beauchamp, hence the modern name: Cartularium Prioratus de Colne, nos.51-2; Round, Geoffrey de Mandeville, p.392.

(144) Ibid., PR 31 Henry I, p.55; CP, v, pp.115-16; x, p.207.

Geoffrey certainly took the leading role in the alliance that developed between himself and Aubrey. In the last week of July 1141, when Empress Matilda, although having been forced out of London, still had the advantage over King Stephen's supporters, Geoffrey seems to have obtained the Empress's grant of an earldom to Aubrey (145). The extensive grants from Empress Matilda to Earl Geoffrey and Earl Aubrey seem to reveal an attempt to achieve a domination of Essex between them (146). Earl Aubrey does not seem to have actively supported Earl Geoffrey in his revolt in 1143 against King Stephen and Earl Geoffrey's death and forfeiture put a temporary end to the connection (147). Once Geoffrey's son had been restored by Henry II, the link between the families appears as strong as ever. Earl Geoffrey (d. 1166) witnessed a charter of Earl Aubrey to Colne Priory (148). Earl Aubrey witnessed charters of Earl Geoffrey (d. 1166) and Earl William (d. 1189) to Ernulf de Mandeville, Colne Priory and Walden Priory (149). Other

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(145) 'Hanc autem conventionem et donationem tenendam affidavi manu mea propria in manu Gaufridi Comitis Essexie:' Regesta, iii, no.634. The links between the Mandevilles and Veres influenced the heraldry of the Vere family: Round, Geoffrey de Mandeville, pp.393-6.
(146) Regesta, iii, nos. 274-5, 634.
(147) Round, Geoffrey de Mandeville, p.209.
(148) Cartularium Prioratus de Colne, no.36.
(149) Round, Geoffrey de Mandeville, pp.230-1; Cartularium Prioratus de Colne, no.51; BM Harley MS, 3697, fo. 4.

members of the Vere family are frequent witnesses to the charters of the two earls of Essex (150). It was as the 'consanguineus Willemi de Mandevil comitis de Aubemarl' that Henry de Vere, constable of Gisors castle, was described in an incident on the frontier of Normandy in 1186 (151). After the death of Geoffrey earl of Essex (d. 1144), Rohese de Vere married a second time - to Payn de Beauchamp, brother of Miles de Beauchamp. Miles had disputed Bedford with King Stephen's appointed earl, Hugh Beaumont. Payn's son by Rohese, Simon, and other members of this family appear in the charters of the earls of Oxford and Essex (152). Thus a third family was drawn into the Vere/Mandeville connection.

The reign of Henry II saw a considerable increase of royal power in the region, but to appreciate the position at the beginning of the reign, the best place to start is the peace agreement between King Stephen and the then Duke Henry in 1153. For all the difficulties of King Stephen's reign, he had been able to rely on the extensive lands in the region that he had possessed in Henry I's reign to supplement the royal demesne

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(150) Round, Geoffrey de Mandeville, p.231 n3; The Cartulary of St. Mary Clerkenwell, ed. W.O. Hassall, Camden Soc., 3rd Ser., lxxi (1949), no.31; Cartularium Prioratus de Colne, no.51; Monasticon Anglicanum, iii, p.435; iv, pp.149, 351; BM Harley MS, 3697, fos. 4, 18v-19r.

(151) Gesta Henrici, i. pp.354-5.

(152) Round, Geoffrey de Mandeville, p.392; Davis, King Stephen, p.135. For examples of members of the Beauchamp family as witnesses to the charters of Aubrey earl of Oxford (d. 1194), see Cartularium Prioratus de Colne, nos.36, 37, 40, 43, 50; as witnesses to charters of the earls of Essex, see Round, Geoffrey de Mandeville, p.231; Clerkenwell Cartulary, no.31; Cartularium Prioratus de Colne, no.51; Hist MSS Comm., Rutland, iv (1903), pp.5-6; Stenton, Dovelaw Documents, no.152; Monasticon Anglicanum, iii, p.435; EYC, iii, no.1311; BM Harley MS, 3697, fos. 4v, 18v-19r.

he acquired as king in 1135. By the agreement of 1153, King Stephen's personal lands - the honours of Boulogne and Eye - were confirmed to his surviving son, William. Henry II was not to have the advantage in the region that Stephen had enjoyed. The agreement further strengthened the position of Stephen's son, William, by confirming the lands he had acquired by marriage to Isabel, the heiress of William earl of Surrey (d. 1148), including the substantial Warenne Norfolk honour. Stephen's son was also granted the castle and vills of Norwich with additional renders up to a total of £700 worth of land, together with the 'totum comitatum' of Norfolk, giving him control over the royal demesne and royal rights over most lay fiefs in that county. For all this, William did liege homage to Duke Henry(153). William was a powerful lord in many parts of Duke Henry's prospective dominions and was a potentially 'over-mighty subject' on any assessment, nowhere more than in our four eastern counties. That William was seen as a threat, even before Duke Henry succeeded King Stephen, is shown by Gervase of Canterbury's story of a Flemish plot to kill Duke Henry in which William was implicated, a plot upset when William fell from his horse and broke his leg (154).

King Stephen's son was not the only problem for royal control in the region when Henry II began his reign. The royal demesne in Suffolk was particularly meagre. Of the demesnes

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(153) Regesta, iii, no.272.
(154) Gervase, i, p.158.

tallaged in 1186-7, very few of those in Suffolk were in royal hands in 1154 (155). Hugh earl of Norfolk accounted as sheriff for the counties of Norfolk and Suffolk in 1154-5. In 1155-6, the counties had vassals of the earl, probably as subordinates of the earl, as sheriffs (156). Although Earl Hugh had fought against King Stephen, such a concentration of power in an area where the crown was weak was undesirable, even in the hands of a former ally, especially one who had originally supported King Stephen so strongly (157). Ultimately, the crown's control over the region depended on its military resources. In 1154, the king only possessed two castles in the region - Cambridge and Colchester (158).

Henry II's attempt to improve his position in the region began in 1157 and was connected with his first real visit to the region, the longest visit of the reign. It lasted from April to June 1157 and in its course the king visited Ongar, Colchester, Waltham (Abbey), and Writtle in Essex, Bury St. Edmunds in Suffolk, and Norwich and Thetford in Norfolk (159).

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(155) Most of the manors tallaged were either confiscated lands of Hugh earl of Norfolk or lands of the honour of Eye: PR 33 Henry II, pp.60-2.

(156) RBE, ii, pp.651-2; List of Sheriffs, pp.86, 132. William de Neville ('Novavilla'), sheriff of Norfolk from Easter 1155 to Michaelmas 1156, held three knight's fees 'de Walesham' (South Walsham, Norf.) and one knight's fee 'aliunde' of Earl Hugh 'de novo:' RBE, i, p.396. A Henry de Neville held one knight's fee 'do novo:' Ibid. William de Fresney ('de Fraxineto'), sheriff of Suffolk from Michaelmas 1155 to Michaelmas 1156, is probably represented in the entry: 'Filius Willelmi de Fraxneto, i militem et iiii am partem' ('de veteri'): Ibid. p.395.

(157) Hugh had testified that Henry I had designated King Stephen as his heir: John of Salisbury, Historia Pontificalis, ed. and transl. Marjorie Chibnall (London, 1956), pp.84-5.

(158) R.A. Brown, 'A List of Castles 1154-1216' EHR, lxxiv (1959), 261-280.

(159) R.W. Eyton, Court, Household and Itinerary of King Henry II (London, 1878), pp.25-7. In 1155, around January, Henry II had visited Thorney Abbey (Cambs.) while apparently touring a series of nearby monasteries - Peterborough, Ramsey and Spalding: Ibid., p.4.

Henry set about reducing the two greatest threats to his control of the region: William, earl of Surrey and son of King Stephen, and Hugh earl of Norfolk. Henry tore up the 1153 agreement, requiring from Earl William the surrender of all but Stephen's personal lands and the inheritance of Earl William's wife. In Norfolk therefore, Norwich, the additional demesnes promised in 1153, and the 'comitatus' of Norfolk were resumed by the crown. Also, Earl William had to surrender all his castles. Hugh earl of Norfolk was required to surrender all his castles too (160). Whether or not Earl William had flirted with action against Henry in 1154, there was little question of a revolt or resistance to these confiscations. William was still a young man. He had not even reached knighthood until Henry II knighted him in 1158. (161) A revolt would need a leader of greater stature than William, for all the extensive lands he retained. Henry II had obviously decided to act before William had the chance to grow into to such a leader. The action against Earl Hugh was also apparently precautionary. There is no sign that Hugh had done anything to provoke the confiscation. He lost not only his castles, but also his sheriffdoms. From Easter, 1157, William de Chesney, who had been King Stephen's sheriff of Norfolk and Suffolk towards the end of the reign, was sheriff of Norfolk and Suffolk (162). The earls of Norfolk and Surrey were not the only ones to suffer from Henry II's concern over

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(160) Chronicles, iv, pp.192-3.
(161) Ibid., p.196.
(162) Regesta, iii, p.xxv; List of Sheriffs, pp.86, 132.

the power of his vassals in the region. The castles of the restored Geoffrey earl of Essex (d. 1166) - Pleshy and (Saffron) Walden - were destroyed soon after the other confiscations (163). The confiscations caused no open breach between the earls of Norfolk and Surrey and the king. Hugh earl of Norfolk witnessed charters issued by the king at Norwich, Thetford, Waltham and Writtle (164). In the charter issued at Thetford, to Thetford Priory, a Bigod foundation, Earl Hugh had a personal interest(165). At Colchester, the king issued a charter to Faversham Abbey, founded by King Stephen and the burial-place of King Stephen, Queen Matilda and Stephen's eldest son, Eustace. William earl of Surrey not only witnessed the charter, but the grant was made at his request (166).

