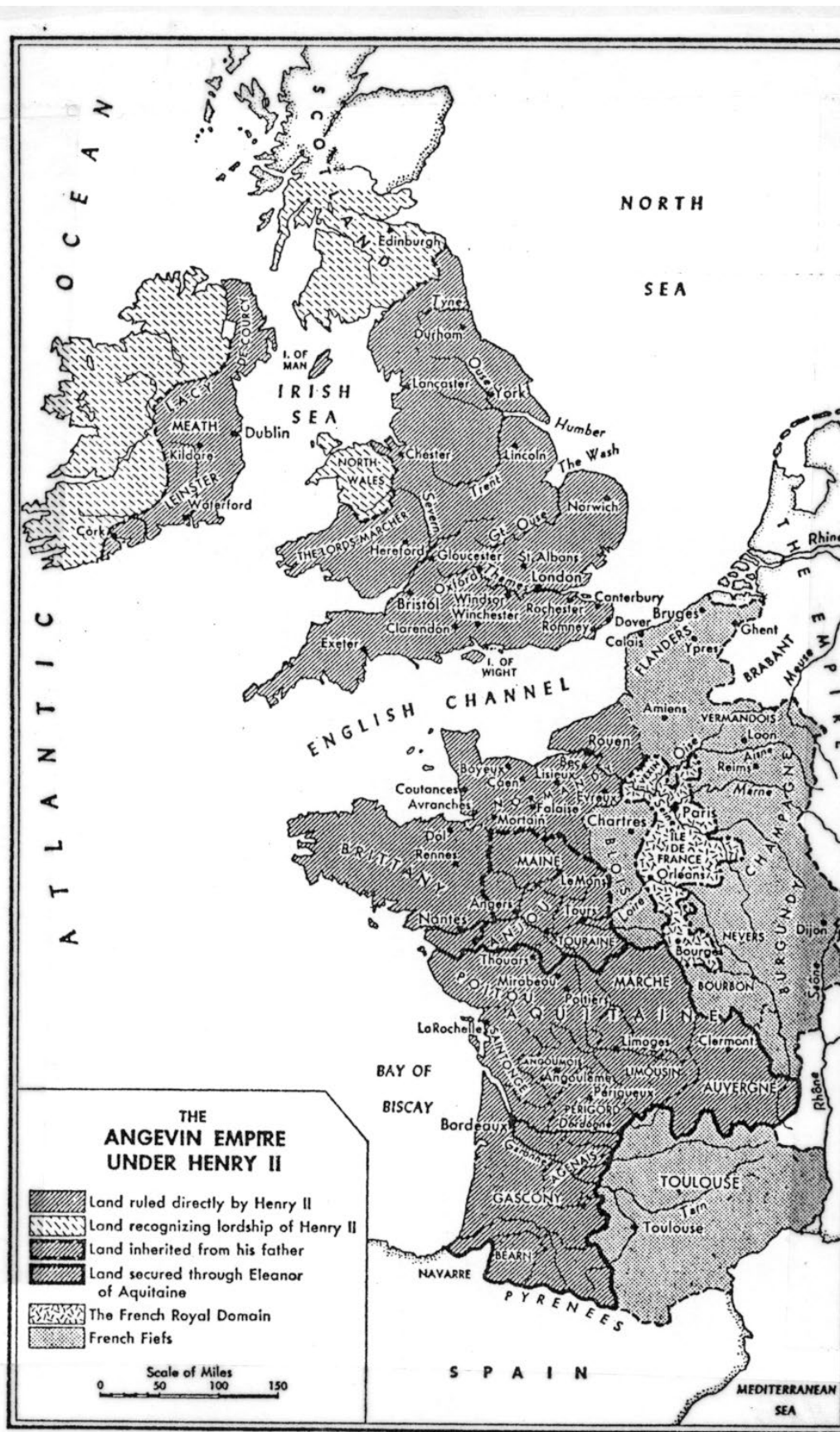


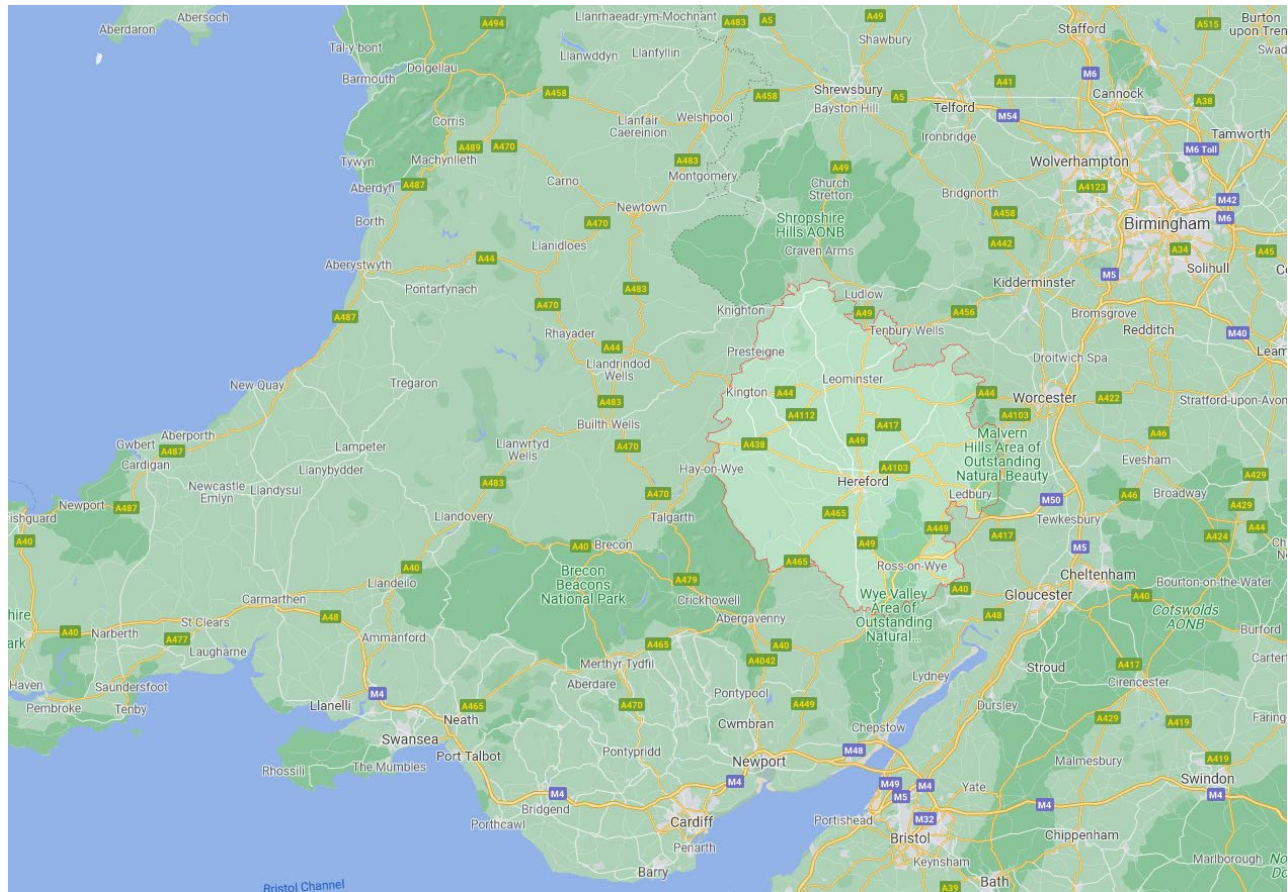
THE CONQUEST AND THE ANGLO-NORMAN AND ANGEVIN PERIODS THE FEUDALISM DEBATE

1. From Aethelberht (early 7th century) to Edward the Confessor (d. 5 Jan. 1066).
 - a. Multiple, relatively weak, kings become a single strong king.
 - b. The king is tied into the local society by a series of remarkable institutions: the shire, the hundred, the borough, the tithing, and the hide, units for taxation, disputes-resolution, and keeping the peace
 - c. The kin group, a strong institution in the time of Aethelberht and Alfred, has become less strong
 - d. Territorial lordship has become stronger than kin groups.
2. 14 October 1066—Battle of Hastings
3. 1066–1215 roughly 150 years divided between the Anglo-Norman and Angevin periods in 1154.
 - a. A conquered country—a couple of thousand over a country of 2 to 4 million.
 - b. Weak kings vs. strong kings—freedom (for some) vs. order.
 - c. Empire (see map below)—finance, troops & absentee administration.
 - d. Succession to the throne.
4. The succession problem:
 - a. William I, 1066–1087—Domesday Book (1086)—sons: Robert Curthose, William II (Rufus), Henry I.
 - b. William II (Rufus), 1087–1100—killed while hunting.
 - c. Henry I, 1100–1135—his only legitimate son William killed in the tragedy of the White Ship.
 - d. Stephen (grandson of William I by his daughter Adela) and Matilda (daughter of Henry I, wife of Geoffrey of Anjou), 1135–54 (the “Anarchy”).
