

and detailed a statement of important custom. We must not expect too much of it: it is a collection of clauses, not a rounded whole. But it was felt to serve a purpose; to limit the monarchy by defining the law. The Charter included an elaborate clause providing machinery for its enforcement by a committee of twenty-five barons, to be called into existence if the king broke the Charter. But there was no suggestion yet that such a committee might be a normal thing; that the duty of the king to consult his barons on important issues should or could be defined. Any such idea still lay in the future. The barons of Magna Carta felt they were dealing with an exceptional crisis; and when John himself was dead, the Charter was re-issued without any reference to the committee of twenty-five. From then on the Charter was often re-issued as a reminder to king and people that the king was not free to break these fundamental customs. A few changes were made; the forest clauses, for instance, were carried off into a separate charter. But what could make sense was preserved; and after 1225 subsequent re-issues showed virtually no further change.

By 1225 the Charter was accepted by all parties; but it had not been so in 1215. The Charter gave King John a breathing-space, which he used to obtain from the Pope a bull condemning it as contrary to moral law and reprimanding the Archbishop, and to gather forces to crush his enemies. There is little doubt that he would have succeeded, had not a fresh outbreak of rebellion attracted the support of the King of France. In an elaborate, if somewhat absurd manifesto, the French court announced that John was deposed; and the French Dauphin was sent to replace him. John made rapid attempts to deal with his enemies, but after a summer and autumn of marching and counter-marching, and after losing his baggage-train (including all his jewels and valuable relics) in a quicksand at the head of the Wash, he succumbed to sickness and died at Newark in October 1216.

## D. ENGLISH FEUDALISM AND ITS ORIGINS

Stephen D. White, in *AMERICAN JOURNAL OF LEGAL HISTORY*, 19 (1975) 138-55

R. Allen Brown, *Origins of English Feudalism*, New York, Barnes and Noble Books, 1973. xiii, 164 pp. \$8.50.

Medieval historians have been discussing the "origins" of English feudalism and the "impact" of the Norman conquest on English society for over a century; but they have been unable to agree about whether feudalism, or any of its elements, existed in pre-conquest England, or whether the conquest fundamentally transformed English society.<sup>1</sup> What has become the "orthodox" position in this controversy was first formulated in 1891 by J. H. Round, who claimed that William the Conqueror introduced "the feudal system" into England, where it had not previously existed. and that the conquest resulted in a cataclysmic break with the Anglo-Saxon past.<sup>2</sup> Although F. W. Maitland believed that a form of feudalism existed in pre-conquest England and therefore questioned Round's thesis,<sup>3</sup> most historians accepted it, particularly after F. M. Stenton restated it in 1929;<sup>4</sup> and during the 1930's and 1940's, it attained the full status of "orthodoxy".<sup>5</sup>

In recent decades, however, a number of historians have challenged the so-called orthodox interpretation in a variety of ways. They have claimed that post-conquest feudalism had at least some pre-conquest roots

<sup>1</sup> Only a very brief and schematic summary of this controversy will be given here. For fuller discussions of it with extensive bibliographical references, see C. Warren Hollister. ed., *The Impact of the Norman Conquest* (New York, 1969) and two articles by Hollister: "The Norman Conquest and the Genesis of English Feudalism", *American Historical Review*, LXVI (1961), 641-663; and "1066 The Feudal Revolution", *American Historical Review*, LXXIII (1968), 708-723.

<sup>2</sup> J. H. Round, "The Introduction of Knight-Service into England", *English Historical Review*, VI (1891), 417-443, 625-645, VII (1892), II 11-24; rpt. with additions in J. H. Round, *Feudal England* (London, 1895), 225-314. As Hollister notes ("The Norman Conquest", p. 643), Round was attacking the views of earlier writers, particularly E. A. Freeman.

<sup>3</sup> F. W. Maitland, *Domesday Book and Beyond. Three Essays in the Early History of England* (1897; rpt. with an introduction by Edward Miller, London, 1961). Sir Paul Vinogradoff sided with Maitland against Round (see *English Society the Eleventh Century* (Oxford, 1908), 39-89).

<sup>4</sup> Sir Frank Stenton, *The First Century of English Feudalism 1066-1166*, Second Edition (Oxford, 1961). First published in 1932, this work is based upon Stenton's Ford Lectures at the University of Oxford for the year 1929.

<sup>5</sup> Hollister writes that Round's "notion of a Norman feudal revolution, asserted so boldly in the 1890's, quickly rose to the Olympian heights of received opinion, and virtually all the research done by scholars in the 1920's, 1930's, and 1940's served only to strengthen it." ("1066: The 'Feudal Revolution'", 710). He points out that Round's views were accepted by G. B. Adams, H. M. Chew, R. R. Darlington, Sidney Painter, Ferdinand Lot, Carl Stephenson, J. E. A. Jolliffe, and D. C. Douglas—as well as Stenton (see "The Norman Conquest", 647-648 and nn. 32-39).

and/or analogues, that it had developed much more gradually than Round and his followers had supposed, and that the changes that English society underwent between c.1050 and c.1200 were caused not simply by the conquest, but also by more general factors that transformed much of western Europe during the same period. These critics have therefore concluded that some form of feudalism existed in pre-conquest England, or that orthodox writers had seriously overestimated the impact of the conquest and underestimated the continuity between pre- and post-conquest English society.<sup>6</sup> Nevertheless, other historians continue to accept the orthodox interpretation in some form, and the controversy over the origins of English feudalism and the impact of the Norman conquest still drags on.<sup>7</sup>

The controversy continues partly because historians still argue about highly specific and technical questions concerning English and Norman social and military organization before and after the conquest. But even if they were to reach agreement on the answers to these questions, the controversy would still continue because of their disagreements about what feudalism is and about what constitutes a satisfactory account of its origins. However, the participants in this controversy cannot possibly resolve questions of this kind without analyzing them closely, and unfortunately they have rarely done so. They have devoted their energies almost exclusively to studying difficult texts like Domesday Book, Hemming's cartulary, the Red Book of Worcester, and the Oswaldslaw leases, to discussing obscure institutions like the *servicia debita*, the five-hide unit, the *fyrð* and the select-*fyrð*, *laenland* and *bocland*, *sac* and *soc*, the *constabularia*, and the *trimoda* (or *trinoda*) *necessitas*, and to attacking their opponents' views about these various texts and institutions. But they have rarely explained what they mean by "feudalism" or "the origins of feudalism", or directly expressed their underlying assumptions about medieval social structure and social change. Instead, they have generally presented their own views about these matters as self-evident truths that hardly need to be stated, let alone explained and justified, and have dismissed their opponents' views about them with little or no comment.<sup>8</sup> Their failure to be clear about these matters has obviously prolonged the controversy and made it even more confusing than necessary.

In the most recent contribution to this controversy, *Origins of English Feudalism*, R. Allen Brown tries to establish the validity of the orthodox interpretation beyond any doubt; and although he fails to do so, his book is still worth examining closely for the following reason. By attempting to articulate this thesis as forcefully as possible and to refute its critics' arguments conclusively, Brown reveals its argumentative structure and the assumptions that underlie it much more clearly than its more cautious advocates. Like his orthodox predecessors, he regards the conquest as a cataclysm that destroyed a "pre-feudal" society and created a "feudal" one and maintains that English feudalism had no pre-conquest origins. But unlike his predecessors, he permits us to see clearly that these conclusions do not depend merely upon particular interpretations of particular texts and institutions but also on a controversial definition of feudalism and on a particular conception of what constitutes an adequate historical explanation of the appearance of a particular type of society. And, moreover, that the orthodox interpretation of the origins of English feudalism is closely associated with a much debated interpretation of the nature and origins of continental feudalism. Brown's definition of feudalism, his explanation of its appearance in England, and his views about continental feudalism are probably implicit in the writings of other orthodox historians. But Brown's articulation of these views has made it easier to assess the orthodox interpretation.