Even without his castles, William earl of Surrey was still the biggest potential threat to Henry II's throne. When William died in 1159 without children, on the return from Toulouse after accompanying Henry II's expedition, Henry must have felt some relief (167). William's death offered Henry the chance to transform the position of the crown in the four eastern counties. The honours of Boulogne, Eye and Lancaster were to be controlled by the crown through royal appointees, farmers and custodians for the rest of the reign. When, in 1163, Henry de Essex's honours of Rayleigh (Essex) and Haughley (Suffolk) were forfeited

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(163) PR 2-4 Henry II, p.32.
(164) The Charters of Norwich Cathedral Priory (Part One), ed. Barbara Dodwell, Pipe Roll Soc., New Ser., xl (London, 1974), no.35; Monasticon Anglicanum, v, pp.150-1; vi, 286-7, 446.
(165) Ibid., v, pp.150-1.
(166) 'Prece et peticione Cognati mei Willelmi Comitis Warenn:' Cartae Antiquae, Rolls 11-20, ed. J. Conway Davies, Pipe Roll Soc., New Ser., xxxiii (London, 1960), no.423.
(167) Diceto, i, p.303.

to the crown, Henry II's position was improved still further(168). Ironically, one of the men who benefited most from the increasing royal control over the region, had owed his early rise to King Stephen. Richard de Lucy had acted as justice in London and Essex in the latter years of King Stephen's reign (169). Richard had received what was to be the core of his honour of Ongar from King Stephen, granted out of the honour of Boulogne (170). In the peace agreement of 1153, he had been entrusted with the Tower of London and the castle of Windsor (171). From the beginning of Henry II's reign Richard was sheriff of Essex until Michaelmas 1157 (172). He was also given custody of Colchester (173). His power in Essex was consolidated further by the grant, 1170-1172/3, of the hundred of Ongar (174). Outside the local context, he is of course best known as one of Henry II's chief justiciars. It was not just through his personal offices and possessions that Richard de Lucy gained influence in the region. Oger 'Dapifer,' Richard's steward, held the sheriffdom of Norfolk and Suffolk from Michaelmas 1163 to Easter 1170 and was the custodian of the honour of Eye from Michaelmas 1164 to Michaelmas 1169 (175). Henry II was determined to find a suitable holder for the escheated Warenne honour. He married Isabel de Warenne, the widow of King Stephen's son and heiress to the Warenne honour, to Hamelin, Henry's own half-brother. This was in 1164, after

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(168) Sanders, English Baronies, pp.121, 139.
(169) Regesta, iii, p.xxiv.
(170) J.H. Round, 'The Honour of Ongar,' Essex Archaeological Soc. Trans., vii (1898), 144-5.
(171) Regesta, iii, no.272.
(172) List of Sheriffs, p.43.
(173) He was still holding Colchester in 1177-8: PR 24 Henry II, p.38.
(174) Delisle, Recueil, i, no.442.
(175) J. Lally, 'The Court and Household of King Henry II 1154-1189' (Univ. of Liverpool, Ph.D. thesis, 1969), p.83; List of Sheriffs, p.86; PR 10 Henry II, pp.33-4; PR 15 Henry II, pp.93-5.

the death of Henry's brother, William, whose own proposed marriage to the widow had been thwarted, presumably on grounds of consanguinity, by Becket (176).

By the 1160s, Henry II had good reason for feeling easier about his position in the region. This may well have prompted the return of the castles of Framlingham and Bungay to Hugh earl of Norfolk, who certainly had them back before 1173. Though there is no direct evidence of the date of the return of these castles, it has been plausibly suggested that the fine of £1000 imposed on Earl Hugh at Nottingham in 1164-5 was for the purpose of regaining his castles (177). The size of the fine, the largest debt imposed on any earl in the reign, suggests a very serious misdemeanour, in which case it is strange that we know of none, or that Earl Hugh received something substantial in return. The castles would fit the latter interpretation. Earl Hugh's castle at Walton (Felixstowe) was not returned (178). There is another reason why Henry II may have felt better disposed towards Hugh earl of Norfolk in the mid-1160s. Earl Hugh had disseised the canons of Pentney (Norfolk) of the vill of Pentney. The canons, appealing to the Papacy, had obtained an excommunication of the earl and an interdict on his lands. In

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(176) CP, xii, pt 1, pp.498-9; Materials for the History of Thomas Becket, iii, p.142; Chronicles, ii, p.676 & n2.

(177) PR II Henry II, p.7; R.A. Brown, 'Framlingham Castle and Bigod,' Proc. of the Suffolk Institute of Archaeology and Natural History, xxv (1949-51), 130.

(178) The earls of Norfolk and Leicester attacked, but failed to take, Walton castle in 1173: Diceto, i, p.377.

the atmosphere of the Becket dispute, Henry II was liable to show fellow-feeling for anyone in trouble with the Church. Gilbert Foliot, bishop of London, and William Turbe, bishop of Norwich, were placed 'in misericordia regis' for laying the interdict and publishing the Pope's excommunication without licence from the king (179).

Henry II did not stop trying to strengthen his position in the region. In 1165-6, he began the construction of the castle of Orford, spending over £1000 in the first three years and a total of £1471 by the end of the reign (180). While Orford could have been intended as a counter to the power of the earl of Norfolk, as R.A. Brown suggests, it does seem strange that Henry II should restore the castles of the earl of Norfolk, only to become worried about his power (181). It seems just as likely that Orford castle was just another reinforcement to royal power in the region, not particularly directed against the earl. The choice of Orford, which admittedly was close to the main areas of Earl Hugh's power, could be explained by the importance as a port of Orford itself (182).

1165-6 saw another important development for the region and for the whole kingdom. In the wake of the Assize of Clarendon,

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(179) The Letters and Charters of Gilbert Foliot, Letters no. 159-61.
(180) R.A. Brown, 'Royal Castle-building in England 1154-1216,' EHR, lxx (1955), 391.
(181) R.A. Brown, 'Framlingham Castle and Bigod,' 132-3. Earl Hugh began building a new square keep at Bungay around this time: Ibid., p.132.
(182) See above, note 44.

Geoffrey earl of Essex and Richard de Lucy set out on the first general judicial eyre by itinerant justices of the reign. These two men covered at least seventeen counties, including Cambridgeshire, Essex, Norfolk and Suffolk (183). The consequences of the fairly regular judicial eyres for the development and spread of royal justice cannot be examined here, but for the king to have royal representatives visiting every region was a great advantage. This has been discussed more fully in an earlier chapter.

The rebellion against Henry II in 1173-4 demonstrated the need for a firm royal control in the region. Both the earl of Leicester and a later party of Flemish mercenaries used it as a target for invasion. The rebellion also demonstrated the effect of the increase in royal power in the region since 1154. Walton, Dunwich, Norwich and Haughley, all of which offered resistance to the rebels, were royal acquisitions since 1154. After Earl Hugh's surrender, Framlingham and Bungay (and earlier during the revolt, Thetford) were destroyed (184). When Earl Hugh died in 1177, the dispute between his sons offered Henry II the chance to withhold many of Earl Hugh's lands and keep them in royal hands until the end of the reign (185). This completed Henry II's domination of the region, in which he had been so weak at the beginning of the reign. In 1154, the king had held

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(183) Pleas before the King or his Justices 1198-1212, III, D.M. Stenton, Selden Soc., lxxxiii (London, 1967 for 1966), pp. liii-liv.
(184) Gesta Henrici, i, p.127; PR 19 Henry II, p.117.
(185) Gesta Henrici, i, pp.143-4; see Map VI for the confiscated lands.

Cambridge and Colchester castles. In 1189, he held Cambridge, Colchester, Eye, Norwich, Orford and Rayleigh, and his half-brother, Hamelin earl of Surrey, held Castle Acre.

Although, by the end of Henry II's reign, none of the earls could challenge royal political and military control of the region, they still dominated tenurial and social life. Through the large number of their tenants, and through their marriage connections, the earls had widespread influence. There can have been few men in the region who could disregard the earls' presence.

Appendix I

Charters concerning the Grant of Earldoms

This appendix contains the five extant charters concerning the grant of earldoms in Henry II's reign, together with Richard I's charter making Hugh du Puiset, bishop of Durham, earl of Northumberland. The latter charter is included as the only extant twelfth century grant of a 'marcher-type' earldom. I have modernised the punctuation and substituted 'j' for 'i', 'v' for 'u' and 't' for 'c' where appropriate. Otherwise I have followed the spelling of the sources. I have extended abbreviations without comment, except where they occur in proper names or where there seems some doubt, in which case they are then indicated in round brackets.

(a). Arundel, William Earl of (19 Dec. 1154 - ca. July 1157, probably March or Christmas 1155, at Westminster).

Henry II grants to William earl of Arundel (d. 1176) the castle and honour of Arundel, and the third penny of the pleas of Sussex whence he is earl.

H(enricus) rex Angl(orum) et dux Norm(annorum) et Aquit-(anorum) et comes And(egavorum) archiepiscopis episcopis comitibus baronibus justiciariis vicecomitibus ministris et fidelibus suis totius Angl(ie) Franc(is) et Angl(is) salutem. Sciatis me dedisse Will(elm)o comiti Arund(elli) castellum de Arundell(o) cum toto honore Arundelli et cum omnibus pertinentiis suis tenendum sibi et heredibus suis de me et de heredibus meis in feodo et hereditate, et tertium denarium de placitis de Susthsex(a) unde comes est. Quare volo et firmiter precipio quod ipse et heredes sui hec predicta habeant et teneant bene et in pace et honorifice et libere et quite et hereditarie, in dominiis et in militibus, in feodis et in forestis, in bosco et plano, in pratis et pascuis, in viis et in semitis, in burgo et extra, in aquis et in piscaturis, et in omnibus locis cum omnibus libertatibus et liberis consuetudinibus predicto honori et castellarie pertinentibus sicut rex H(enricus) avus meus honorem illum habuit quando eum in suo dominio habuit. Testibus Teob(aldo) archiepiscopo Cant(uariensi), Hil(ario) episcopo Cic(estrensi), N(igello) episcopo de Ely,

T(homa) cancellario, Will(elm)o fratre Regis, Reg(inaldo) comite Cornub(ie), Hug(one) comite de Norfolc(ia), Henri(ico) de Essex(a) constabulario, Ric(ardo) de Hum(eto) constabulario, Ric(ardo) de Lucy, War(ino) filie (Geroldi)[I] camerario, Joscel(ino) de Baillol(o), Rob(er)to de Dunestanvilla, Rob(er)to de Curci. Apud Westmonast~~(orum)~~(erium).