 - e. Henry II (son of Matilda and Geoffrey), 1154–89—duke of Aquitaine in the right of his wife Eleanor; sons: Henry who predeceased without issue, Richard I, Geoffrey d. 1186, whose son Arthur was probably killed at John’s behest, and John.
 - f. Richard I (the Lion-hearted), 1189–1199.
 - g. John, 1199–1216—lost Normandy in 1204; Magna Carta 1215.



5. Castles

- a. [London White Tower](#)
- b. [Rochester Cathedral and Castle](#)
- c. Durham
 - i. [Castle](#)
 - ii. [Cathedral](#)
 - iii. [Cathedral and Castle](#)



6. Domesday of Herefordshire (cf. *Mats.*, pp. III–39 to III–41)

- a. **In the city of Hereford**, in the time of King Edward, there were 103 men dwelling together inside and outside the wall, and they had the customs hereunder noted. ... In this city Earl Harold had 27 burgesses enjoying the same customs as the other burgesses. From this city the reeve rendered £12 to King Edward and £6 to Earl Harold, and he had in his farm all the aforesaid customs. ... Now the king has the city of Hereford in demesne This city renders to the king £60 by tale [i.e., by counting] in assayed money.

What follows is a complete version of the Domesday of the city of Hereford in a different translation:

“In the city of Hereford in the time of King Edward there were 103 men dwelling together within and without the wall, and they had the following customs. [Notice the relationship between custom in the sense of what is customarily done and custom in the sense of a tax.]