### 1. The Argumentative Structure of the Orthodox Interpretation.

An examination of Brown's book shows that the argument necessary to support the orthodox interpretation is much more complex than previous writers have indicated. In order to prove that post-

<sup>6</sup> On the attacks against Round's thesis by Marjory Hollings, Eric John, H. G. Richardson and G. O. Sayles, and Frank Barlow, see Hollister, "The Norman Conquest", 648-650; and "1066: The 'Feudal Revolution'", 710-711. Direct or indirect attacks on the orthodox interpretation, not noted by Hollister, are found in Richard Glover, "English Warfare in 1066", *English Historical Review*, LXVII (1952), 1-18; D. J. A. Matthew, *The Norman Conquest* (London, 1966), esp. 117; and Frank Barlow, *Edward the Confessor* (Berkeley and Los Angeles, 1970). Hollister identifies himself neither with Round nor with Round's critics and adopts "an intermediate position between these two extremes" ("1066: The 'Feudal Revolution'", 711).

<sup>7</sup> See, for example, J. C. Holt, "Feudalism Revisited", *Economic History Review*, Second Series, XVI (1963), 104-118; and R. C. Van Caenegem, *The Birth of the English Common Law* (Cambridge, England, 1973) 5-6 and nn. 7-9.

<sup>8</sup> This generalization is not applicable, however, to Eric John. See "English Feudalism and the Structure of Anglo-Saxon Society", in Eric John, *Orbis Britanniae and Other Studies* (Leicester, 1966), 128-153.

conquest English society was “feudal” and that pre-conquest society was not (p. 94), that the “origins” of English feudalism are “found” in the conquest (p. 94), and that the conquest was a cataclysm in English history, Brown constructs what should be seen as an eight-part argument.

1. “Feudalism” can be regarded as a “type” of society (p. 21).
2. Of the many “characteristic” features of “feudal” societies, only four are “fundamental” or “essential”: “the knight, vassalic commendation, the fief, [and] the castle” (p. 94). Each of these “fundamentals of feudalism”—as Brown sometimes calls them (e.g. p. 94)—can be precisely defined.<sup>9</sup>
3. All of these fundamentals are “absent” from pre-conquest England (p. 94) but present in pre-conquest Normandy (p. 84), and all are increasingly manifest in England soon after the conquest (p. 94).
4. Since the fundamentals of feudalism are found in pre-conquest Normandy and in post-conquest England, but are absent from pre-conquest England, pre-conquest Normandy and post-conquest England are therefore “feudal” societies, while pre-conquest England belongs to a different social “type”.<sup>10</sup>
5. Since the fundamentals of feudalism are absent from pre-conquest England but present in pre-conquest Normandy and in post-conquest England, they were almost certainly introduced into England by the Norman conquerors (p. 85).
6. The introduction of the fundamentals of feudalism into England by the Normans moulded English society “into a feudal pattern” which was “to last for centuries” (p. 86).
7. Since the Normans almost certainly introduced the fundamentals of feudalism into England, and since the introduction of these fundamentals moulded English society into “a feudal pattern”, the “origins” of English feudalism must be “found” solely in the conquest (p. 94), and not in any of the social developments that may have taken place in pre-conquest English society (p. 23).
8. Since the conquest resulted in the destruction of one type of society and in the creation of another, it should be seen as a cataclysmic event in English history (p. 85).

When Brown’s argument for the orthodox interpretation is thus broken down into its component parts, three things about this interpretation stand out. First, it is vulnerable to a wide variety of attacks. Its critics can challenge its advocates’ interpretations of sources, their definitions of the fundamental features of feudalism, or their definition of feudalism itself. They can also raise doubts about the way in which its advocates use the words “origins” and “cataclysm”. And they can combine these different kinds of attacks in many different ways. Second, the orthodox interpretation is not monolithic. Critics can attack some parts of it and leave others intact. They can, for example, adopt a different definition of feudalism, argue that English feudalism had pre-conquest origins, and yet still agree that pre-conquest society was *not* feudal. Finally, its critics can undermine it without questioning its advocates’ interpretations of sources or their definitions of the fundamental features of feudalism. They can do so because the orthodox interpretation depends very heavily upon a particular definition of feudalism and on a particular view of what constitutes a satisfactory account of the origins of English feudalism. Moreover, this definition of feudalism and the attendant explanation of its appearance in England depend in turn upon certain basic and debatable assumptions about feudal social structure and medieval social change.<sup>11</sup> The supporters of the orthodox view, therefore, cannot argue convincingly for its validity without directly confronting certain difficult problems concealing social organization and historical explanation.

## 2. *Brown and the Critics of the Orthodox Interpretation.*

Brown acknowledges much more readily than other orthodox writers that one cannot defend this interpretation without discrediting the views about feudalism held by its critics or potential critics. Since Marc Bloch’s views about feudalism are incompatible with the orthodox interpretation of the origins of English feudalism, and since F. W. Maitland’s view of feudalism led him to attack Round’s thesis, Brown naturally attempts to show that these two influential historians fundamentally misunderstood feudalism.

<sup>9</sup> On knights, see pp. 24–28 and 34–43; on vassalic commendation, see pp. 28–39 and 43–45; on the fief, see pp. 29–30 and 55–72; and on the castle, see pp. 30–31 and 72–82. In these passages, Brown maintains that one can clearly distinguish between knights and other sorts of warriors, between vassalic commendation and other types of commendation, between fiefs and other tenures, and between castles and other sorts of fortification.>

<sup>10</sup> Brown calls pre-conquest English society “Germanic and pre-feudal” (p. 94).

<sup>11</sup> See John, “English Feudalism”, 128 and *passim*.

Bloch's ideas about feudalism are incompatible with the orthodox interpretation in at least three ways. First, since Bloch, unlike Brown, regarded a subject peasantry as a "fundamental feature" of feudal society,<sup>12</sup> and since a subject peasantry may well have existed in pre-conquest England,<sup>13</sup> Bloch could easily have argued that English feudalism had at least certain pre-conquest origins. Second, since Bloch, unlike Brown, believed that the structure of feudal society derived its "special character" not just from the bond of vassalage but also from other kinds of social ties, he would presumably have denied that one could give a satisfactory account of the origins of English feudalism by referring only to the introduction of feudal ties.<sup>14</sup> Finally, Bloch explicitly argued that one could not explain the distinctive features of Anglo-Norman feudalism without noting that the conquest coincided with the appearance of "new material and moral conditions"<sup>15</sup> conditions to which Brown's argument, as outlined above, makes no reference.