[I]MS 'J' followed by an illegible letter.

MS: P.R.O. Chart. R. 5 Edward III, mem. I.
Printed: Calendar of Charter Rolls (London, 1912), iv, p.257; J. Selden, Titles of Honor (London, 1672), pp.539-40: Reports from the Lords' Committees touching the Dignity of a Peer of the Realm (London, 1829), v, app. v, p.3.
Date: Robert de Curci died ca. July 1157. Apart from Henry II's coronation, the king was at Westminster during March and Christmas 1155.

(b). Essex, Geoffrey Earl of (ca. 2 Jan. 1156, at Canterbury)

Henry II makes Geoffrey de Mandeville (d. 1166) earl of Essex.

H(enricus) rex Angl(orum) et[1] dux Norm(annorum) et Aquit-(anorum) et comes Andeg(avorum) archiepiscopis episcopis abbatibus comitibus justiciariis baronibus vicecomitibus ministris et omnibus fidelibus suis Francis et Anglis Anglie et Normannie salutem.[2] Sciatis me fecisse Gaufridum de Magnavilla[3] comitem de Essexa, et dedisse et hereditarie concessisse sibi et heredibus suis ad tenendum de me et heredibus meis tertium denarium de placitis meis ejusdem comitatus. Et volo et concedo et firmiter precipio quod ipse comes et heredes sui[4] post eum habeant[5] et teneant comitatum suum ita bene et in pace et libere et quiete et plene et honorifice sicut aliquis comes in Anglia vel Normannia melius, liberius, quietius, plenius et honorificentius tenet comitatum suum. Preterea reddidi ei et concessi totam terram Gaufridi de Magnavilla proavi sui et avi sui et patris sui et omnia tenementa illorum, tam in dominiis quam in feodis militum, tam in Anglia quam in Normannia, que de me tenet in capite et de quocunque teneat et de cujuscunque feodo sint, et nominatim Waledenam et Sabrichteswordam[6] et Walteham. Et vadium quod rex Henricus avus meus habuit super predicta tria maneria sua imperpetuum ei clamavi quietum sibi et heredibus suis de me et

de meis heredibus. Quare volo et firmiter precipio[7] quod ipse et heredes sui habeant et teneant de me et de meis heredibus[8] comitatum suum predictum ita libere et quiete et plene[9] sicut aliquis comes in Anglia vel Normannia melius, liberius, quietius et plenius comitatum suum[10] tenet. Et habeant et teneant ipse et heredes sui omnia predicta tenementa antecessorum suorum predictorum et nominatim predicta tria maneria ita bene et in pace et libere et quiete et honorifice et plene, in bosco et plano, et pratis et pascuis, in aquis et molendinis, in viis et semitis, in forestis et warrennis, in rivariis et piscariis, infra burgum et extra, et in omnibus locis et nominatim infra civitatem London(ie), cum soco et saca et toll et team et infangtheof et cum omnibus libertatibus et liberis consuetudinibus et quietanciis suis[11] sicut Gaufridus de Magnavilla proavus suus et avus suus et pater suus unquam melius, liberius, quietius, et honorificentius et plenius[12] tenuerunt tempore regis Will(elm)i et regis Henrici avi mei. Testibus T(heobaldo) archiepiscopo Cantuar(iensi), Rog(er)o archiepiscopo Eborac(ensi), Ric(ardo) episcopo London(iensi), Rob(erto) episcopo Lincoln(ensi), Nigello episcopo Eliensi, Tom(a) cancellario, Rag(inaldo) comite Cornubi(e), R(oberto) comite Legrec(estrie), Rog(ero) comite de Clara, H(enrico) de Essex conesta(bulo), Ric(ardo) de Hum(eto) conest(abulo), Ric(ardo) de Lucy, War(ino) fil(io) Ger(oldi) cam(er)ario, Man(assero) Bisset dap(ifero), Rob(er)to de Dunest-(anvilla) et Joc(elino) de Baillolio.[13] Apud Cantuariam.[14]

I Dugdale MS omits 'et.' 2 Dugdale MS omits the address after 'archiepiscopis.' 3 Rawlinson MS has 'Magna Villa' throughout. 4 Rawlinson MS omits 'sui.' 5 Both MSS omit 'habeant,' but it is used with 'et teneant' later in the charter. 6 Rawlinson MS has 'Dabrichteswordam.' 7 Dugdale MS omits 'et firmiter precipio.' 8 Dugdale MS omits 'de me et de meis heredibus.' 9 Dugdale MS omits 'et quiete et plene.' 10 Dugdale MS omits 'liberius, quietius et plenius comitatum suum.' 11 Dugdale MS omits the passage from 'et in pace' to 'et quietanciis suis.' 12 Dugdale MS omits 'liberius, quietius, et honorificentius et plenius.' 13 Dugdale MS omits the witnesses after 'T(heobaldo) archiepiscopo Cantuar(iensi).' 14 Rawlinson MS has 'Canthuariam.'

Dugdale MS marks its omissions from the text as supplied by the Rawlinson MS.

MSS: Oxford, Bodl. Lib., Dugdale MS, 18, fo. 80v; Oxford, Bodl. Lib., Rawlinson MS, B, 102, fo. 57r (with sketch of seal).
Printed: Round, Geoffrey de Mandeville, pp.235-6.
Date: see Ibid., p.237.

(c). Hereford, Henry Earl of (28 April 1200, at Porchester)

Charter of King John making Henry de Bohun earl of Hereford, containing Henry II's charter making Roger fitz Miles (d. 1155) earl of Hereford.

Joh(anne)s Dei gracia etcetera, Sciatis nos dedisse et concessisse et presenti carta confirmasse Henr(ico) de Bohun xx^{ti} libras de tertio denario comitatus Hereford(ie) annuatim percipiendas unde eum fecimus comitem H(er)eford(ie) et ipse nobis cartam suam fecit quod ipse vel heredes sui nichil clamabunt unquam de nobis vel heredibus nostris quos de uxore desponsata habuimus per cartam H(enrici) regis patris nostri quam ipse habuit in hac forma. H(enricus) rex Angl(orum) dominus Hib(er)nie[1] et dux Norm(annorum) et Aquit(anorum) et comes And(egavorum) archiepiscopis episcopis abbatibus comitibus baronibus justiciariis vicecomitibus prepositis ministris et omnibus fidelibus suis Franc(is) et Angl(is) totius Angl(ie) salutem. Sciatis nos[2] reddidisse et concessisse Rog(ero) comiti Hereford(ie) in feudo et hereditate sibi et heredibus suis ad tenendum de me et de meis heredibus totum feudum Comitis Milon(is) patris sui et totum feudum Bernardi de Novo M(er)cato ubicunque sit. Insuper et dedi ei et concessi omnia dominica que rex H(enricus) avus meus habuit inter Sabrina(m) et Waye(m) in Glocestr(e)sir(a) excepto castello de S(an)c(t)o Briavello et villa de Neweham et foresta de Dena. Hec v^{us} sunt illa dominia

videlicet Ministredwrd(a) et Redlen et Aura et Dymoc cum omnibus appendiciis suis. Et ex altera parte Sabrin(e) dedi ei et concessi Cilteham cum omnibus appendiciis suis pro lx libris terre. Preterea dedi ei et concessi motam Hereford(ie) cum toto castello et tercium denarium redditus burgi Hereford(ie) quicquid unquam reddat et tercium denarium placitorum totius comitatus H(er)eford(ie) unde feci eum comitem. Dedi et ei et concessi tria maneria in ipso comitatu Hereford(ie) de meo dominio videlicet Manwerdina(m) et Lugwordina(m) et Wiltona(m) cum omnibus appendiciis suis. Dedi et ei et concessi hayam H(er)eford(ie) cum omni re que ad eam pertinet et forestam de Trinelaya cum omni re que ad eam pertinet. Dedi et ei et concessi servitium Rob(erti) de Candos et Hugon(is) filii Will(elm)i cum toto feudo eorum ubicunque sit. Et hec omnia supradicta dedi et concessi eidem Rog(ero) comiti H(er)eford(ie) in feudo et hereditate sibi et heredibus suis ad tenendum de me et heredibus meis. Preterea etiam concessi eidem Rog(ero) omnes justicias et ministeria et tenementa que fuerunt patris sui ubicunque sint sicut pater ejus eam melius habuit tempore H(enrici) rex avi mei, et cȳstodiam turris Gloc(estrie) cum toto castello in feudo custod(ie)(?) sibi et heredibus suis de me et heredibus meis tenendum, et vicecomitatum Glocestr(e)sir(e) per eandem firmam quam reddere solebat Comes Milo pater ejus tempore H(enrici) regis avi mei. Testibus Tom(a) cancellario, Will(elm)o fratre Regis, Regin(aldo) comite Cornub(ie), Comite Pat(ri)c(io), Joh(ann)e Maresc(allo), Ric(ardo) de Humez

constabulario, Will(elm)o filio Ham(onis), Ric(ardo) de S(an)c(t)o Remig(io), Warin(o) filio Gerold(i) camerario, Joscelin(o) de Bailloil(o). Hec autem carta predicti Regis H(enrici) patris nostri deposita est in prioratu Winton(iensi) per manum Godfr(idi) Winton(iensi) episcopi frangenda et destruenda si heredem de uxore nobis desponsata habuimus. Sin autem idem Henr(icus) de Bohun vel heredes ipsius recuperabunt ad predictam cartam ad faciendum inde quod sibi melius viderint expedire. Hiis testibus G(odfrido) Winton(iensi) et H(erberto) Sarr(esberiensi) episcopis, G(alfrido) filio Pet(ri) comite Essex(ie), Comite R(ogero) le Bigot, Will(elm)o Briwer(e). Data per manum S(imonis) Well(e)n(sis) archidiaconi et J(ohannis) de Gray archidiaconi Gloc(estrie) apud Poresestr(am) xxviij die Aprilis anno regni nostri primo.

1 'dominus Hibernie' underlined in MS; it is an addition 'tempore' King John.
2 This would have been 'me' in the original grant.