If any one of them wished to withdraw from the city he could with the consent of the reeve (*prepositus*) sell his house to another man who was willing to do the service due therefrom, and the reeve had the third penny of this sale. But if anyone through his poverty could not perform his service, he surrendered his house without payment to the reeve, who saw that the house did not remain empty and that the king did not lack (his) service.

Within the wall of the city each whole burgage (*masura*) rendered $7\frac{1}{2}d.$ and $4d.$ for the hire of horses (*ad locandos caballos*) and on three days in August reaped (*secabat*) at Mardine [Marden], and (its tenant) was (present) on one day for gathering the hay where the sheriff pleased. He who had a horse proceeded three times a year with the sheriff to the pleas and to the hundred (courts) at Urmelauia [Wormelow]. When the king was pursuing the chase, from each house according to custom went one man to the beating (*ad stabiliationem*) in the wood.

Other men who had not whole burgages provided guards (*inewardos*) for the hall when the king was in the city.

When a burgess serving with a horse died, the king had his horse and weapons. From him who had no horse, if he died, the king had either 10s. or his land with the houses (thereon). If anyone, when he came by his death (*morte preventus*), had not bequeathed (*divisisset*) his possessions the king had his goods (*pecuniam*). These customs had they who lived in the city, and others likewise who dwelt without the wall, except only that a whole burgage outside the wall only gave $3\frac{1}{2}d.$ The other customs were common (to both). Whosoever wife brewed within or (*et*) without the city gave 10d. according to custom.

There were six smiths in the city; each of them rendered one penny from his forge, and each of them made 120 shoes (*ferra*) of the king's iron, and to each one of them was given 3d., on that account (*inde*) according to custom, and those smiths were quit from every other service.

There were seven moneyers there. One of these was the bishop's moneyer. When the coinage was renewed each of them gave 18s. for receiving the dies, and from the day on which they returned, for one month, each of them gave the king 20s., and likewise the bishop had from his moneyer 20s.

When the king came into the city the moneyers coined money as much as he willed for him, that is of the king's silver.

And these seven had their own sac and soc. [This seems to mean that they had at least initial jurisdiction over disputes about money, e.g. whether a coin was genuine or adulterated.]

Upon the death of any of the king's moneyers the king had 10s. for relief. [A relief is what an heir pays to get his inheritance from his lord.]

But if he should die intestate (*non diviso censu*), the king had all his income (*censuni*).

If the sheriff went into Wales with the army these men went with him. So that if anyone commanded to go did not go, he fined 10s. to the king.

In the same city Earl Harold had 27 burgesses who had the same customs as the other burgesses.

From the same city the reeve rendered 12£. to the king and 6£. to Earl Harold, and he had in his farm (*censii*) all the aforesaid customs.

The king, however, had in his demesne the three forfeitures, namely (for) breaking his peace, for house-breaking (*heinfara*), and for assault (*forestellum*).

Whosoever committed one of these (crimes), fined 100s. to the king no matter whose man he might be.

The king now has the city of Hereford in demesne, and the English burgesses dwelling there have their former customs; but the French burgesses are quit for 12s. from all their forfeitures, except the three aforesaid.

The city renders to the king 60£. by tale of blanch money (*de candidis denariis*).¹ Among (them) the city and 18 manors which render their farm in Hereford account for (*computantur*) 335£. 18s., besides (*exceptis*) the pleas in the hundred and county (courts).²

There is much of interest in this detail, but let's focus on the big picture. In this city Earl Harold had 27 burgesses enjoying the same customs as the other burgesses. From this city the reeve rendered £12 to King Edward and £6 to Earl Harold, and he, i.e. the reeve, had in his farm all the aforesaid customs. That means the reeve collected the customs and paid the king and Earl Harold a fixed amount for them, and got to keep the difference (or suffer a loss if they were less). Earl Harold is Harold Godwinson, whose title to the throne the Normans did not recognize. Exactly how the split between the king and the earl worked is not quite recoverable from the information given here, but it looks as if Harold had a quarter of the burgesses and a third of the revenues. The current situation is given at the end of the entry: Now the king has the city of Hereford in demesne This city renders to the king £60 by tale [i.e., by counting, *ad numerum*] in assayed money (*de candidis denariis*)."

b. **In Arcenfelde** [Archenfield] the king has three churches.

In Arcenfelde [Archenfield]³ the king has three churches. The priests of these churches bear the king's embassies (*ferunt legationes*) into Wales, and each of them sings two masses every week for the king.

If one of them dies the king has 20s. from him by custom.

If one of the Welshmen steals a man or woman, horse, ox, or cow, upon conviction thereof, he first restores the stolen (goods), and (then) gives 20s. for the offence.

For a stolen sheep, however, or a bundle of sheaves (*fasciculo manipulorum*), he pays 2s. fine.

If anyone kills one of the king's men, and commits *heinfare*, he gives the king 20s. in payment for the man, and for his offence 100s. If he kills a thane's man he gives 10s. to the dead man's lord.

If so be that a Welshman shall kill a Welshman, the relatives (*parentes*) of the slain meet together, and plunder the slayer and his kin (*propinquos*), and burn their houses until on the morrow at about noon the corpse of the dead man is buried. Of this plunder the king has the third part, but they have

¹ Money purified by melting down and assayed.

² See Introd. 300.

³ The southern point of the county, west of the Wye. See Introd. 266.

all the rest without interference (*quietum*). And moreover (*Aliter autem*) he who shall have set a house on fire, and been accused thereof, defends himself by 40 men.⁴ And if he shall be unable to do so, he shall pay 20s. to the king.