Brown is therefore correct in thinking that in order to vindicate the orthodox interpretation he must discredit Bloch's views about feudalism; but he is able to attack these views only by misconstruing them or by resorting to illogical arguments. First, he suggests that Bloch's views about feudalism are incompatible with a rigorous analysis of feudal relationships.<sup>16</sup> Yet, although Bloch never attempts to analyze some of the more technical rules of feudal law, his approach is in no way incompatible with such analysis. Brown also claims that Bloch virtually equated the terms "feudal" and "medieval" and thereby obscured the differences between feudal and non-feudal medieval societies (p. 22). Bloch, however, did nothing of the sort. He specifically stated that some medieval societies were *not* feudal and, in fact, strongly emphasized the differences between Anglo-Saxon and truly feudal societies.<sup>17</sup> Brown also finds fault with Bloch's list of the "fundamental features" of feudal society<sup>18</sup> because it includes features which are not "peculiar" to feudalism (p. 22). Brown insists that "a subject peasantry" is not "essentially feudal" (p. 22) because it is not "unique to feudal society" (p. 23) and suggests that if it were "essentially feudal", then all societies with subject peasantries would "partake" of feudalism.<sup>19</sup> He therefore claims that Bloch's use of the term "feudalism" is too "broad" (p. 22) and seems to think that those who adopt it will classify so many societies as "feudal" as to make the term useless for historical analysis (pp. 22-23). These criticisms of Bloch are also unjustified. An "essential" characteristic of one type of social organization need not be "unique" to societies of that type, and the fact that two societies share an "essential" characteristic does not necessarily mean that they belong to the same social type. Brown is therefore mistaken in claiming that Bloch used the term too broadly. If Bloch had simply equated "feudalism" with "manorialism", or "feudal society" with "peasant society"—as some writers have done<sup>20</sup>—then Brown's criticism might make sense. But Bloch explicitly refrained from doing this<sup>21</sup>—as Brown himself admits (p. 23). Brown fails to note that for Bloch, what distinguishes feudal societies from societies belonging to other social types is the conjunction in feudal societies of certain "fundamental features", and not the presence of any one of them. And since Brown fails to note this fact, he is unable to discredit Bloch's view of feudalism, or to defend the orthodox interpretation against Bloch's followers.

---

<sup>12</sup> Marc Bloch, *Feudal Society*, trans. L. A. Manyon (Chicago, 1961), 446.

<sup>13</sup> See M. M. Postan, *The Medieval Economy and Society. An Economic History of Britain 1100-1500* (Berkeley and Los Angeles, 1972), 73-87; and T. H. Aston, "The Origin of the Manor in England", *Transactions of the Royal Historical Society*, Fifth Series, VIII (1958), 59-84.

<sup>14</sup> See Bloch, *Feudal Society*, xx, 123-142, 443 and 446.

<sup>15</sup> Bloch, *Feudal Society*, 445.

<sup>16</sup> Brown claims that historians of feudalism fall roughly into two groups: writers like Bloch and Maitland, who use the word "feudalism" in "the broad sense", and writers like Round, Stenton, F. L. Ganshof (and himself), who use the word in a "narrow" sense (p. 22; cf. 19 and 23). He insists that only members of the second group can analyze feudalism clearly and rigorously (pp. 19, 21, 22, 23). On the relationship between Brown's view of feudalism and Ganshof, see below, pp. 148-149.

<sup>17</sup> Bloch, *Feudal Society*, 181-187. Brown does note this passage from Bloch (p.45), but not in his general critique of Bloch's approach.

<sup>18</sup> See Bloch, *Feudal Society*, 146.

<sup>19</sup> In fact, Brown uses this argument to show why Bloch was wrong to regard family and state organization as fundamental features of feudal societies (p. 22); but he strongly suggests that the same argument could be used to attack Bloch's inclusion "of a subject peasantry" in his list of feudal society's fundamental features.

<sup>20</sup> See Maurice Dobb, *Papers on Capitalism, Development and Planning* (New York, 1967), 2.

<sup>21</sup> Bloch, *Feudal Society*, 442

Maitland's view of feudalism is also incompatible with the orthodox interpretation, since it provided at least part of the basis for his argument for the existence of pre-conquest feudalism. But although Brown's attack on Maitland is somewhat more reasonable than his critique of Bloch, it is not ultimately successful. Brown criticizes Maitland for not defining feudalism precisely,<sup>22</sup> for treating seigneurial justice as one of the most "essential" features of feudalism (pp. 31–32 and 93–94), and for attaching too much importance to feudal "legal ideas" (p. 58). These criticisms are, in a sense, justified. Granted, Maitland did not define feudalism precisely,<sup>23</sup> and he never clearly explained why he attached such importance to "the ideas in which feudalism is expressed",<sup>24</sup> or why he regarded seigneurial justice as one of the most essential features of feudalism. Nevertheless, his views about feudalism can not be dismissed as easily as Brown thinks. Maitland argued—and argued with unusual vehemence—that feudalism presupposed the acceptance of the principle of seigneurial justice and that this principle was not just a part of the "superstructure" of feudalism—as Brown would regard it (pp. 31–32 and 93–94). And however obscure this argument of Maitland's may be, it deserves more serious consideration than Brown gives it.

Maitland regarded feudalism as "a complex state of society" found in medieval France, Italy, Germany, and England<sup>25</sup> and believed that it arose in England partly as a result of the action of certain "social and economic forces".<sup>26</sup> He also regarded the development of at least one legal idea, the principle of seigneurial justice, as an independent "cause" of feudalism and thought that the introduction of this principle was "capable of transforming a nation".<sup>27</sup> He was not very clear about the precise nature of the relationship between this principle, social and economic forces, and the development of feudalism, and to explain this relationship he used two rather different metaphors. He once pictured this basic legal principle as "machinery" which, "when set in motion by social and economic forces",<sup>28</sup> carried out at least part of what he called "the feudalizing process".<sup>29</sup> On another occasion, he seems to have been viewing the law as a mechanism which was passive but which, when it recognized the principle of seigneurial justice, gave "free play" to social and economic forces and allowed them to carry out "the feudalizing process".<sup>30</sup> On one main point, however, Maitland's position was unambiguous. The principle of seigneurial justice was not a mere

<sup>22</sup> That is, Maitland, according to Brown uses the word feudalism "in the broad sense". See above note 16.

<sup>23</sup> He favored using the term "in a very wide sense". See F. W. Maitland, *Domesday Book and Beyond. Three Essays in the Early History of England* (1897; rpt. with an introduction by Edward Miller, London, 1961), 267.

<sup>24</sup> *Domesday Book and Beyond*, 268.

<sup>25</sup> Sir Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward I*. Two Vols. Second Edition (1898; rpt. with a new introduction and select bibliography by S.F.C. Milsom, Cambridge, 1968), I. 66. Maitland's lectures on English constitutional history (which he completed in 1888 and never intended to publish) contain several interesting passages on feudalism (see F. Maitland, *The Constitutional History of England*, ed. H. A. L. Fisher (1908; rpt. Cambridge, England, 1963), 23–24, 38–39, 57, and 141–164), as does his lecture on "The Body Politic" (see H. A. L. Fisher, ed., *The Collected Papers of Frederic William Maitland*. Three Vols. (Cambridge, England, 1911), 285–303 at 297). But the relationship between the views on feudalism that he expressed in these early works and those that he later advanced is quite unclear. For some interesting comments on Maitland's views about feudalism, see John, "English Feudalism and the Structure of Anglo-Saxon Society", above, note 8.

<sup>26</sup> Maitland, *Domesday Book and Beyond*, 374. See also *Domesday Book and Beyond*, 375, where he refers to "religious" forces, and Maitland, *Constitutional History*, 145, where he attacks other writers for laying "too much stress on the military and political, too little on the economic side of feudalism", and argues that "one main cause" of the movement towards feudalism in pre-conquest England was that the "distribution of wealth" was becoming "more and more unequal".

<sup>27</sup> Maitland, *Domesday Book and Beyond*, 307:

Of all the phenomena of feudalism none seems more essential than seigniorial [*sic*] justice. In times gone by English lawyers and historians have been apt to treat it lightly and to concentrate their attention on military tenure. For them 'the introduction of the military tenures' has been 'the establishment of the feudal system.' But when compared with seigniorial justice, military tenure is a superficial matter, one out of many effects rather than a deep-seated cause. Seigniorial justice is a deep-seated cause of many effects, a principle which when once introduced is capable of transforming a nation.