MS: P.R.O. Chart. R. I John, pt. 2, mem. 6.
Printed: Report from the Lords' Committees, v, app. v, p.2.
Date: Henry II's grant to Roger fitz Miles must have taken place between Henry's coronation, 19 Dec. 1154, and Roger's death, Michaelmas-Christmas 1155, possibly after Henry and Roger settled their disputes, ca. March 1155: R.W. Eyton, Court Household and Itinerary of King Henry II (London, 1878), p.9; D. Walker, 'Charters of the Earldom of Hereford,' Camden Soc., 4th Ser., i, 9.

(d) Norfolk, Hugh Earl of (1155, at Northampton)

Henry II makes Hugh Bigod (d. 1177) earl of Norfolk.

Henr(icus) rex Angl(orum) et dux Norm(annorum et Aquit(anorum) et comes And(egavorum) archiepiscopis episcopis abbatibus comitibus justiciariis baronibus vicecomitibus ministris et omnibus fidelibus suis Franc(is) et Angl(is) totius Angl(iæ) et Norm(annie) sautem. Sciatis me fecisse Hug(enom) Bigot comitem de Norfolc(ia) scilicet de tertio denario de Nordwic(o) et de Norfolc(ia). Et volo et precipio quod ipse et heredes sui ita libere et quiete et honorifice teneant de me et de meis heredibus sicut aliquis comes Angl(ie) melius vel liberius comitatum suum tenet. Et dapiferatum suum ei ita libere et quiete concedo habendum sicut Rog(erus) pater suus melius et liberius habuit tempore Regis Henrici avi mei. Et sciatis me recognovisse rectum suum de iiij^{or} maneriis scilicet de Eresha(m) et de Walesha(m) et de Alvergate et de Aclay cum berkariis. Et hec iij^{or} maneria predicta cum omnibus pertinentiis suis ei reddidi, dedi et concessi sibi et heredibus suis de me et de heredibus meis tenendum cum socha et sacha et thol et theam et ynfangenetheof et dom et som et cum omnibus libertatibus et liberis consuetudinibus et quietanciis predictis maneriis pertinentibus. Et concedo ei omnia tenementa sua de cujuscunque feodo sint que rationabiliter adquisivit. Quare volo et firmiter precipio quod ipse et heredes sui habeant et teneant omnia predicta in pace et libere et quiete et honorifice cum

omnibus libertatibus et liberis consuetudinibus et quietanciis que ad predicta tenementa pertinent, in bosco et plano, in pratis et pascuis, in aquis et molendinis, in vivariis et piscariis et mariscis, in viis et semitis, in warennis et fugationibus, infra burgum et extra, et in omnibus rebus et in omnibus locis. Testibus Teobald(o) Cant(uariensi) archiepiscopo, Henr(ico) Wint(oniensi) episcopo, Philipp(o) Baioc(ensi) episcopo, Arn(ulfo) Lexov(iensi) episcopo, Nig(ello) Elyen(si) episcopo, Tom(a) cancellario, Regin(aldo) comite Cornub(ie), Henr(ico) de Essex(a) constabulario, Ric(ardo) de Hum(eto) constabulario, Ric(ardo) de Luci, Warin(o) filio Ger(oldi) camerario, Maneser(o) Biset dapifero, Will(elm)o filio Ham(onis), Rob(erto) de Dunstanvill(a), Joscel(ino) de Baillol. Apud Norh(amptonam).

MS: P.R.O. Cartae Antiquae, Roll 18, mem. 3, no.13.
Printed: Cartae Antiquae Rolls 11-20, ed. J. Conway Davies, Pipe Roll Soc., New Ser., xxxiii (London, 1960), no.553; Collectanea Topographica et Genealogica, (London, 1843), viii, p.67; Reports from the Lords' Committees, v, app. v, p.2.
Date: Probably soon after Henry II's coronation, which was attended by the two Norman bishops who attest this charter.

(e) Oxford, Aubrey Earl of (ca. 10 Jan. 1156, at Dover 'in transitu regis')

Henry II grants to 'Comes' Aubrey de Vere (d. 1194) the third penny of the pleas of the county of Oxfordshire that he may be earl thereof.

H(enricus) rex Angl(orum) et dux Norm(annorum) et Aquit(anorum) et comes And(egavorum) archiepiscopis episcopis abbatibus comitibus baronibus justiciariis vicecomitibus ministris et omnibus fidelibus suis totius Anglie Franc(is) et Angl(is) salutem. Sciatis me dedisse et concessisse Comiti Alb(er)ico in feodo et hereditate tertium denarium de placitis comitatus de Oxenefordscyr(a) ut sit inde comes. Quare volo et firmiter precipio quod ipse et heredes sui habeant inde comitatum suum ita libere et quiete et honorifice sicut aliquis comitum Anglie liberius et quietius et honorificentius habet. Testibus T(homa) cancellario, Hug(one) comite de Norfolc(ia), Rog(er)o comite de Clar(a), Comite Patricio, Ric(ardo) filio Gisl(eberti), Henr(ico) de Essex(a) const(abulario), Ric(ardo) de Hum(eto) constab(ulario), Ric(ardo) de Luci, Walt(er)o filio Rob(er)ti, M(anassero) Biset dap(ifero), War(ino) filio Ger(oldi) cam(erario), Ric(ardo) de Canvilla, Will(elm)o de Lanval(ei), Hamone Peccato. Apud Dovr(am) in transitu regis.

MS: Northants. Rec. Soc. Finch-Hatton MS 170, fo. IIv, no.40 (facsimile of ca. 1640).
Printed: Book of Seals, no.40; Selden, Titles of Honor, p.539; Collected Works (London, 1726), iii, pt. 1, col. 684, from the original then, before 1614, in the possession of the earl of Oxford.
Date: see Round, Geoffrey de Mandeville, p.237.

(f) Northumberland, Hugh Earl of (23 November 1189, at Westminster)

Richard I makes Hugh du Puiset, bishop of Durham (d. 1195), earl of Northumberland.

Ric(ardus) Dei gracia rex Angl(orum) dux Norm(annorum) Aquit(anorum) comes And(egavorum) archiepiscopis episcopis abbatibus comitibus baronibus justiciariis vicecomitibus et omnibus baillivis et fidelibus suis totius Angl(ie) Francis et Anglis salutem. Sciatis nos dedisse et concessisse et presenti carta confirmasse karo consanguineo nostro Hug(oni) Dunelm(ensi) episcopo totum comitatum Norhumbr(ie) tenendum in vita sua de nobis et heredibus nostris, et inde eum per ensem et annulum saisivimus et comitem fecimus. Reddendo nobis inde servicium quod antecessores sui Norhumbr(ie) comites antecessoribus nostris regibus facere solent et debent. Quare volumus et firmiter (precipimus)[I] quod predictus episcopus H(ugo) ipsum comitatum ita plene, libere, *quiete et honorifice* tota tempore vite sue habeat et teneat, sicut nos ipsi in propria manu nostra habebamus et tenebamus, in castellis et burgis et in portubus et dominicis maneriis, in stagnis et molendinis et piscariis, in pratis et pascuis, in terris 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, theinorum et drengorum ad predictum comitatum ubicunque sint in Angl(ia) pertinentibus, et cum omnibus libertatibus et liberis consuetudinibus et placitis et querelis et omnibus aliis rebus

ad coronam nostram pertinentibus. Ita quod nullus baillivorum nostrorum inde se super ipsum vel baillives suos intromittat. Ipso vero episcopo H(ugone) decedente, predictus comitatus ad nos vel heredem nostrum revertatur, salvo tamen ecclesie sue et successoribus suis in episcopatu Dunelmensi *manerio de Sadb(er)ga* et wapentaco et feodis militum, videlicet Thome de Amu(n)devill(a) et Pet(r)i Karou et Godefridi Baart et heredum eorum, que prius eis dederamus et carta nostra confirmavimus. Testibus H(uberto) Saresbir(iensi) episcopo, Joh(ann)e comite Moret(onio), Ric(ardo) comite de Clara, Rog(er)o le Bigot, Will(elmo) de S(an)c(t)o Joh(ann)e, Joh(ann)e Maresc(allo), Will(elm)o Maresc(allo), Steph(an)o de Longo Campo. Data per manum Will(elmi) de Longo Camp, Elyen(si) electi, cancellarii nostri. Apud Westm(onasterium) xxv die Novembris regni nostri anno primo.

Illegible on MS.

MS: Durham Dean and Chapter Muniments, 3. 13. Pont.3.
Printed: Historiae Dunelmensis, Scriptores Tres, ed. J. Raine, Surtees Soc., ix (1859), app. p.62.
Date: as on MS.

Appendix II

The Grant of 'Totus Comitatus'

In his book King Stephen, R.H.C. Davis argued that the grant of 'comitatus' or 'totus comitatus' was a formula to describe the grant of a second earldom to a man who was already earl of another county. This was argued with reference to three grants of 'totus comitatus' in King Stephen's reign (1). However, a similar formula can be found, much earlier than King Stephen's reign, in Normandy in the early eleventh century.

The word 'comitatus' always had several meanings, but one of the meanings used in the charters of the dukes of Normandy in the early eleventh century was 'the rights of the count of Normandy,' that is of the duke. Duke Richard III of Normandy granted to his wife, Adele, the 'civitatem que appellatur Constancia cum comitatu, excepta terra R(oberti) archiepiscopi' (of Rouen) (2). This seems to suggest Adèle was to receive the ducal lands and rights, including rights over all the tenants-in-chief, except the Archbishop of Rouen. An important point about this grant is that there was no question of Adèle being made 'count of Coutances.' Norman counts and viscounts both administered, on the duke's behalf, the rights of the count/duke of Normandy. The nature of the rights did not, in themselves,

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(1) R.H.C. Davis, King Stephen (London, 1967), pp.130, 140, 142-3; Regesta, iii, nos.180, 272, 437.
(2) Recueil des Actes de Ducs de Normandie de 911 à 1066, ed. M. Fauroux (Caen, 1961), no.58.

make the administrator a count.