If anyone shall have concealed a *sestier* of honey due by (*de*) custom, upon proof thereof he renders for one sestier five, if he holds so much land as should give (it).

c. Here are set down those holding lands in Herefordshire and in Archenfield and in Wales.

I	King William	XX	Alured de Hispania
II	The Bishop of Hereford	XXI	Ansfrid de Cormeilles
III	The Church of Cormeilles	XXII	Durand of Gloucester
IIII	The Church of Lyre	XXIII	Drew son of Poinz
V	The Church of Gloucester	XXIIII	Osbern son of Richard
VI	The Church of St. Guthlac	XXV	Gilbert son of Turolde
VII	Nigel the Physician (<i>medicus</i>)	XXVI	Ilbert son of Turolde
VIII	Ralph de Toden	XXVII	Herman de Dreues
IX	Ralph de Mortemer	XXVIII	Humphrey de Buivile
X	Roger de Laci	XXIX	Hugh Lasne
XI	Roger de Mucelgros	XXX	Urso de Abetoth
XII	Robert Gernon	XXXI	Grifin
XIII	Henry de Ferieres	XXXII	Rayner
XIIII	William de Scohies	XXXIII	Carbonel
XV	William son of Baderon	XXXIIII	The Wife of Ralph the
XVI	William son of Norman		Chaplain
XVII	Thurstan son of Rolf	XXXV	Stephen
XVIII	Albert of Lorraine (<i>Lothariensis</i>)	XXXVI	Madoch. Edric. Elmer.
XIX	Alured de Merleberge		

d. IN “CUTESTORNES” HUNDRED. In the jurisdiction of EWYAS HAROLD Castle, Earl William gave to WALTER de Lacy 4 carucates of waste land. ROGER de Lacy his son holds them, and William and Osbern [hold] of him. In demesne they have 2 ploughs; and 4 Welshmen rendering 2 sesters of honey, and they have 1 plough. There they have 3 slaves and 2 bordars. This land is worth 20s.

e. IN “TORNELAU” HUNDRED. The same Roger holds OCLE PYCHARD. 6 free men held it as 6 manors [TRE] and could go where they would. There are 7 hides paying geld. In demesne are 2 ploughs; and 7 villains and 10 bordars and a reeve and a smith with 9 ploughs among them all. There are 12 slaves. Of this land Walter de Lacy gave to St Peter of Hereford 2 carucates of land with the consent of King William, and 1 villain and 1 bordar with their lands. There are in demesne 2 ploughs; and 1 villain and 1 bordar with 1 plough, and there is 1 slave. It is worth 25s. What Roger holds [is worth] 75s. The whole TRE was worth 7l [pounds] 15s.

7. Castles (cont’d). Herewith of motte and bailey castles.

⁴ i.e. he shall find 40 men to declare their belief in his innocence.

- a. Kilpeck (Herefordshire). Kilpeck lies to the south and west of Hereford, about halfway between Hereford and the Welsh border. The current population is 217. The Domesday entry, which is listed under Archenfield reads:⁵

William fitz Norman holds Kilpeck. Cadiand held (it) in the time of King Edward. In demesne there are 3 ploughs, and 2 slaves, and 4 oxherds and 57 men with 19 ploughs and they render 15 sesters of honey and 10 shillings and do not give any other geld nor do they do any service except *exercitum*. It is worth 4£.

- b. The listed population adds up to 63 households, which probably adds up to a population of about 250. William fitz Norman (de la Mare) holds Kilpeck directly of the king. He is 16th on the list of tenants in chief and is listed as holding 22 manors in Domesday, most of them in Herefordshire. One Cadiand held it TRE, his only appearance in Domesday. The name is probably Welsh. The entry doesn't say anything about what Cadiand was getting from it. William's holding in Kilpeck is worth £4 annually to the lord. The men render 15 sesters of honey (that's about 15 quarts) and 10s. annually. Domesday notes that they don't render any other geld or service except 'exercitum', which may correspond to the AS *fyrð*, similar to our draft for military service in emergencies. The castle may (Wikipedia s.n., and VCH) have been an administrative one for Archenfield, an area that was Welsh-speaking into the 19th century.
 - i. [Castle Approach](#)
 - ii. [Castle Keep](#)
 - iii. [Parish Church](#)
 - iv. [Parish Church Door](#)
 - v. For more images of Kilpeck, see <https://commons.wikimedia.org/wiki/Category:Kilpeck>

8. The feudalism debate:

- a. Did William I bring feudalism to England?
- b. Did Henry II consciously or unconsciously destroy it?

9. Feudalism:

- a. A type of economy, built around the manor, in the model, though not always in reality, the manor is coextensive with the vill, with open fields, lord, priest, free tenants, serfs and a lord's court to manage the whole thing.
- b. A type of society characterized by multiple relationships of dependency, lord and man (vassal) with mutual obligations of support, particularly military, summed up in the ceremonies of homage and fealty.
- c. A pyramidal structure of government, based on landholding in which the king rules his tenants-in-chief, they their vassals down to the peasant.

⁵ CD trans. from <https://opendomesday.org/book/herefordshire/05/>.