For Maitland's views on the relationship between seigneurial justice and dependent tenure, see Pollock and Maitland, *History of English Law*, I, 72.

<sup>28</sup> Maitland, *Domesday Book and Beyond*, 374.

<sup>29</sup> Maitland, *Domesday Book and Beyond*, 270; cf. 374. Maitland closely identified the feudalizing process with "the process which substitutes for peasant proprietorship the manorial organization" (p. 267) and which led to "the subjection to seigniorial power of free land-holders and their land" (p. 374). He did not see seigneurial jurisdiction as a kind of neutral governmental authority. Rather, he regarded it as a kind of "power" which made it easier for lords who held it as a right to tighten their "grip upon the land" (p. 375) and upon those who lived upon the land (see p. 323).

<sup>30</sup> Maitland, *Domesday Book and Beyond*, 375.

addition to, or rationalization for, feudal institutional arrangements which had been previously determined by particular social and economic forces and/or a particular kind of military organization.<sup>31</sup>

Brown's views about feudal legal ideas in general and about the principle of seigneurial jurisdiction in particular differ totally from Maitland's and seem considerably less compelling. Brown apparently regards feudal legal ideas simply as ways of explaining, rationalizing, or legitimating pre-existing institutional arrangements. But instead of arguing for this position, he simply asserts that "it is the knight and his military tactics which are the fundamentals of feudalism, not *the legal ideas which came later*" (p. 58—my italics); and he claims that Maitland failed to recognize this self-evident truth because he was thinking like a lawyer and was therefore "divorced from reality" (p. 58; cf. 31). Brown also asserts that seigneurial justice is only a "characteristic feature of ... developed feudalism" (p. 93) and that feudalism can exist without it (p. 32), but his arguments in support of this assertion are unconvincing.<sup>32</sup>

### 3. *Brown's View of Feudalism.*

Brown clearly recognizes that supporters of the orthodox interpretation must formulate, explain, and justify a definition of feudalism that will be compatible with this interpretation, but he is no more successful in doing this than he is in attacking Bloch's and Maitland's ideas about feudalism. Although he regards feudalism as a type of society which has four fundamental features, he never satisfactorily explains why, or in what sense, these features are "fundamental". He is therefore unable to explain why societies that possess these features should be classified together and be sharply distinguished from societies that lack even one of them. And because he does not explain how "fundamental" social features are to be identified, he fails to show how, by focusing on his four fundamentals, he can illuminate any other aspects of feudal society, or the workings of feudal society as a whole.

Brown claims, as noted above, that of the many "characteristic" features of feudal societies only four are really "fundamental" or "essential": the knight, vassalage, the fief, and the castle. But he never explains how these fundamental features are to be distinguished from merely characteristic ones; and in practice he seems to use several different criteria in making such distinctions. He fallaciously argues, as we have seen, that "a subject peasantry" cannot be a fundamental feature of feudal society because it is not "unique" to feudal society; and he also claims that seigneurial justice cannot be a fundamental feature because it was not part of the Frankish nexus of vassalage and because its origins and development cannot be explained by "purely feudal factors".<sup>33</sup> He suggests that the knight is a fundamental feature at least in part because his presence reveals something particularly important about the "nature of feudalism" (p. 36) and also seems to assume that his four fundamentals determine the over-all structure of feudalism—although he never indicates precisely how they do this.<sup>34</sup> Moreover, he never proves that any of these various vague criteria are met only by the four features that he terms fundamental. He never demonstrates that these features are the only unique or essential features of feudalism, or that only they reveal the true nature of feudalism and determine its over-all structure.

Since Brown does not explain why the knight, vassalage, the fief, and the castle are fundamental features of feudalism, or prove that they are the only such features, he cannot possibly show that those societies that he terms "feudal" resemble one another fundamentally and differ fundamentally from societies that he regards as "non-feudal". He is therefore unable to show that pre- and post-conquest England belong to two fundamentally different types of society, and as a result he cannot support his cataclysmic interpretation of the conquest. He admits, of course, that feudal societies may differ from one another in certain respects. He notes, for example, that fiefs were not always heritable (p. 91 and n. 41) and suggests that some feudal societies were more prone to "disorder" than others (p. 22), and he naturally concedes that Anglo-Norman England and pre-conquest Normandy differed, even though both were feudal societies (p. 84). But he never explains why such differences are less fundamental than the differences between pre- and post-conquest England. He also admits that non-feudal societies sometimes resembled feudal ones and notes certain

<sup>31</sup> As S. F. C. Milsom points out, Maitland did not believe that legal reasoning could "always be manipulated to produce" sensible practical results. See Milsom's introduction to Pollock and Maitland, *History of English Law*, I, xxix.

<sup>32</sup> Brown argues that seigneurial justice cannot be an essential, or fundamental feature of feudalism because it was not part of "the original nexus of vassalage" in the Frankish kingdom, and because its "origins and development" cannot be explained by reference to "factors" that are "purely feudal" (pp. 31–32). This argument appears to be circular.

<sup>33</sup> See above, note 32.

<sup>34</sup> See below, section 5.

similarities between the institutions of pre- and post-conquest England. But he never explains why in spite of these similarities, these two societies are fundamentally different.

The most serious defect in Brown's discussion of feudalism, however, results from his attempt to combine two very different ways of talking about feudalism—the one illustrated by Bloch's *Feudal Society* and the other by F. L. Ganshof's *Feudalism*.<sup>35</sup> Whereas Bloch regarded feudalism as a "type of society",<sup>36</sup> Ganshof viewed it as

a body of institutions creating obligations of obedience and service—mainly military service—on the part of a free man (the vassal) towards another free man (the lord), and the obligations of protection and maintenance on the part of the lord with regard to his vassal.<sup>37</sup>

Ganshof explicitly distinguished himself from historians like Bloch who used the word feudalism to refer to a type, or "form" of society,<sup>38</sup> and since Brown uses the word in this latter sense, he is totally misrepresenting his own view of feudalism when he identifies it with Ganshof's (pp. 22–23). Brown actually follows Bloch in regarding feudalism as a type of society, but then limits his discussion of feudalism to those aspects of feudal society (plus the castle and the art of mounted warfare) that Ganshof treated in his study of "feudal and vassal institutions".<sup>39</sup> By proceeding in this way, Brown presumably hopes to secure the advantages and to avoid the defects of both Bloch's and Ganshof's approaches—i.e. to be able *both* to discuss feudal society and not just some of its "legal forms"<sup>40</sup> and to limit his discussion (for the sake of "precision" and "clarity" (p. 21)) to a small set of feudal institutions. But in the end Brown has only sacrificed the advantages of both approaches. By attributing far more importance to vassalage and the fief than Ganshof ever did,<sup>41</sup> he has given a distorted picture of the social function of these institutions, and by excluding a vast number of important subjects from his discussion of feudalism he has given up the possibility of illuminating, or even discussing, the actual workings of feudal society.

After initially indicating that his discussion of feudalism will treat feudal society, and not just feudal and vassal institutions, Brown gives reasons for drastically limiting the scope of this discussion. In principle, of course, this procedure is quite justifiable. Even an indefatigable student of the "*ambiance sociale totale*" like Bloch slighted certain social phenomena in his attempt "to analyze and explain" feudal "social structure and its unifying principles".<sup>42</sup> But Brown's decision to ignore most features of feudal society and to consider only his four fundamentals serves no such purpose. He excludes from his discussion of feudalism any full treatment of such important topics as manorial and familial organization—to take only the most obvious examples—and justifies doing so on the grounds that neither is "unique" to feudal society (pp. 22–23). He then claims to have arrived not only at a strict definition of feudalism, but at a proper understanding of it. But if his ultimate purpose is to provide not just a way of identifying feudal societies, but a means of understanding them, then it is hard to see how we can justifiably ignore topics like manorial and familial organization or how his definition can fail to inhibit such understanding.