Another interesting example of the word 'comitatus' used to mean the rights of the count/duke of Normandy occurs in a confirmation by Duke Richard II to Jumièges Abbey. Duke Richard confirmed several restitutions to the abbey made by his grandfather, William Longsword. Among these were Gouy (dep. Seine-Maritime, cant. Boos) and Gauciel (dep. Eure, cant. Evreux-Sud), and the document adds: 'ex quibus nostro tempore donavit per consensum nostrum Rotbertus archiepiscopus, frater noster, omnes consuetudines que comitatus pertinent, quas ipse ex nostro jure possidebat.' (3) This Archbishop Robert was the same man as the 'R. archiepiscopus' in the grant of Duke Richard III to his wife. This Robert was the son of Duke Richard I, legitimised when the duke married Robert's mother, Gunnor. He was made archbishop of Rouen in 989 and remained the leading churchman in Normandy until his death in 1037 (4). If Robert possessed the 'comitatus' at Gouy, it is reasonable to deduce that the reason for the exclusion of his land from the grant of the 'comitatus' of Coutances to Adèle, was that Robert already held the 'comitatus' on his land in that area. It may well be that Robert possessed the 'comitatus' on all his lands. His possession of the 'comitatus' of Gauciel was another example of this, though

(3) Ibid., no.36.
(4) D.C. Douglas, 'The Earliest Norman Counts,' EHR, lxi (1946), 131-2.

here there is an additional explanation. Orderic Vitalis states that Robert was count of Evreux, as well as archbishop of Rouen.(5) Robert's son, Richard, was certainly count of Evreux soon after his father's death, witnessing a charter in 1038 as 'Ricardi comitis Ebroice civitatis.' (6) Orderic Vitalis states that Robert gave his son the 'comitatus' of Evreux, 'secundum jus saeculi.' (7) Whether or not Robert was count of Evreux, he clearly held the 'comitatus,' both at Evreux and in other places where he certainly was not count. In the charter of Duke Richard II to Jumièges Abbey, quoted above, there is a further example of the word 'comitatus' used as the rights of the count/duke of Normandy. One of Duke Richard's grants in this charter was an 'alodarium' at Vieux-Fumé (dép. Calvados, cant. Bretteville-sur-Laize) 'et omnes consuetudines quas ex jure comitatus in omnibus terris loci ipsius tenebam.' (8)

If, in Normandy, it was usual for a count to possess the bulk of the ruler's rights in a county, this had not been so in Anglo-Saxon England. After William I conquered England, he did grant the 'marcher-type' earls the bulk of the royal rights within their counties. To the earl of Chester, for example, he granted all the rights of the king within Cheshire, except for those over the fief of the bishop of Chester (9). The

(5) Orderic Vitalis, iii, pp.84-5.
(6) Fauroux, Recueil, no.92.
(7) Orderic Vitalis, iii, pp.84-5.
(8) Fauroux, Recueil, no.36.
(9) Domesday Book, i, fo. 262v.

similarity between this grant and that of Duke Richard III to his wife, Adele, is striking. The limitation on the grant to the earl of Chester did not mean that he was only earl of part of Cheshire, any more than a grant of a 'non-marcher' earldom meant that a 'non-marcher' earl was partly earl of a county. It was simply a limitation on the grant of the ruler's rights, independent of the grant of the title and office. It was the grant of the bulk of the ruler's rights that distinguished the 'marcher-type' from the 'non-marcher' earl, but it did not make him an earl. An earl without the bulk of the ruler's rights in a county was no less an earl.

In 1140, King Stephen granted to Robert earl of Leicester the

> 'burgum Herefordie et castellum et totum comitatum de Herefordiscira preter terram episcopatus et terram abbatie de Rading et aliarum ecclesiarum et abbatiarum que tenent de me in capite, et excepto feodo Hugonis de Mortuo Mari, et feodo Osberti filii Hugonis, et feodo Willelmi de Braiosa, et feodo Gotsonis de Dinan quod fuit Hugonis de Laci. Et hac conditione quod si comes Legrecestrie poterit facere versus prefatum Gotsonem quod ipse voluerit feodum illud predictum tenere de eo, bene concedo.'

The document adds further that Earl Robert should hold the grant 'cum quibus Willelmus filius Osberni unquam melius vel liberius tenuit.' (10) In 1153, Duke Henry made an extensive and complex grant to Ranulf earl of Chester. Among other things, the duke

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(10) Regesta, iii, no.437.

granted

> 'castellum de Vira et Barbifluvium cum tali libertate quod per totam banleugam possit capere forisfactum suum, et Brullium de fossis et Alebec et hoc unde erat vicecomes (de) Abrincis, et in Sancto Jacobo de hoc feci eum comitem, et quicquid habui in Albrinchein ei dedi preter episcopatum et abbatiam de Monte (Sancti Mich)aelis et quod eis pertinet.'

In England, the grant included:

> 'Stafordiam et Stafordiesiram et comitatum Stafordie totum quicquid ibi habui in foeudo et hereditate, excepto foeudo episcopi Cestrie et comitis Roberto de Ferrariis et Hugonis de Mortuomare et Gervasii Paganel et excepto foresto de Cannoc quod in manu mea retineo.' (11)

In the peace agreement of 1153, William, son of King Stephen and earl of Surrey, received the

> 'castra scilicet et villas de Norwico cum septingentis libratis terre, ita quod redditus de Norwico infra illas septingentas libratas computetur, et totum comitatum de Nordfolc preter illa que pertinent ad ecclesias, et episcopos, et abbates, et comites, et nominatim preter tertium denarium unde Hugo Bigotus est comes, salva et reservata in omnibus regali justicia.' (12).

The meaning of all these grants is essentially the same. They were grants of all the rights of the ruler within an area, with specified exceptions. The exclusion of particular fiefs makes no sense unless the grant included the ruler's rights over fiefs not specified. The grants all imply a much greater transfer of rights than would be made to a 'non-marcher' earl. The use of the word 'comitatus' to describe these rights was logical. The 'county,' to the king, was not just a geographical

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(11) Ibid., no.180.
(12) Ibid., no.272.

area, but a collection of demesne lands and rights over land held by others. The king could not grant the actual lands held by others, but he could grant his own rights over those lands. Thus, in this sense, G.H. White was right when he argued that these grants were grants of a 'county,' not an earldom (13). However, though the rights granted were clearly different from those held by a 'non-marcher' earl, there is a similarity between these grants and the rights held by a 'marcher-type' earl. In 1086, the earl of Chester held the 'comitatus' of Cheshire, except for the king's rights over the fief of the bishop of Chester (14). In the case of the grants in the Avranchin to the earl of Chester, the earl was also made count (15). He was being made a 'marcher-type' (normal in Normandy) count in the Avranchin. Was this true of the grants in England to the earl of Chester and the others? Were they the recipients of new 'marcher-type' earldoms in England? If this were true, the argument that the grants were of a second earldom to men with one earldom already could still have some truth. However, there are several arguments against this view.

The grant to William, son of King Stephen and earl of Surrey, recorded in 1153, specifically excluded the 'tertium denarium unde Hugo Bigotus est comes.' (16) R.H.C. Davis argued that this left the position of the two men ambiguous (17). It is hard to see how this is so. As we have seen, the Third Penny

(13) G.H. White, 'King Stephen's Earldoms,' TRHS, 4th Ser., xiii (1930), 72-7.
(14) Domesday Book, i, fo. 262v.
(15) Regesta, iii, no.180. He was already 'vicomte' of the Avranchin and of the Bessin.
(16) Ibid., no.272.
(17) Davis, King Stephen, p.142.

of the Shire was a perquisite almost exclusively connected with the possession of an earldom, as the above clause about Earl Hugh's Third Penny implies. The word 'comitatus' in the grant to Earl William is not enough, in itself, to indicate that Earl William was being given the earldom of Norfolk. Without other evidence to suggest that William was earl of Norfolk, Hugh Bigod's position as earl of Norfolk was not at all ambiguous. Provided that Hugh's rights as an earl were excepted from the grant to Earl William - as they were - Hugh's earldom was not incompatible with a grant of the 'comitatus' to Earl William. In support of his argument, R.H.C. Davis pointed out that in the witness-list to the charter, Hugh is not styled as earl, though grouped with other earls (18). This is perfectly true, but it is also true of Roger earl of Hereford, Patrick earl of Wiltshire, William earl of York, Roger earl of Hertford and Richard earl of Pembroke (19). Was the position of all these earls 'ambiguous?'

None of the recipients of the grants of 'totus comitatus' in King Stephen's reign can be shown to have used the new shire as a title. It is certainly true that in royal documents, only one title is normally used by men who possessed more than one (20). One can see how this might occur in the example of William earl of Essex (d. 1189). When, by marriage, he acquired the additional title of count of Aumale, discussions took place at the royal

(18) Ibid.
(19) Regesta, iii, no.272.
(20) R.H.C. Davis argued that, "If earldoms were mainly honorific, it might have been expected that their titles would be systematically paraded, but in fact a man who was already an earl (or count) did not usually bother to change, or add to, the name of his county when given a new grant:" King Stephen, p.130. This argument is unconvincing, even if one ignores the examples, quoted below, where titles were paraded. The fact that an earl was not concerned with the territorial designation of his title or titles, might equally demonstrate that it was the status 'comes' that mattered to the earl, rather than his local administrative role.

court and it was decided that he should be addressed at court by his new title (21). However, if the royal court did not like listing titles, this was not always true of the earls themselves in their private documents. On several occasions, William son of King Stephen used the titles Earl Warenne (Surrey), count of Boulogne and count of Mortain, together in the same document (22). In none of these charters, nor in any others, does Earl William use the title earl of Norfolk. One of the seals of Waleran count of Meulan uses both that title and the title earl of Worcester (23). The absence of any evidence of the use of the title of the county granted to the recipients of the grants of 'totus comitatus,' is therefore a more powerful objection to regarding them as earls of those counties than has been thought.