- d. A pyramidal system of land holding whereby all land is holden of the king for service usually knight's service and the tenants in chief parcel out the land to subtenants for service, knights and other things. In England the principal free tenures are:
 - i. knight's service—the provision of one or more knights (or a fraction thereof) for a fixed period of the year
 - ii. serjeanty—the performance of a specific military duty, like carrying the king's banner in battle or guarding a castle
 - iii. socage—the provision of a fixed amount of agricultural produce
 - iv. frankalmoign—the provision of prayers, a tenure of the church

The tenant also owes incidents, the principal ones of which are:

- i. suit of court—the obligation to attend the lord's court when summoned
 - ii. aid—the obligation to come to the lord's monetary assistance when he is captured, or when he knights his eldest son, or when he marries off his daughter
 - iii. wardship—when the tenant dies and his heir is underage, the land will be taken into the lord's hands until the heir reaches majority
 - iv. marriage—when the tenant has a daughter who is an heiress (and perhaps even when she is not), the lord may dictate whom she shall marry; the lord may also dictate whom the tenant's widow may marry
 - v. relief—if the heir is of age, he must pay the lord in order to enter into his inheritance
 - vi. primer seisin—when the tenant dies, the lord may take his lands into his own hands pending the application of heir for seisin
 - vii. escheat—if the tenant commits felony or dies without a known heir, the land returns to the lord
- 10. The broader social and economic pattern exists all over Europe in the M.A. but in a number of other societies as well. The governmental pattern does not fully exist in England (nor any place else). The pattern of landholding certainly does exist in England; the question is when did it start.
- 11. Elements of late 11th and 12th century feudalism that do not seem to have existed in Anglo-Saxon times:
 - a. The castle
 - b. Knight's service
 - c. The court of the honour (the court baron), the middle rung in a group of courts that may be schematized like this:
 - i. manorial—the court for unfree peasants, and, perhaps, for certain free peasants
 - ii. feudal—the court for the lord's tenants who hold by one or another of the tenures mentioned above
 - iii. public—the ancient courts of the shire, hundred, and borough and the nascent central royal courts

12. Some general thoughts on the 12th century: confidence, commerce, art (Romanesque and Gothic), intellectual ferment (philosophy, theology, law, and medicine); Abelard and Heloise, Henry II and Eleanor of Aquitaine, Troubadour poets and study of the Bible, Hildegard of Bingen (1098–1179), John of Salisbury, *Glanvill*, the *Dialogue of the Exchequer*. Like all centuries, however, the twelfth also has its dark sides. Violence was endemic, particularly in the first half of the century. In our fascination in the next couple of weeks with the development of what today we call property law, we should not forget that most people would have thought that the most important thing that a king could do was to keep order. In different ways William I, Henry I, and Henry II tried to do that. They were only partially successful.

THE PIPE ROLL OF 31 HENRY I

Institutions. At least in the later Anglo-Saxon period, there were courts in the shires, hundreds and boroughs that were regarded as royal courts. The king was involved in dispute-resolution and law enforcement. He did a pretty good job at collecting money. Central royal administration was, however, pretty primitive even in the late Anglo-Saxon period if we judge it by the standards of the later Middle Ages, but there is evidence that the king had a writing department which was more than nominally the ancestor of the chancery of the Anglo-Norman period, and he had a treasury.

He did not, however, have an Exchequer, an institution designed to do an annual accounting to collect the revenue owed to the king. Nor, so far as we can tell, did William I or William II, though some have argued that William II did. We first see the Exchequer with any clarity in the time of Henry I.

The story begins with Roger le Poer. He became Henry's chancellor in 1101; he became bishop of Lincoln in 1102, a post that he held to his death in 1139; he served as a judge throughout his service with Henry. In 1109, Henry appointed him chief justiciar, a post that he retained until Stephen deprived him of it in 1137. He was thus in royal service for more than thirty-five years. The office of chief justiciar lapsed during Stephen's reign and was revived under Henry II. It went out of existence in 1234. Its immediate reason was the king's absence in Normandy, and it disappears not too long after the loss of Normandy, but it had its effect particularly in the administration of the Exchequer under Roger. Nigel bishop of Ely, Roger's nephew, served as treasurer of the kingdom under Henry II, while Nigel's son, Richard fitz Nigel, served as treasurer of the Exchequer and wrote the *Dialogue of the Exchequer* (*Dialogus de scaccario*).

We are fortunate to have one great roll of the Pipe from the Exchequer under Henry I that survived the anarchy. It's the roll for the 31st year of his reign, fairly late in the reign. Surviving Pipe Rolls begin again in the reign of Henry II, and they are virtually continuous from then into the 19th century.

(All of these texts are in the *Mats.*, starting on p. III-45, but it may be easier to follow them here. I have skipped some, and made some small changes on the basis of a more recent translation.)

Here's a picture of what we are looking at:

WARWICSCIRA. Gaufrid de Cluntona. redd Compot. de. xl. iij. s. viij. d. de veta firma. In thauro libant. Et luer' e
Et don de Houa firma. In thauro. C. h. 7. iij. s. viij. d. ad pens.
Et deb. xxxiij. h. 7. ix. s. 7. iij. d. h.