#### 4. The Origins of English Feudalism.

Since Brown's definition of feudalism is so unsatisfactory, his account of the origins of English feudalism must also be suspect. He argues that because the Normans brought the four fundamentals of feudalism to England and because the importation of these fundamentals moulded English society into a

<sup>35</sup> F. L. Ganshof, *Feudalism*, trans. Philip Grierson with a forward by Sir F. M. Stenton. Third English Edition (New York, 1964).

<sup>36</sup> See Bloch, *Feudal Society*, Chapter XXXII.

<sup>37</sup> Ganshof, *Feudalism*, xvi.

<sup>38</sup> Ganshof, *Feudalism*, xv–xvi. Ganshof, however, does give his own list of the main "features" of this form of society (p. xv), and it differs from those of both Bloch and Brown.

<sup>39</sup> Ganshof, *Feudalism*, xvi.

<sup>40</sup> Ganshof, *Feudalism*, xvii.

<sup>41</sup> Ganshof merely claims that in feudal society, "the fief, if not the corner-stone was at least the most important element in the graded system of rights over land which this type of society involved" (*Feudalism*, xvi), and that "the student will be better prepared to understand the characteristics of such a society if he has first grasped the significance of certain of its legal forms: the meaning of the words 'lord' and 'vassal', and the legal relationship which existed between the persons whom they described" (*Feudalism*, xvii).

<sup>42</sup> Bloch, *Feudal Society*, xix.

“feudal pattern”, the “origins of English feudalism are ... found in the Norman Conquest”. But his argument will not hold if feudalism has other fundamental features (like a subject peasantry) that can be found in pre-conquest England. Even if one accepts Brown’s definition of feudalism, however, his account of its origins in England is still open to another kind of attack. When Brown states that “the origins of English feudalism ... are found in the Norman Conquest”, and that English feudalism is “the direct result” of the conquest (p. 17), he presumably means that the introduction of the four fundamentals into England by the Normans is *the cause* of England’s becoming a feudal society. And when he refers to the “*tabula rasa* of the Norman Conquest” (p. 85) and claims that important changes in pre-conquest society like “manorialization” are “largely irrelevant to the issue of the origins of English feudalism” (p. 23), he is apparently claiming that one can fully explain the development of English feudalism without taking note of the condition of pre-conquest society. In another passage, however, Brown states that the “problem” of the origins of English feudalism “appears to resolve itself into an equation with an answer which there seems no reason to avoid—non-feudal pre-conquest England, plus feudal pre-conquest Normandy, equals feudal post-Conquest Anglo-Norman England” (p. 85). However silly this bit of historical mathematics or mathematical history may be, it nevertheless expresses a truth that undercuts Brown’s main thesis. Here, at least, Brown seems to indicate that the four fundamentals operated with at least certain features of non-feudal pre-conquest society to make post-conquest society feudal and that the importation of these fundamentals was only one of a number of conditions jointly sufficient to bring about this change in English society. If so, then Brown should indicate what these features of pre-conquest society were; but nowhere in his book does he do this. Moreover, if Brown chooses to identify the origin of English feudalism only with the importation of the four fundamentals and not with these features of pre-conquest society, he should give some reason for doing so. He should explain why the origins of English feudalism do not lie, at least in part, in the pre-conquest period. This too Brown has failed to do.

### 5. *Underlying Assumptions.*

Since Brown has not formulated a satisfactory definition of feudalism or given an adequate explanatory account of its origins in England, his attempt to establish the validity of the orthodox interpretation of English feudalism is a failure. Moreover, his book makes clear that this interpretation rests upon the same underlying assumptions about feudalism and feudal development as the theory about the origins of continental feudalism first formulated by Heinrich Brunner and recently restated by Lynn White, Jr.<sup>43</sup> And since these assumptions are so hard to defend, it seems unlikely that the orthodox interpretation of the origins of English feudalism can ever be made immune to attack. Following Brunner, Lynn White, Jr. claims that “feudalism was essentially military, a type of social organization designed to produce and support cavalry”,<sup>44</sup> and that the adoption of a particular kind of military organization by the Carolingian monarchs of the eighth century explains the appearance of this type of social organization on the continent.<sup>45</sup> Brown explicitly endorses White’s thesis (p. 24 and n. 15) and constructs what amounts to a parallel thesis about English feudalism and its origins. Like White, Brown maintains that military organization is the most fundamental feature of feudal social organization, and he then claims that the establishment of feudal military organization in England after the conquest explains the appearance of English feudalism. Like White, however, Brown gives no convincing reasons for accepting this simplistic model of feudalism and medieval social change. He gives no justification for assuming that feudal military organization is the most fundamental feature of feudal society, or that the adoption of feudal military organization determined the over-all structure of English feudal society.

Basic to Brown’s entire argument is his assumption that feudal military organization is more fundamental to feudalism than any other aspect of feudal social organization. He commends historians like Round, Stenton, and Hollister for focusing their discussions of English feudalism on “the central and crucial

<sup>43</sup> See Heinrich Brunner, “Der [Ritterdienst] und die Anfänge des Lehnwesens”, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung*, VIII (1887), 1–38, rpt. in Heinrich Brunner, *Forschungen zur Geschichte des deutschen und französischen Rechts* (Stuttgart, 1894), 39–74; and Lynn White, Jr., *Medieval Technology and Social Change* (1962; rpt. New York, 1966), Chapter I.

<sup>44</sup> White, *Medieval Technology*, 3.

<sup>45</sup> See White, *Medieval Technology*, Chapter I, esp. 5, 10, 13, 28, and 38. White argues that this new type of military organization involved the use of a new kind of military force—heavily armed cavalry—which used a “revolutionary new way of doing battle” (p. 2); and that this “new mode of warfare” was “made possible” by “the sudden introduction of an alien military technology”—i.e. the stirrup (p. 38).



issue of the organization of military service” (p. 23; cf. pp. 19–20).<sup>46</sup> He attacks writers like Bloch and Maitland for over-emphasizing the importance of non-military aspects of feudalism.<sup>47</sup> And he regards only feudal military institutions as “fundamental features” of feudal society. Never, however, does he demonstrate that military institutions are the most fundamental features of feudal society. Just as Lynn White, Jr. simply assumes that “feudalism was essentially a way of organizing society for instant warfare”,<sup>48</sup> and that the primary function of feudal social organization was “to produce and support cavalry”,<sup>49</sup> Brown merely takes it for granted that military institutions are more fundamental to feudalism than those institutions that he thinks are merely “characteristic” of feudal society.<sup>50</sup> Like White, Brown never rebuts Bloch’s contention that one cannot adequately analyze “a highly complex type of social organization” like feudalism, or understand “its unifying principles” by attaching some sort of “illusory primacy” to any one of its particular aspects—whether political, legal, economic, or military.<sup>51</sup>