A man could certainly receive a grant of 'totus comitatus' and the earldom of the same county. In 1189, Richard I granted Hugh de Puiset, bishop of Durham, the 'totum comitatum Norhumbriae,' but in this case the charter adds: 'et inde eum per ensem et annulum saisivimus et comitem fecimus.' (24) As in the case of the other 'marcher-type' earldoms, the recipient was granted the bulk of royal lands and rights in the county, but was also made earl. In the charters granting 'totus comitatus' in King Stephen's reign, there is no positive evidence that the

(21) Diceto, ii, p.3.
(22) Feudal Documents from the Abbey of Bury St. Edmunds, ed. D.C. Douglas, British Academy: Records of the Social and Economic History of England and Wales, no.8 (1932), no.188; EYC, viii, App. C, p.48; Calendar of Documents preserved in France, ed. J.H. Round, Rec. Comm. (London, 1899), no.961.
(23) Catalogue of Seals in the Department of Manuscripts in the British Museum, ed. R. Marks and Ann Payne (British Museum, 1978), no.2. ii, no. 5666; British Heraldry,
(24) Appendix I (f).

recipient was to be made earl of the county. Of course, all the recipients in King Stephen's reign were already earls of another county, but the earldom was an office, however much in decline in practical terms and a definite apppintment to the second earldom would still be required. While the title, earl, had a general social and political significance, as an office it was specific to a particular shire. In 1204-5, King John granted to Robert de Vieuxpont 'Westmoreland' ad se sustentandum in servicio nostro.' (25) This grant entailed the lordship of the two fiefs which made up the 'county' of Westmorland. It was therefore, in effect, a grant of 'totus comitatus.' There is, however, no reference to Robert as earl of Westmorland, or as earl at all. However fully the king granted away his rights in a shire, the recipient still had to be made earl of that shire to be earl of that shire.

Once it is understood that the word 'comitatus' cannot automatically be translated as 'earldom,' it becomes clear that there is not one piece of evidence to suggest that the grants of 'totus comitatus' were grants of earldoms, whether or not to a man who already possessed an earldom. It was, in many ways, a much greater grant than that of a 'non-marcher' earldom. It is difficult to assess what would have been the consequences of the grants in King Stephen's reign, as none of the grants, except perhaps the grant to William son of King Stephen for a

(25) Rotuli Litterarum Clausarum in Turri Londinensi Asservati, ed. T.D. Hardy (Rec. Comm., 1844), i, p.15.

short time perhaps, was put into effect (26). If the grants had been effected and sustained, they could have had important consequences for the nature of shire government. In the counties concerned, most of the lay fiefs would have been under the lordship of a man who held no official position in the shire. It is difficult to see how the traditional administrative structure of the county could have survived such concentrations of lordship in the hands of men who were not officials of the county. The exclusions from the grants were much greater than those in 'marcher-type' earldoms. In Cheshire, only the bishop of Chester did not look to the earl as lord. In the grants of 'totus comitatus' in King Stephen's reign, many more fiefs, lay and ecclesiastical, were excluded and there was no official position that could transcend the limits placed on the recipients' lordship.

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(26) It has been argued that William, son of King Stephen, received the 'totum comitatum' of Norfolk on his marriage to Isabel de Warenne in 1148/9: H.A. Cronne, The Reign of Stephen 1135-54 (London, 1970), p.147. If this was so, he would have enjoyed this position for several years. He probably lost the position, along with Norwich, in the confiscations he suffered in 1157: Chronicles, iv, pp.192-3.

Appendix III

The Wealth of the Earls

There are several approaches which can help provide an approximate measure of the wealth of individual earls, though none of the approaches is without problems. The earls' lands in England are by far the easiest to value. The nature and size of the source material provide much more information than is available for the earls' lands outside England. One approach to the valuation of the English lands is through the values given to lands for the year 1086 in Domesday Book. By tracing back the lands held by earls at the beginning of Henry II's reign to their holders in 1086, a valuation in terms of 1086 value can be made. There are many difficulties in identifying all the lands of an earl's fief in 1154 and relating these lands to the entries in the Domesday record. This approach also necessarily ignores the fact that many individual estates would have changed in relative value between 1086 and 1154. Nevertheless, while caution must be attached to the resulting figures, this method of valuation does provide a rough measure of the value of the land of an earl's fief.

The pipe rolls of Henry II's reign contain a number of accounts for honours which belonged to earls at or near the beginning of the reign and had come into the king's hands because of a minority, or by escheat or confiscation. One would expect the valuations obtained from these accounts to be the most

accurate. The values are from Henry II's reign, itself, and place a realistic weighting on the value of demesne lands, enfeoffed lands and other receipts. Unfortunately, figures are available for lands from only twelve of the earldoms and there are difficulties with some of these.

The third approach to the valuation of the English lands of earls is through the number of knight's fees pertaining to the honours of the earls. To provide totals of these, accounts for scutage supplement the information in the returns of knight's fees collected by Henry II in 1166. While lands enfeoffed by earls did not produce a regular income, receipts from escheats, reliefs, lands in wardship and the profits of honorial justice could be valuable. There was also usually some relationship between the numbers of knight's fees and the size of the honour, though there could be exceptions to this (1). The number of knight's fees in an honour had a significance beyond its financial implications. The more knight's fees that were held of an earl, the more and greater vassals he would tend to have. The status of the earl as a lord was enhanced by the status and number of his vassals. The results of these three methods of valuation can be found on the table at the end of this appendix and reference to the figure on this table will be made in the course of the next few pages. For a few earls, the pipe rolls

(1) The lands of William de Stuteville, for example, were worth around £550 p.a. in 1203, but he only had around 28 knight's fees. For this and other examples, see S. Painter, Studies in the History of the English Feudal Barony (Baltimore, 1943), p.171.

provide another measure of value. The exemptions from danegelds levied by Henry I and Henry II can be used as a measure of the lands of earls who received extensive or total exemption from the tax. The nature of these exemptions and the method of calculating the land concerned have been discussed above in Chapter Six.

In terms of the 1086 value of the lands of the earls and their tenants, one earl completely outshone all the others. William earl of Surrey, the son of King Stephen, was lord over lands in England valued at nearly £3,500, including the important honours of Boulogne, Eye, Lancaster and Warenne, together with the extra lands granted him under the agreement between his father, King Stephen, and the then Duke Henry in 1153. Four other earls held lands worth more than £1000: the earls of Gloucester; Arundel; Richmond, and Hertford. With lands valued between £750 and £1000 were the earls of Chester, Cornwall, Leicester and Essex. Six earls held lands valued between £400 and £600: the earls of Norfolk; Huntingdon; Derby; Devon; Buckingham, and Pembroke. With lands valued at less than £400 were the earls of Salisbury, Warwick, Oxford and Hereford. There were, of course, no Domesday Book values available for the lands of the earldom of Northumberland.

The highest figure from the pipe roll accounts is the £766 for the lands of the earl of Gloucester in England. The figure

for the earl of Surrey is slightly less at £722, but this does not include any amount for the extensive Warenne honour. This would suggest that the earl of Surrey, under this method of valuation, should still be substantially the wealthiest earl in England. The next highest figure is for the earl of Leicester at £590, followed closely by the earl of Richmond with £573. These are followed by the earl of Cornwall with £389; the earl of Buckingham with £325; the earl of Devon with £299; the earl of Chester with the surprisingly low figure of £284; the earl of Northumberland with £232; the earl of Arundel, for the honour of Arundel only, with £173; the earl of Huntingdon also with £173; and the earl of Derby with £88.

The earl of Surrey again tops the list for the number of knight's fees with a total of 365. He is followed by the earl of Gloucester with 279, the earl of Chester with 218 and the earl of Cornwall with 215. The earls of Richmond, Arundel, Norfolk, Leicester, Hertford, Essex, Warwick and Buckingham all have between 100 and 200 knight's fees. With less than 100 knight's fees are the earls of Huntingdon, Derby, Pembroke, Devon, Salisbury, Oxford and Hereford. Again there is no figure for the earldom of Northumberland (2).

From the accounts on the pipe roll of the 31st year of Henry I's reign concerning the danegeld for the year 1129-30 and

(2) For all the preceding figures, see Table D.

the arrears of the danegeld for the year 1128-9, one can arrive at a figure for the hidage of land exempted over either or both danegelds. Adding together the figures for Stephen count of Mortain and William earl of Surrey (d. 1138), as constituent parts of the later honour of William earl of Surrey (d. 1159), a figure of 2,550 hides is reached. This compares with the equivalent figure for Robert earl of Gloucester at 1,270 hides. The next highest figure for this period, though obviously not a full exemption from danegeld, even on demesne land, is for the earl of Leicester at 280 hides (3). None of the figures for the 1156 danegeld represent full exemptions, but in the 1162 danegeld, the earl of Leicester has exemption for 1,280 hides. Even an obviously incomplete record for the then escheated parts of the honours of William earl of Surrey (d. 1159) still reaches an exemption for 1,590 hides (4).

The valuation of the earls' lands outside England is rarely possible by similar methods. Often, general impressions must take over from quantification. Five of Henry II's earldoms possessed substantial lands in Wales. The earl of Gloucester held the lordship of Glamorgan, the earl of Hereford held the lordships of Abergavenny and Brecon, the earl of Hertford held, from 1158 to 1165, the lordship of Cardigan, the earl of Pembroke

(3) PR 31 Henry I, passim.
(4) PR 8 Henry II, passim. The figure for the earl of Leicester is suspiciously high for an exemption on demesne land alone, compared with the 1130 figure for the undoubtedly larger honour of Gloucester (1275 hides). As justiciar and a baron of the exchequer, the earl of Leicester probably received exemption on part or all of the land of his vassals.

held the lordships of Gwent and Pembroke, and the earl of Warwick held the lordship of Gower (5). The pipe rolls of the English exchequer do contain accounts for three of these lordships when in royal hands. From Easter 1184 to Easter 1185 the amount accounted for on the pipe rolls for the lordship of Glamorgan was £202 (6). For the exchequer year 1184-5, the amount accounted for under the lordship of Gwent was £86 (7). Although there were no pipe roll accounts for Pembrokeshire in Henry II's reign, the basic farm for this lordship in 1130 was £60 (8). For the lands of the earldom of Hereford in Wales, D. Walker estimated the number of knight's fees as around 45 (9).