Et de Gaufr. redd Compot. de. CC. 7. x. m. ang. p. Omistio thauri Winton. In thauro. C. m. ang. Et deb. CC. 7. x. m. ang.
Et de. deb. 6. vne auri. p. cessione tye Rogi Winton. Et deb. xl. m. ang. p. Com Lere. de deb. Cui de Vecolio.
Et de. deb. xx. m. ang. 7. i. m. auri. ut Rex firmet i cartha Ecce sue de Ardena omf res qd Com de Warwic auctor ad op eide Roct
Et de. deb. Cij. h. 7. xiiij. s. 7. viij. d. de veta firma tye Wille de Roumare.
Et de. deb. xl. m. ang. de qbi debet adqetare Huet fit Gunde Wm de Roct.

Gaufr. Luer. deb. ix. h. 7. xiiij. s. 7. iij. d. p. fide q inuiste cepte de qda hie. de qbi se plegu Gaufr de Clun. 7 Rob de Houo bingio.
Osbe de Ardena. redd Compot. de. x. h. p. plac Wille hupholdi. In thauro. xl. f.
Et deb. viij. h.

Et de Vic. redd Compot. de. C. f. de veta plac. 7 mdis. In thauro. p. b. h. Com de Warwic. C. f. Et luer' e f.
Hugo fit Ric. redd Compot. de. CC. m. ang. 7. i. eq. de pto. 7. y. dext. p. tra q Gaufr luer ten de co. In thauro. xxx. h.
Et Legi se adqetare de. i. dext pto. 7. Orlon Gloce.
Et deb. Clv. m. ang. Et. y. dext. Et inde se plegu. Comes de. lx. m. ang. Et Henr de Dai de. x. m. ang. Et Henr de Linter de. x. m. ang.

Wille fit Rann. redd Compot. de. C. 7. xiiij. s. 7. iij. d. 7. i. dext. ut hie tye ptes sui. In thauro. xxx. f.
Et deb. iij. h. 7. iij. s. 7. iij. d. Et. i. dext.

Robt fit Rann. redd Compot. de. iij. h. p. pte tye ptes sui. In thauro. xx. f.
Et deb. lx. f.

Comes de Warwic. redd Compot. de. lxxij. h. 7. xlvj. s. 7. viij. d. 7. y. dext. p. plac Ceruop. Et de. x. m. ang. p. tra q Gaufr luer ten de co.
Et de. CC. m. ang. ut rex pdonaret ei suppl' indar de drano de Breles. In thauro. xliij. h. 7. viij. s. 7. viij. d.
Et deb. Clxxviij. h. 7. y. s. 7. iij. d.

Osbe dapif Rogi de Sholhu. redd Compot. de. i. m. ang. de plac G. de Clun. In thauro libant. Et luer' e f.
A gnes de Clunap. redd Compot. de. xl. f. ut filij sui hereditant de tye ptes eoz. In thauro libant. Et luer' e f.
Et de Vic. redd Compot. de. viij. h. 7. v. d. de pto daneq. In thauro. lxx. f. 7. v. d.
Et In thauro. p. b. h. Cancell. iij. h. 7. x. f. Et luer' e f.

Walter' Croc. redd Compot. de. xxxiij. s. 7. iij. d. de veta Censu foresti iij. annoy. In thauro libant. Et luer' e f.
Et de Walter'. redd Compot. de. x. m. ang. de veta Censu foresti pta annu. In thauro libant. Et luer' e f.
Et de Walter'. redd Compot. de. x. m. ang. de Houo Censu foresti. In thauro. C. 7. viij. s. 7. viij. d.
Et deb. xxviij. s. 7. viij. d.

Et de. deb. iij. m. auri. p. rehabeto Omistio suo. Et. xiiij. h. 7. xij. s. 7. v. d. p. tra hie cheneffe. Et. viij. h. 7. viij. s. 7. viij. d. p. plac
Rog fit Elion Seucellari. Et. xxviij. h. 7. v. f. de plac. W. de Gloce. Et. x. l. q. Et. C. 7. viij. animalia. Et. CC. porcos. qd cepte de tye
q n pcin ad eu. f. ad forestari. Et est in miscia res si rex n est ei Warand. de. xxx. f. qd inuiste cepte. 7 n reddidit.

Et de Vic. redd Compot. de. xiiij. h. 7. iij. s. 7. x. d. de pto daneq. In thauro. xix. f.
Et In thauro. p. b. h. Rad pme. lx. f. Com de Wellere. xxxiij. f. Gaufr de Manuilla. lx. f. 7. ix. d. Curteis. x. f. Com de Warwic
iij. h. 7. iij. f. Suma. xij. h. 7. iij. s. 7. x. d. Et luer' e f.

Et de Vic. redd Compot. de. xxxviij. s. 7. y. d. de pto anxit luy de Lameghorda. In thauro libant. Et luer' e f.

HOVA PLACITA. 7 HOVE CONVENTIONES.
Robt corran. redd Compot. de. lx. m. ang. p. pecunia Wille de Cheneffara q cepte. In thauro. xxx. m. ang.
Et deb. xxx. m. ang.

Hugo de Hella. redd Compot. de. C. f. de p calupnijs Lecaynei loec. In thauro. xxx. f.
Et deb. lx. f.

Robricho de Brade Wella. redd Compot. de. C. f. de eide plac. In thauro. xxx. f.
Et In thauro. p. b. h. Eide Robricho. xx. f.