Another basic, and related, assumption underlying Brown’s argument for the orthodox interpretation is that feudal military organization determined the over-all structure of feudal society both on the continent and in England. Following White, Brown maintains that the “true origin of [continental] feudalism is to be found in the adoption of heavy cavalry by the Franks in the eighth century” (p. 24), and that other, non-military aspects of continental feudalism can be seen as inevitable “social repercussions” of this change in military organizations (p. 24, n. 15).<sup>52</sup> He claims that since knights needed money, horses, servants, and attendants, and “freedom from all other occupations”, like “the sordid necessity of tilling the soil”, knighthood “inevitably became an upper-class affair” (p. 27). Increasing technological sophistication made mounted warfare more and more expensive and caused knights to become “ever more sharply distinguished from the ordinary peasant” (p. 29). It also caused free peasants to become less and less valuable as soldiers, and they therefore declined “towards servitude” (p. 29). It was, in addition, “inevitable” that “the new class of knights ... should become a landed aristocracy” (p. 27), and its members were “bound to acquire” “low-level jurisdiction of a semi-agricultural kind” over their peasants (p. 32). Within this class, feudal lords acquired “an automatic (and entirely logical) jurisdiction” over their vassals (p. 31). Brown clearly suggests that a similar, inevitable process of social change was initiated in England by the conquest when he claims that English feudalism was “the direct result” of the conquest (p. 17) and that the feudal military arrangements established in England by the Normans “were to mould society into a feudal pattern to last for centuries” (pp. 85–86). In short, Brown claims that in late eleventh-century England, as in eighth-century Frankia, the introduction of feudal military organization had certain logical, automatic, and inevitable “social repercussions” and inevitably led to the formation of a feudal society.<sup>53</sup> Brown, however, neither shows that the “feudal pattern” of English society or continental societies resulted inevitably from such changes in military organization, nor does he defend this simplistic explanatory model of social development against the direct and indirect attacks of Bloch, Maitland, and other writers.<sup>54</sup>

<sup>46</sup> See C. Warren Hollister, *Anglo-Saxon Military Institutions* (Oxford, 1962); and *Military Organization of Norman England* (Oxford, 1965). Brown criticizes Hollister, however, for exaggerating “in every instance” “the degree of pre-Conquest English influence” on post-conquest military organization (p. 23, n. 13).

<sup>47</sup> See above, section 2.

<sup>48</sup> White, *Medieval Technology*, 136.

<sup>49</sup> White, *Medieval Technology*, 3.

<sup>50</sup> He simply stresses “the importance of military history” (p. 24) and points out that “military organization and tactics are an integral part of society, not easily changed” (p. 36; cf. p. 32).

<sup>51</sup> See Bloch, *Feudal Society*, xvii and 59.

<sup>52</sup> According to Brown, “H. Brunner’s classic thesis that the origins of feudalism are essentially military with social repercussions remains unbroken though not unchallenged” (p. 24 n. 15).

<sup>53</sup> Not surprisingly, Lynn White, Jr. accepts the orthodox interpretation of the origins of English feudalism. See *Medieval Technology*, 36–38.

<sup>54</sup> For some examples of such attacks—aside from Bloch’s and Maitland’s—see M. M. Postan’s “Forward” to Bloch’s *Feudal Society*, xii–xv; R. H. Hilton and P. H. Sawyer, “Technical Determinism: The Stirrup and the Plough”, *Past and Present*, XXIV (1963), 90–104, esp. 90–91 and 95; David Herlihy, ed., *The History of Feudalism* (New York, 1970), “General Introduction”, xiii–xviii, esp. xxv; and Frederic L. Cheyette, *Lordship and Community in Medieval Europe. Selected Readings* (New York 1968), “Introduction”, 1–10. For much more complex treatments of the development of feudal social organization, see, for example, Georges Duby, *La Société aux XI<sup>e</sup> et XII<sup>e</sup> siècles dans la région mazonnaise* (Paris, 1953) and *The Early Growth of the European Economy. Warriors and Peasants from the seventh to the twelfth century*, trans. Howard B. Clarke (Ithaca, N.Y., 1974), and Robert Fossier, *La Terre et les hommes en Picardie jusqu’à la fin du XIII<sup>e</sup> siècle*. Two vols. (Paris-Louvain, 1968).

If Brown cannot provide any basis for assuming that feudalism is “essentially military”—and it is hard to see how any type of society could be “essentially military”—then he cannot justifiably define feudalism solely in terms of certain military institutions or employ a model of feudalism that assigns primacy to military organization. If he can give no convincing reasons for assuming that feudal military organization determined the over-all structure of feudal society, then he cannot justifiably treat the importation of feudal military organization into England by the Normans as the origin of English feudalism. And if he can justify neither his definition of feudalism nor his model of feudal social development, then he cannot argue convincingly for the orthodox interpretation of the origins of English feudalism. In the end, Brown’s attempt to restate this interpretation and to defend it against its critics simply reveals its dependence upon crude models of feudalism and feudal development and shows that historians will have to construct better models if they are to understand English feudalism and explain its development. And they can only do this by ceasing to assign any sort of “illusory primacy” to military aspects of feudalism, and by thinking and writing more clearly and systematically about social structure, social change, and historical explanation.<sup>55</sup>

---

<sup>55</sup> For a very recent discussion of feudalism, see Elizabeth A. R. Brown, “The Tyranny of a Construct Feudalism and Historians of Medieval Europe”, *American Historical Review*, LXXIX (1974), 1063–1088. The present review-article was completed prior to the appearance of Professor Brown’s article and cannot therefore treat the issues that she discusses. Her arguments for completely abandoning the whole concept of feudalism, however, do not seem entirely convincing.

## E. DOCUMENTS OF THE ANGLO-NORMAN PERIOD

CARL STEPHENSON & FREDERICK GEORGE MARCHAM, ED., SOURCES OF ENGLISH CONSTITUTIONAL HISTORY  
(rev. ed., New York, 1972), pp. 1:39–46, 49–54 (Nos. 20–22, 25)

### WILLIAM I: WRITS CONCERNING INQUESTS AT ELY

#### (A) CONFIRMATION OF LIBERTIES FOR THE ABBOT OF ELY (c. 1080)

William, king of the English, to all his faithful men and his sheriffs in those counties where the abbey of Ely possesses lands, greeting. I command that, in borough and out of bororough, the abbey of Ely shall have all its customs: namely, *sac* and *soke*, *toll* and *team*, *infangenþeof*, *hamsocn*, *gryðbryce*, *fihtwite*, *fyrðwite*,<sup>1</sup> and all other forfeitures within its own land and from its own men. These [liberties], I say, it shall have as it had them on the day King Edward was alive and dead and as, according to my command, they were proved at Kentford by [the oaths of] various shires in the presence of my barons: namely, Geoffrey, bishop of Coutances; Abbot Baldwin, Ivo Taillebois, Peter de Valognes; Picot, sheriff [of Cambridge]; Tihel de Heluin, Hugh de Hosdeng, Jocelyn of Norwich, and many others.

Witness, Roger Bigod.

(Latin) Hamilton, *Inquisitio Comitatus Cantabrigiensis*, p. xviii.

#### (B) MANDATE FOR A RENEWED INQUEST (1082)

William, king of the English, to Lanfranc, archbishop [of Canterbury], and Roger, count of Mortain, and Geoffrey, bishop of Coutances, greeting. I command and instruct you that you again cause to be assembled all the shires that were present at the plea held concerning the lands of the church of Ely before my wife last came to Normandy. Let there also be present with them those of my barons who can suitably attend, those men who were at the aforesaid plea, and those who hold lands of the same church. When these men have been brought together, let several be chosen of those Englishmen who know how the lands of the said church lay on the day that King Edward died, and let whatever they may say in that connection be testified to on oath. When that is done, let restitution be made to the church of those lands that were in its demesne on the day of Edward's death, except those which men shall claim as having been given them by me. These [lands] then signify to me by letters, [telling] what they are and who holds them. But those holding thegnlands<sup>2</sup> that beyond doubt should be held of the church shall make peace with the abbot as best they may; and if they refuse [to do so], the church shall keep their lands. Let the same be done with regard to those holding *sac* and *soc*. Lastly, order those men to repair the bridge of Ely who up to now, by my disposition and command have been accustomed to do so.