From 1157 to 1173, the earldom of Huntingdon and its honour were held by the kings of Scotland, Malcolm and William. While this was so, the honour of Huntingdon was a useful supplement to the revenues of the kingdom of Scotland, though these are impossible to quantify. David, the younger brother of Malcolm and William, was given the earldom and honour of

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(5) After the disorders and Welsh revolts of King Stephen's reign, the Norman marcher lordships in the West (Gower, Pembroke, Cardigan) were only fully re-established in 1158. Cardigan was lost to the Welsh again in 1164-5: J.E. Lloyd, A History of Wales (London, 1911), ii, pp.506, 513.14, 519.

(6) PR 31 Henry II, pp.5-8.

(7) Ibid., pp.8, 10. This account deals with Upper and Lower Gwent. Later accounts seem to include only Lower Gwent: PR 32 Henry II, p.203; PR 33 Henry II, p.16.

(8) PR 31 Henry I, p.136.

(9) D. Walker, 'The "Honours" of the Earls of Hereford in the Twelfth Century,' Trans. Bristol and Gloucestershire Archaeological Soc., lxxix-lxxx (1960-1), 209. This estimate is based on two early thirteenth century accounts of the number of knight's fees which give the honour of Brecon around 32 knight's fees and the honour of Abergavenny around 13 knight's fees: RBE, ii, pp.497, 601-3.

Huntingdon in 1185 (10). David also possessed extensive lands in Scotland, though only ten knight's service was required by the king of Scotland for these lands (11) Between 1153 and 1157, the earldom and county of Northumberland was held by William, younger brother and later successor of King Malcolm. At this time, the other northern counties of Cumberland and Westmorland were also in Scottish hands. It is doubtful whether Northumberland can be regarded as at all independent of the Scottish crown at this time (12). Only one earl, Richard earl of Pembroke, possessed extensive lands in Ireland. For these, he owed 100 knight's service to Henry II (13).

At least nine of Henry II's earls possessed lands in Normandy, though quantitative measures for these are often unavailable or incomplete. Accounts on the Norman Exchequer

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(10) David was first given the honour during the rebellion of 1173-4 by Henry II's rebel son, the Young King Henry, and King William of Scotland, but towards the end of the rebellion Henry II gave it to Earl Simon de Senlis, who held it until his death in 1184. The honour was then restored to King William who gave it to David: Gesta Henrici, i, pp.45, 70-1; Jordan Fantosme, pp.82-3; Hoveden, ii, p.285.

(11) RRS, ii, no.205. For Earl David's lands in Scotland, generally, see K.J. Stringer, 'The Career and Estates of David, earl of Huntingdon (d. 1219)' (Univ. of Cambridge, Ph.D. thesis, 1971), Chapter 3.

(12) It was King Malcolm who surrendered all the northern counties in 1157: Chronicles, i, pp.105-6; iv, p.192.

(13) G.H. Orpen, Ireland under the Normans (Oxford, 1911), i, pp.258-9.

Roll for 1180 provide information on a few honours that were then in ducal hands. Information on the size in terms of knight's fees of more honours is contained in the returns to Henry II's inquest of 1172 and an inquest made in 1133 of the knight's fees of the bishop of Bayeux (14). Unquestionably the largest holding in Normandy belonged to William earl of Surrey (d. 1159), who held the honours of Mortain and Warenne. The honour of Mortain was in Henry II's hands in 1180. The farms and renders of its constituent viscounties and 'prepositurae,' etc., totalled 1320 pounds (15). Most of the money in circulation in Normandy was from Anjou and Touraine, and in Sterling terms the amount would have been worth around £330 (16). When the 1172 inquest into knight's fees was made, the honour of Mortain was in ducal hands and though around 56 fees of Mortain are mentioned, this total is certainly not complete. Through the escheat of Mortain after the death of William earl of Surrey (d. 1159) the tenants of the honour had become 'de facto' tenants-in-chief and the intervening honour of Mortain was probably ignored in some cases (17). The honour of Warenne,

(14) T. Stapleton, Magni Rotuli Scaccarii Normanniae sub Regibus Angliae (London, 1840), i, pp.8-11, 14-17, 29-30, 50-3, 59-60; The returns from the 1172 inquest are in RBE, ii, pp.624-45. A more detailed version of the return for the abbey of Mont St. Michel can be found in Chronicles, iv, Appendix, pp.349-53. The 1133 Bayeux Inquest appears in one version in RBE, ii, 645-7. For comments on this and other versions, see J.H. Round, 'The Bayeux Inquest of 1133' in Family Origins and other Studies, ed. W. Page (London, 1930), pp.201-16.

(15) Magni Rotuli Scaccarii Normanniae, i, pp.8-11, 14-17, 29-30, 50-3; Sir Maurice Powicke, The Loss of Normandy 1189-1204, 2nd edn. (Manchester, 1961), pp.73-5.

(16) See a discussion of the currencies of the Angevin Empire in J. Boussard, Le Gouvernement d'Henri II Plantagenêt (Paris, 1956), pp.308-9.

(17) RBE, ii, pp.630, 635-8, 640-1, 643. A rather dubious subheading in the returns adds to the difficulties: Ibid., p.627.

which did descend to the next earl of Surrey, Hamelin, Henry II's half-brother, was a substantial honour, though its exact value is uncertain. The 1172 inquest states that Earl Hamelin did not make a return (18).

The earl of Leicester had, in his honours of Grandmesnil and Breteuil, 121 knight's fees (19). The earl also had the honour of Paci, though it was lost after the rebellion of 1173-4 until the beginning of Richard I's reign (20). After the break-up of the holdings of William earl of Surrey (d. 1159), the earl of Leicester may well have been the largest landholder in Normandy amongst the earls. Walter Giffard earl of Buckingham held the honour of Longueville. After his death in 1164, it escheated to the crown. In 1172 it contained around 100 knight's fees (21). In the Norman Exchequer Roll of 1180, the farm of the honour was 526 pounds, or, in Sterling terms, around £132 (22). The earls of Chester and Gloucester both had substantial holdings in Normandy. The earl of Chester had around 52 knight's fees in his tenancy-in-chief (23). He owed service from a further 12½ knight's fees to the see of Bayeux and held perhaps one and a half knight's fees of the abbey of Mont St. Michel. He also had lands in Guernsey with an official there

(18) Ibid., p.644.
(19) Ibid., p.627.
(20) Regesta, iii, nos.438-9; Hoveden, ii, p.101; Gesta Henrici, ii, p.75.
(21) RBE, ii, 633.
(22) Magni Rotuli Scaccarii Normanniae, i, pp.59-60.
(23) RBE, ii, p.626.

called a 'vicecomes.' (24) The earl of Gloucester did not make a return for the 1172 inquest (25). Though this leaves the earl's main honour of uncertain value, the earl also held the honour of Evrecy from the bishop of Bayeux, for which he owed 10 knight's service (26). In 1180, the escheated lands of Richard earl of Pembroke (d. 1176) were farmed at 85 pounds, or in Sterling terms, around £21 (27). The fief of Orbec, which was in the hands of the earl of Pembroke for part of Henry II's reign, though entered under Robert de Montfort in 1172, contained around II knight's fees (28). The earls of

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(24) The holdings from the see of Bayeux were a combination of the fiefs once held by Richard earl of Chester (d. 1120) and those of Ranulf viscount of the Bessin, whose son Ranulf de Meschin had combined the fiefs as earl of Chester and passed them down to the later earls of Chester: RBE, ii, p.645. For the fees held in the Cotentin and Avranchin of Mont St. Michel, see Chronicles, iv, Appendix, pp.350, 352. For the lands on Guernsey, see Ibid., p.335.

(25) RBE, ii, p.644. The centre of the honour was at Sainte-Scolasse (Orne, arr. Alencon) on the southern borders of Normandy: Powicke, Loss of Normandy, p.340.

(26) RBE, ii, p.645. The honour of the earl of Gloucester, held of the bishop of Bayeux, had been greatly augmented during King Stephen's reign, but most of the gains seem to have been relinquished: Round, 'The Bayeux Inquest of 1133,' 214-6.

(27) Magni Rotuli Scaccarii Normanniae, i, p.59.

(28) RBE, ii, p.627. See Powicke, Loss of Normandy, pp.336, 350.

Arundel, Essex and Norfolk did not make returns in 1172 (29). The earl of Arundel held around one and a half fees of the abbey of Mont St. Michel (30). The earl of Norfolk held one knight's fee of the abbey of Jumièges and an indeterminate number of fees of the honour of Conches and Tosny (31). In the return for the knight's of Bayeux in 1133, half a knight's fee is attributed to the 'feodum Bigotti in Loges ~~et~~ et Savenai' (Les Loges and Savenay) (32).

In France outside Normandy, the quantification of the value of land held by the earls is rarely possible. William earl of Surrey held his mother's inheritance, the county of Boulogne. Though Hamelin earl of Surrey did not succeed to this, Hamelin did have lands in the Touraine, valued at £35

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(29) RBE, ii, p.644. The 'Comes Willelmus' in this list of those who did not make returns probably represents the earl of Essex, rather than William earl of Salisbury, who did not apparently possess any lands in Normandy. The possessions of William earl of Essex in Normandy are uncertain, but he seems to have had lands in the Cotentin near Montebourg, in the Bessin around Greully and at Chambois near Argentan: Boussard, Le Gouvernement d'Henri II, p.97 and nl; CP, v, pp.117-18. See also Delisle, Recueil, i, no.153; ii, no.547.

(30) Chronicles, iv, Appendix, p.351. These were in the honour of St. Paii (near Granville) in the southern Cotentin. He also may have had seven knight's fees of the bishop of Bayeux, attributed to 'Willelmo de Albinneio' in 1133: RBE, ii, p.645.

(31) RBE, ii, 625, 642.

(32) Ibid., p.646.

when he exchanged them for the vill of Thetford (Norfolk) in 1190 (33). Between 1156 and 1166 Conan earl of Richmond was duke of Brittany and even for a short time in 1158 conquered the county of Nantes. After 1166, he retained at least the county of Guingamp (34). William earl of Essex had very strong connections with the count of Flanders and may have held lands from him in that county (35).