1. Coinage and units used in the Pipe Roll of 31 Henry I

- a. Pound (£) = 20 shillings = 240 pence (pennies) (d)
- b. Shilling (s) = 12 pence
- c. mark (m) = 13 shillings 4 pence (2/3 of a pound = 160 pence)

WARWICKSHIRE. GEOFFREY DE CLINTON RENDERS ACCOUNT OF 44S. 8D. BLANCH FROM THE OLD FARM. HE HAS PAID IT INTO THE TREASURY. AND HE IS QUIT.

AND THE SAME MAN RENDERS ACCOUNT OF THE NEW FARM. IN THE TREASURY £100 4S. 4D. BY WEIGHT. AND HE OWES £32 9S. 4D. BLANCH.

AND THE SAME GEOFFREY RENDERS ACCOUNT OF 310M. OF SILVER FOR AN OFFICE IN THE TREASURY AT WINCHESTER. IN THE TREASURY 100M. OF SILVER. AND HE OWES 210M. OF SILVER.

OSBERT OF ARDEN RENDERS ACCOUNT OF £10 FOR A PLEA [OR 'THE PLEAS'] OF WILLIAM HUBOLD. IN THE TREASURY 40S. AND HE OWES £8.

AND THE SAME SHERIFF RENDERS ACCOUNT OF 100S. FROM OLD PLEAS AND MURDERS. IN PARDON BY THE KING'S WRIT TO THE EARL OF WARWICK 100S. AND HE IS QUIT.

WILLIAM FITZ-RALPH RENDERS ACCOUNT OF 113S. 4D. AND ONE WAR-HORSE THAT HE MAY HAVE THE LAND OF HIS FATHER. IN THE TREASURY 30S. AND HE OWES £4 3S. 4D. AND ONE WAR-HORSE.

ROBERT FITZ-RALPH RENDERS ACCOUNT OF £4 FOR HIS PORTION OF HIS FATHER'S LAND. IN THE TREASURY 20S. AND HE OWES 60S.

NORFOLK. BENJAMIN RENDERS ACCOUNT OF £4 5S THAT HE MAY KEEP THE PLEAS THAT BELONG TO THE KING'S CROWN. IN THE TREASURY 56S 8D. AND HE OWES 28S 4D; AND [GUARANTEES] TO MAKE A PROFIT OF 500M FOR THE KING. . . .

YORKSHIRE AND NORTHUMBERLAND. ROGER DE FLAMENVILLA RENDERS ACCOUNT OF 20M SILVER FROM PLEAS OF G[EOFFREY] DE CLINTON AND HIS COMPANION AT BLYTH. . . .

AND THE SAME SHERIFF [OF YORKSHIRE, BERTRAND DE BULEMER] RENDERS ACCOUNT OF 31M SILVER FROM 9 "JUDICATORS" (*JUDICATORIBUS*, PERHAPS MEANING 'LAWMEN' OR 'DOOMSMEN') OF THE COUNTY FROM THE SAME PLEAS.

. . .

AND THE SAME SHERIFF RENDERS ACCOUNT OF 335M SILVER, 5S 6D FROM THE LESSER JUDGES AND JURORS OF THE COUNTY (*DE MINUTIS JUDICIBUS ET JURATORIBUS COMITATUS*, PERHAPS MEANING 'SMALL DOOMSMEN AND JURORS') FROM THE SAME PLEAS. . . .

WILLIAM FITZ RANNULF, SHERIFF (PERHAPS *VICOMTE*, I.E., A NORMAN TITLE), RENDERS ACCOUNT OF 20M SILVER FROM THE SAME PLEAS. . . .

WILLIAM DE ALBAMARA RENDERS ACCOUNT OF 154M SILVER FROM THE SAME PLEAS FROM HIS LAND OF HOLDERNESS. . . .

ROBERT FOSSARD RENDERS ACCOUNT OF 10M SILVER FROM THE SAME PLEAS AND OF 40M SILVER THAT HE BE RESEISED OF HIS LAND.

GODEREDA, DAUGHTER OF GOSPATRIC SON OF ALDRET, OWES 10M SILVER FOR RIGHT OF THE LAND OF HER FATHER. . . .

WALTER ESPEC RENDERS ACCOUNT OF 200M SILVER FROM PLEAS OF THE STAG. IN THE TREASURY 50M SILVER. AND HE OWES £100 POUNDS. . . .

AND THE SAME RENDERS ACCOUNT OF ONE GOLD RING OF 5–PENNY WEIGHT FROM A CERTAIN FINDING. HE HAS PAID TO THE TREASURY. AND HE IS QUIT.

GRENT OF YORK RENDERS ACCOUNT OF 10M SILVER FOR A PLEA OF THE LAND OF HIS WIFE.

NIGEL OF DONCASTER RENDERS ACCOUNT OF 20M SILVER FOR THE FORFEITURE OF HIS SONS WHO KILLED A MAN. IN THE TREASURY 5M SILVER. AND HE OWES 15M SILVER. . . .

WILLIAM FITZ HUGH RENDERS ACCOUNT OF 10M SILVER THAT HE MAY HOLD IN PEACE THE LAND OF SULINGA. IN THE TREASURY £5 [*SIC* THIS WOULD BE 7M 6S AND CHANGE]. AND HE OWES 4M. . . .

TURBERT FITZ GAMEL RENDERS ACCOUNT OF 40M [THIS MUST BE 50] SILVER THAT THE KING MIGHT MAKE HIM HAVE SEISIN OF HIS LAND FROM WILLIAM DE ALBAMARA. IN THE TREASURY

PLEAS OF W. ESPEC AND EUSTACE FITZ JOHN . . .