(Latin) *Ibid.*, p. xviii.

### RETURN FROM THE DOMESDAY INQUEST (1086)

Here is written down the inquisition of the lands [of Cambridgeshire] as made by the king's barons:<sup>3</sup> namely, by the oath of the sheriff of the shire; of all the barons, their Frenchmen, and the whole hundred [court]; of the priest, the reeve, and six villeins from each vill.<sup>4</sup> Then [is set down] how the manor is called, who held it in the time of King Edward, who holds it now, how many hides there are, how many ploughs in demesne, how many ploughs of the men, how many men, how many villeins, how many cotters, how many serfs, how many freemen, how many sokemen, how much woods, how much meadow, how many pastures, how many mills, how many fishponds, how much has been added or taken away, how much it

<sup>1</sup> [All these terms appear in Anglo-Saxon documents. Their meaning is controverted, but they seem to refer, respectively, to the following: *sac* and *soke* 'jurisdictional rights over certain persons or profits of justice in certain places'; *toll*, as in modern English, the right to collect 'toll'; *team*, 'vouching to warranty or the right to collect fees for it on one's own land or elsewhere'; *infangenþeof*, 'the right to punish thieves caught on the property'; *hamsocn*, 'jurisdiction over house-breaking'; *gryðbryce*, 'jurisdiction over breaches of the peace'; *fihtwite*, 'jurisdiction or fines for cases involving bloodshed'; *fyrðwite*, 'jurisdiction or fines for cases involving neglect of military service.']

<sup>2</sup> Lands that before the Conquest had been held of the church by thegns. Men styled thegns occasionally appear in Norman documents, but they were generally supplanted by French knights.

<sup>3</sup> See Round, *Feudal England*, pp. 3 f., 118 f. On this fundamental criticism all subsequent study of Domesday is based.

<sup>4</sup> [The same collection of people are described in article 7 of the so-called 'Laws of Henry I' as attending the county court.]

was worth altogether and how much now, and how much each freeman or sokeman had or has there. All this [information is given] three times over: namely, in the time of King Edward, when King William gave it out, and how it is now—and whether more can be had [from it] than is being had.

These men swore. ...<sup>5</sup>

(Latin) *Ibid.*, pp. 97 f.

## EXCERPTS FROM DOMESDAY BOOK

### (A) HEREFORDSHIRE

In the city of Hereford, in the time of King Edward [TRE],<sup>6</sup> there were 103 men dwelling together inside and outside the wall, and they had the customs hereunder noted.<sup>7</sup> If any one of them wished to leave the city, he could, with the consent of the reeve, sell his house to another man who was willing to perform the service owed from it, and the reeve got the third penny from this sale. But if any one, because of his poverty, could not perform the service, he gave up his house without payment to the reeve, who saw to it that the house did not remain vacant and that the king did not lose the service. Every entire messuage (*integra masura*) inside the wall rendered 7½*d.*, and [also] 4*d.* for the hire of horses; and [the holder] reaped for three days at Marden<sup>8</sup> and spent one day gathering hay wherever the sheriff wished. Whoever had a horse went thrice a year with the sheriff to the pleas and the hundred [court] at Wormelow.<sup>9</sup> When the king engaged in a hunting expedition, one man customarily went from each house to serve as a beater (*ad stabilationem*) in the wood. Other men, who did not have entire messuages, found guards for the [royal] hall when the king was in the city. On the death of a burgess who served with a horse, the king had his horse and arms.<sup>10</sup> From him who had no horse, when he died, the king had either 10*s.* or his land, together with the houses [on it]. If any one, overtaken by death, had not divided what he possessed, the king had all his chattels (*pecunia*). These customs were had alike by those living in the city and by those dwelling outside the wall, except that an entire messuage outside the wall rendered only 3½*d.* The other customs were common [to both groups].

Any man's wife who brewed inside or outside the city gave 10*d.* according to custom. There are six smiths in the city, each of whom gave 1*d.* for his forge. Each of them made 120 shoes (*ferra*) from the king's iron, and to each of them 3*d.* was customarily paid on that account, and these smiths were quit of all other custom. Seven moneyers were there; one of them was the bishop's moneyer. When the coinage was changed, each of them gave 18*s.* to obtain the dies, and from the day on which they returned each of them gave the king 20*s.* for one month.<sup>11</sup> When the king came to the city, the moneyers made for him as many pennies as he wished—that is to say, of the king's silver. And these seven had their *sac* and *soc*. When any moneyer of the king died, the king had 20*s.* as relief.<sup>12</sup> But if he died without having divided his cash (*censum*), the king had all of it. If the sheriff went into Wales with an army, these men [of Hereford] went with him. But if any one was summoned to go and did not do so, he paid 40*s.* fine to the king.

In this city Earl Harold<sup>13</sup> 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.<sup>14</sup> The king, however, had in his demesne three forfeitures: namely, breach of his peace, house-

<sup>5</sup> Here follows a long list of names, arranged hundred by hundred. These groups were the juries that made the original returns. Domesday Book is a compilation made by condensing such material and rearranging it, so that the manors are enumerated as land of the king or land of a particular baron.

<sup>6</sup> [TRE is the Domesday abbreviation for "in the time of King Edward" (*tempore regis Edwardi*). CD]

<sup>7</sup> On the interpretation of the following entries, see especially Round, in *Victoria History of the County of Herefordshire*, I, 263 f.

<sup>8</sup> A nearby royal manor.

<sup>9</sup> This was south of Hereford, toward the wild region of Archenfield. On such a trip the sheriff needed an armed escort.

<sup>10</sup> The heriot of the ordinary thegn in Canute, II, 71 (above, p. 24). Cf. the moneyers of Hereford, the Welshmen of Archenfield, and the thegns of Nottinghamshire in the following passages.

<sup>11</sup> Presumably a pound a month, for relatively large sums were reported from mints elsewhere.

<sup>12</sup> The Anglo-Saxon heriot. See n. 9 [above].

<sup>13</sup> The Normans refused to recognize Harold's title to the throne.

<sup>14</sup> The borough, including the revenues described above, was farmed by the portreeve for £18 a year, two-thirds to the king and one-third to the earl.

breaking, and assault by ambush. Whoever committed one of these [offenses] paid the king 100s. fine, whosoever man he was.<sup>15</sup> Now the king has the city of Hereford in demesne,<sup>16</sup> and the English burgesses who dwell there have their previous customs. The French burgesses, however, are quit, through [payment of] 12d., of all forfeitures except the three aforesaid.<sup>17</sup> This city renders to the king £60 by tale in assayed money.<sup>18</sup> Between the city and the eighteen manors that render their farms in Hereford £335 18s. are accounted for, besides the pleas of the hundred and county [courts].<sup>19</sup>

In Archenfield the king has three churches. The priests of these churches undertake the king's embassies into Wales, and each of them sings for the king two masses every week. When any one of them dies, the king customarily has 20s. from him. If any Welshman steals a man or a woman, a horse, an ox, or a cow, on being convicted, he first returns what is stolen and [then] pays 20s. as a fine. For theft of a sheep, however, or of a bundle of sheaves, he pays 2s. fine. If any one kills a man of the king or commits house-breaking, he pays the king 20s. compensation for the man and 100s. as a fine. If he kills any thegn's man, he gives 10s. to the lord of the slain man. But if a Welshman kills a Welshman, the relatives of the slain man come together and plunder the slayer and his kin and burn their houses until, toward noon on the third day, the body of the slain man is buried. Of this plunder the king has a third part, but they enjoy all the rest of it in peace. He, however, who burns a house in another fashion, on being accused of doing so, defends himself by [the oaths of] forty men. But if he cannot [clear himself], he has to pay 20s. fine to the king. If any one conceals a sester of honey out of a customary payment, and is convicted of it, he renders five sesters for one, should he hold enough land to warrant the payment. If the sheriff calls them to the shire court, six or seven of the better men among them go with him [as escort]. He who is summoned [to the court] and does not go gives the king 2s. or an ox; and whoever stays away from the hundred [court] pays the same amount. He who is commanded by the sheriff to go with him to Wales, and does not do so, pays a similar fine. But if the sheriff does not go, none of them go. When the army advances against the enemy, they customarily form an advance guard, and on return [they form] the rear guard. These were the customs of the Welshmen in Archenfield during the time of King Edward.