Some attempt must be made to combine all these elements from the different Angevin dominions to produce an overall ranking-list of earls in terms of wealth. The wealthiest earls were probably the kings of Scotland while they were in control of the earldom of Northumberland, and afterwards the earldom of Huntingdon. William earl of Surrey must have come close to such royal wealth. Conan earl of Richmond, while in control of the duchy of Brittany, would perhaps come next, followed by the earl of Gloucester. After him, there was a group of still very wealthy

(33) EYC, viii, no.82.
(34) Chronicles, iv, pp.190-1, 196-8, 228.
(35) William's connections with the count of Flanders were certainly very strong. Although I have found no direct evidence of land held in that county, William was in Flanders as the count's knight when he was recalled to England to succeed his brother as earl of Essex. He went on crusade in 1177 with the count of Flanders and in 1184 assisted the count in his struggle with the count of Hainault: 'The Foundation Book of Walden Abbey,' BM Arundel MS, 29, fos. 3v, 7; Diceto, ii, p.32. William Marshal, another knight who had at one time sought his fortune in the service of the count of Flanders, did have a fief from the count: S. Painter, William Marshal (Baltimore, 1933), p.49.

earls: Arundel; Chester; Cornwall; Cornwall; Hertford; Leicester; Richmond, without the duchy of Brittany, and Surrey, as held by Hamelin earl of Surrey. Following these were the earls of Buckingham, Essex, Huntingdon as held by Earl David or Earl Simon de Senlis, Norfolk and Pembroke. Finally there was a group of the relatively poorest earls: Derby; Devon; Hereford; Oxford; Salisbury, and Warwick. While objections could no doubt be found to the positioning of particular earls in this scheme, the general picture seems reasonable.

Returning to the wealth in England of the earls, it is possible to put this wealth in some kind of perspective. Henry II's group of earls represented by and large the wealthiest landholders in England. If a list of the twenty wealthiest landholders at the beginning of Henry II's reign in terms of 1086 value was made, it would not be very different from the list of earls. William de Roumare, whose claim to the earldom of Lincoln was not recognised by Henry II, possessed an English honour worth around £346 in 1086 value. The honour of King Stephen's last earl of Lincoln, Gilbert de Gand (d. 1156), was worth some £465 in 1086 value, though this was held by Earl Simon de Senlis, later earl of Huntingdon, between 1156 and 1184 (36). Unconnected with any earldom, the English lands of William de Braose (d. ca. 1192-3) were worth around £455 in 1086

(36) CP, vi, p.645. After Earl Simon's death, the honour passed to Robert de Gand, brother of Gilbert earl of Lincoln (d. 1156): Sanders, English Baronies, p.46.

value (37). There may have been a few others who could challenge the earls in terms of landed wealth in England, but they would all be at the lower end of the scale. The title 'comes' signified membership of the most elevated social group; the wealth of the earls reinforced this position with hard cash.

The total 1086 value of the lands held by the earls of Henry II's reign was around £15,000. At the time Domesday Book was made, the twenty wealthiest lay baronies had lands worth around £19,000 (38). Odo of Bayeux's fief, included in this total and worth around £3,000, was actually in the king's hands in 1087 and Odo's restoration by William II was short-lived (39). The concentration of wealth in the hands of the twenty wealthiest magnates of 1087 was thus broadly similar to that of the twenty earldoms of Henry II's reign. Even within these two groups there were similarities in the distribution of landed wealth. The five wealthiest magnates in 1087 had between them lands worth around £9,500 (40). The five wealthiest earls, in terms of 1086 value in Henry II's reign, had English lands worth around £8,000 (41). In both cases, the five wealthiest men had lands worth around half of the total held by the twenty wealthiest.

The income from their lands made the earls very rich men. £10-20 p.a. could support a man as a knight. £4 p.a. could enable a scholar to live comfortably (42). Both these were

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(37) C.W. Hollister, 'Magnates and "curiales" in early Norman England,' Viator, viii (1977), 72.
(38) This includes the fiefs of Odo bishop of Bayeux and Robert count of Mortain, William I's half-brothers. The Figure is from W.J. Corbett in Cambridge Medieval History (Cambridge, 1926), v, pp.508, 510-11.
(39) Hollister, 'Magnates and "curiales,'" p.65; CP, vii, p.128.
(40) Hollister, 'Magnates and "curiales,'" p.65.
(41) See Table D.
(42) Painter, English Feudal Barony, p.172.

still members of a privileged minority, yet even the poorest earl in terms of the amounts accounted for on the pipe rolls for his honour - the earl of Derby - could generate £88 from his lands. For one of the richer earls it could be much more, such as the earl of Gloucester with £766 (43). S. Painter calculated from the pipe roll accounts for the honours of 54 barons between 1160 and 1220 an average income of £202 and a median income of £115. These figures include the honours of earls (44). In spite of the distorting effects of the inclusion of figures from the serious inflation of 1180-1220, seven of the eleven earls for which there are pipe roll accounts in Henry II's reign exceed Painter's average figure and ten of the eleven exceed the median figure (45).

Though the earls were securely at the peak of the hierarchy of wealth in the lay aristocracy, they were not the only men in control of considerable wealth. In 1171-2, the farm of the lands of the archbishopric of Canterbury was £1,374 15s 0d, the farm of the lands of the bishopric of Ely was £814 and the farm of the bishopric of Lincoln was £685 11s 8d. Even the relatively minor bishoprics of Hereford and Chichester had farms of £257 14s 0d and £246 15s 2d respectively (46). The bishops were not therefore

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(43) See Table D.
(44) It includes figures for the earls of Buckingham, Chester, Cornwall, Essex, Gloucester, Leicester and Richmond: Painter, English Feudal Barony, pp.170-1.
(45) See Table D. For the inflation of the late twelfth and early thirteenth centuries, see P.D.A. Harvey, 'The English Inflation of 1180-1220,' Past and Present, lxi (1973), 3-30.
(46) PR 18 Henry II, pp.3, 95-6, 115-17, 132-3, 139-40.

overshadowed by the wealth of their lay counterparts. There were also men who acquired considerable wealth through money-lending and trade. William Cade died with £5,000 worth of debts due to him (47). In 1199, Nicholas Morel, probably a merchant, claimed that the count of Flanders had seized 2,000 marks (£1,333 6s 8d) of his money (48). The king was of course the wealthiest of all men. Even the lowest figure accounted for on a single pipe roll was just over £8,100. In the best years of the reign, this figure was over £30,000 (49).

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(47) H. Jenkinson, 'William Cade, a Financier of the Twelfth Century,' EHR, xxviii (1913), 211. Cade also received around £5,600 from royal revenues during the first ten years of Henry II's reign, presumably in repayments of royal debt or for payments to others made through Cade: Ibid., 215-16.
(48) Painter, English Feudal Barony, p.172.
(49) J.H. Ramsay, A History of the Revenues of the King of England 1066-1399 (Oxford, 1925), i, p.191.

Table D.

Valuations of the English Estates held by Earls ca. 1154

Earldom	1086 Value (£)	Pipe Rolls (£)[1]	Knight's Fees[2]
ARUNDEL	115½	173[3]	172
BUCKINGHAM	415	325	100
CHESTER	866	284[4]	218[5]
CORNWALL	863	389[6]	215
DERBY	529	88	79
DEVON	448	299	60
ESSEX	799	-	113
GLOUCESTER	1276[7]	766	279
HEREFORD	262	-	21[8]
HERTFORD	1048	-	135
HUNTINGDON	536[9]	173[10]	90[11]
LEICESTER	801	590[12]	160
NORFOLK	587	-	161
NORTHUMBERLAND	-	232[13]	-
OXFORD	337	-	30
PEMBROKE	404	-	66
RICHMOND	1087	573[14]	176
SALISBURY	379	-	58
SURREY	3463	722[15]	365[16]
WARWICK	348	-	105

Notes to the Table

1). These figures, except where noted, are derived by averaging the amounts accounted for in the first three years in which the honours appear on the pipe rolls. Where more than a simple 'farm' is included in the account, an effort has been made to exclude exceptional items applicable only to that year, such as the profits from pleas following a royal judicial eyre.

2). Where available, the figure from the 1166 'cartae' is used. Otherwise, except where noted, the figure is based on the earliest scutage account for the honour, taken from Sanders, English Baronies.

3). This represents only the honour of Arundel and does not include any of the earl's land in Norfolk.

4). This figure is the average from the first three years of both minorities of the earldom of Chester during Henry II's reign.

5). An indeterminate number of knights were in Galloway in 1187 and were excluded from this total.

6). This figure is from the first three years' accounts for Cornwall after Earl Reginald's death, combined with the regular amounts assigned as 'terrae datae' in other counties to Earl Reginald during his lifetime.

7). Despite earnest efforts to trace all the lands of the honour of Gloucester in Henry II's reign, this is probably still an underestimate.

8). This is based on the return in 1166 by Margaret de Bohun, daughter of Miles earl of Hereford (d. 1143). Though only one of three coheiresses, Margaret's fees seem to represent the bulk of the English lands of the inheritance: Walker, 'The "Honours" of the Earls of Hereford in the Twelfth Century,' 208-9.

9). Simon earl of Huntingdon also held the honour of Gilbert earl of Lincoln (d. 1156) from 1156 to 1184. This was worth £465 in 1086 value. Earl Simon therefore held honours worth together £1001 in 1086 value between 1174, when he obtained the honour and earldom of Huntingdon, and his death in 1184.

10). This figure for the honour of Huntingdon is based on an account for only a quarter of a year. The equivalent figure for the Gand honour in the same year, also based on an account for a quarter of a year is £139, giving a total for Earl Simon's two honours of £312. Any figure based on only part of a year carries the danger that the amount is out of proportion to the year as a whole.

11). Stringer, 'The Career and Estates of David, earl of Huntingdon,' i, p.123.

12). This figure is based on an account for about a third of a year.

13). This is based on the farms for Northumberland in the first three years after its surrender to Henry II by the Scots: PR 2-4 Henry II, p.177; PR 5 Henry II, pp.13-14; PR 6 Henry II, p.56.

14). This figure relies only on the account for 1171-2. The next two accounts are badly distorted by the war of 1173-4.

15). This includes no amount for the honour of Warenne, but includes amounts for the honours of Boulogne, Eye and Lancaster.

16). This includes the figure of 120 knight's fees for the honour of Boulogne, as estimated in J.H. Round, Studies in Peerage and Family History (London, 1901), p.167.