THE JUDGES AND JURORS [*JUDICES ET JURATORES*] OF YORKSHIRE OWE £100 THAT THEY MAY NO LONGER BE JUDGES AND JURORS. . . .

2. Summary of the Pipe Roll of 31 Henry I

- | | | |
|--|---|---|
| a. sheriff's farm | = | sheriff |
| b. profits of justice from <i>justiciarii</i> (eyre and local), <i>judices</i> , <i>minuti judices</i> , <i>judicatores</i> , <i>juratores</i> , | = | itinerant justices, local royal courts, ?presenting bodies, ?doomsmen, ?suitors in county or hundred courts |
| c. payment for writs by individuals | = | civil cases |

3. Courts in the time of Henry I

- | | | |
|--------------------------|---|--|
| a. Anglo-Saxon survivals | = | shire, hundred, borough (ancient public) |
| b. More recent lordly | = | palatinate, franchisal, communal in private hands, “feudal” (leet, |

baron, manorial) (private jurisdiction)

- c. Royal justices in the country = local or *tocius Anglie* (= eyre <– *iter* –> itinerant justices, temp. Henry II)

The institutions of centralized administration *temp.* Henry I had a heavily judicial flavor.

2. Now why is this important? It's important because it's clear that by the end of the reign of Henry II England has a remarkable set of institutions, and these institutions are heavily judicialized. The courts include:
 - a. Anglo-Saxon survivals: shire, hundred, borough (ancient public)
 - b. More recent lordly: palatinate, franchisal, communal in private hands, "feudal" (leet, baron, manorial) (private jurisdiction)
 - c. Royal justices in the country: local, justices of 'all England' (*tocius Anglie* = eyre), itinerant justices for particular places
 - d. Central royal: the bench, the court before the king (*coram rege*): <– the exchequer
 - e. the church courts
3. Courts of law are the last step in a complex process of development which will happen again and again in the middle ages and in early modern times as well: regular gatherings of people for governmental purposes become courts of law. In the 13th century the gathering of the magnates of the realm reinforced by knights of shire and burgesses from the boroughs will become the greatest court in the land, the high court of parliament. In the late 14th or early 15th century the gatherings of king's small council will lead to the development of the court of the chancellor later, called the court of conscience, later still the court of equity, and finally chancery. What caused this phenomenon? In particular, what caused it in the 12th century?
4. The *curia regis*, the court of the king, of the Conqueror's time was not a court of law in the modern sense. It was a gathering of people around the king, constantly on the move, there for political, legal, military, or financial purposes, or just to have a good time. By the end of John's reign this undifferentiated mass of people had produced at least three quite well defined, quite specialized, and, for their period, efficient institutions: the exchequer, the chancery, and the central courts of justice. Parliament lay in the future as did the heyday of king's household in the 14th and later centuries, but English institutions were already marked by distinctive characteristics which they were to preserve to this day– again the question is why.
5. In order to get some idea of why, we must have some idea of when. No one ascribes the crucial developments to the reigns of Stephen and Matilda, but there are respectable scholars who argue both for Henry I and Henry II. Whatever the date, it seems reasonably clear that the Exchequer came before the central royal courts and that the central royal courts in some sense developed out of it. Now:
 - a. If Henry I, then the purposes are probably making money and keeping order
 - b. If Henry II, then the possible purposes expand, if only because we have a much better idea what he did than we do in the case of Henry I.

- c. What we have just looked at suggests, although it certainly does not prove, that the answer to the question ‘when’ is the reign of Henry I. What we do not have yet is any regularization at least on the civil side of the judicial operation. What happened during the reign of Henry II was:
 - i. Restoration of a system that had probably fallen down under Stephen.
 - ii. The returnable writ – the administrative order to do something becomes an invitation to a judicial proceeding in the central royal courts.
 - iii. Regularization on the civil side of the writs. What had been of grace became of course and this means you don’t have to pay as much for it.
 - iv. Identification of various types of actions and development of pleading.
- 6. Maybe all this had happened during Henry I’s reign but the evidence suggests to the contrary. High prices paid for writs. And the only treatise on law that clearly dates from the reign, the so-called *Leges Henrici Primi*, the Laws of Henry I, is mess, a mixture of material that may be contemporary with material that goes way back and was probably not in any sense in force.
- 7. Let us close with some even broader questions:
 - a. Do institutions have to come before law? Well, at least in this case they did.
 - b. Do we know what Henry II was trying to do? No, but the fact that he was restoring putting content into already existing institutions, rather than creating new ones, suggests that we should start off with a purpose of restoring what had existed in the time of his grandfather and making it work better. Our next classes will be devoted to finding additions to, and substitutes for, that answer.
 - c. What was Henry I all about? Here’s what the A-S Chronicle for 1135 says about him: “He was a good man, and people were in great awe of him. No one dared injure another in his time. He made peace for man and beast. Whoever carried his burden of gold and silver, nobody dared say anything but good to him.”

A warning about the *Glanvill* extract: (pp. IV–6 to IV–30) It’s 24 pages long; don’t skimp on the end; the punch line is at the end on pages IV–29 to IV–30. Ask yourself, if you are representing a client in 1190 who has a claim to a piece of land in Puddle Parva, what questions do you ask and how do you proceed on the basis of the answer to those questions?