Here are set down those holding lands in Herefordshire and in Archenfield and in Wales. ...<sup>20</sup>

The land of the king. ... The king holds Leominster.<sup>21</sup> Queen Edith held it. ... In this manor ... there were 80 hides, and in demesne 30 ploughs.<sup>22</sup> In it were 8 reeves, 8 ridingmen, 238 villeins, 75 bordars, and 82 serfs and bondwomen.<sup>23</sup> These together had 230 ploughs. The villeins ploughed 140 acres of the lord's land and sowed it with their own seed grain, and by custom they paid £11. 52d. The ridingmen paid 14s. 4d. and

<sup>15</sup> The list of crown pleas varied from region to region; cf. the customs of Worcestershire and Nottinghamshire below, and Canute, II, 12[: 'These are the rights which the king enjoys over all men in Wessex: namely, [compensations for] breach of his personal protection *mundbryce*, housebreaking (*hamsocn*), assault by ambush (*forsteal*), and neglect of army service (*fyrdwite*)']. See p. 27, n.46 above.]

<sup>16</sup> Earlier there had been three great border earls who enjoyed all regalian rights within their respective territories: Roger de Montgomery, earl of Shrewsbury; Hugh d'Avranches, earl of Chester; and William Fitz-Osbern, earl of Hereford. Before 1086, however, the third of these earldoms had been forfeited as the consequence of a rebellion.

<sup>17</sup> Cf. the entry for Rhuddlan, below.

<sup>18</sup> [Payment by tale was made by counting out 240d. to the pound, as distinguished from payment by weight, when an actual pound of silver was demanded. If, furthermore, sample coins were melted down and an additional sum was thrown in as compensation for proved debasement, payment was said to be by blanch. For a description of this procedure and of the whole exchequer system, see R. L. Poole, *The Exchequer in the Twelfth Century*.]

<sup>19</sup> These manors had earlier belonged to Earl William, and so had been brought into a financial organization centering in Hereford.

<sup>20</sup> According to the regular plan, the king heads the list of landholders and is followed by his barons, first the ecclesiastics and after them the laymen. The lands held by each person in the list are then described in turn, manor by manor.

<sup>21</sup> On this "gigantic manor" see Maitland, *Domesday Book and Beyond*, p. 112.

<sup>22</sup> By *caruca* is meant, not merely the plough proper, but also the team of eight oxen. The hide in Domesday is a unit of assessment for geld and other royal services. It was divided into 4 virgates or yardlands, 8 bovates, and 120 acres.

<sup>23</sup> The beadle appears in Domesday as the subordinate of a manorial reeve. The *radniht* or ridingman seems to have been much the same as a *geneat*], who appears in Ine 19, and who 'might enjoy relatively high or low status, but was always a man of honorable rank. As described in the later sources, his chief duty was that of riding on errands.'] The *villani* of Domesday, being distinguished from *servi*, were legally free; for it was only later that serfdom and villeinage came to be arbitrarily identified. According to Domesday, the normal villein holding was thirty acres of arable. The bordar or cotter, on the other hand, held only a hut and a garden plot. See especially Maitland, *Domesday Book and Beyond*, pp. 26 f; Vinogradoff, *Villeinage in England*.

3 sesters of honey; and there were eight mills [with an income] of 73s. and 30 sticks of eels.<sup>24</sup> The wood rendered 24s. besides pannage.<sup>25</sup> Now in this manor the king has in his demesne 60 hides and 29 ploughs; and 6 priests, 6 ridingmen, 7 reeves, 7 beadles, 224 villeins, 81 bordars and 25 serfs and bondwomen. Among them all they have 201 ploughs. They plough and sow with their own grain 125 acres, and by custom they pay £7. 14s. 8½d; also 17s. [worth] of fish, 8s. of salt, and 65s. of honey. In it are eight mills [with an income] of 108s. and 100 sticks of eels less 10. A wood 6 leagues<sup>26</sup> long and 3 leagues wide renders 22s. Of these shillings 5 are paid for buying wood at Droitwich, and thence are obtained 30 mitts of salt.<sup>27</sup> Each villein possessing ten pigs gives one pig for pannage. From woodland brought under cultivation come 17s. 4d. An eyrie of hawks is there. ... Altogether this revenue, except the eels, is computed at £23. 2s. This manor is at farm for £60 in addition to the maintenance of the nuns. The county<sup>28</sup> say that, if it were freed [of that obligation], this manor would be worth six score, that is to say, £120. ...

(Latin) *Domesday Book*, I, 179–183b.

(A1) [ADDITIONAL ENTIRES FOR HEREFORDSHIRE]<sup>29</sup>

In “Cutestornes” Hundred.<sup>30</sup> In the jurisdiction of Ewyas Harold Castle, Earl William gave to Walter de Lacy 4 carucates of waste land.<sup>31</sup> 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.<sup>32</sup>

In “Tornelaus” 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<sup>33</sup> 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.<sup>34</sup>

(B) CHESHIRE

Earl Hugh<sup>35</sup> holds Rhuddlan of the king. There in the time of King Edward lay Englefield, and it was entirely waste. Earl Edwin held it [in the time of King Edward]. It was likewise waste when Earl Hugh received it. Now he has in demesne half a castle that is called Rhuddlan, and it is the administrative centre (*caput*) of this land. There he has eight burgesses and half of the church, half of the mint, half of the mining or iron wherever it may be found in this manor, half of the water of Clwyd in both mills and fisheries that may be conducted there—that is to say, in the part of the river that belongs to the earl’s fief—half of the forests that do not belong to any vill of this manor, half of the toll, and half of the vill called Bryn. There is land for three ploughs and they are in demesne, together with seven serfs. ... Robert of Rhuddlan holds of Earl Hugh half of the same castle and borough, in which Robert himself has ten burgesses. ...

<sup>24</sup> About two dozen eels were counted as a stick. Most of them, obviously, were taken from mill-ponds.

<sup>25</sup> Swine were commonly allowed to run wild in woodland. Rent paid for the privilege was called pannage; see immediately below.

<sup>26</sup> The Domesday league is a mile and half, but these measurements are only rough approximations.

<sup>27</sup> Salt-wiches are a prominent feature of this region; see Tait, *The Domesday Survey of Cheshire*, pp. 39 f. The wood bought at Droitwich was for the furnaces used in connection with salt-pans. The mitt included two ambers of four bushels each.

<sup>28</sup> I.e., the jury that spoke for it.

<sup>29</sup> [Added and translated by CD. These are part of the holdings of Roger de Lacy who is tenth on the list of Domesday barons in Herefordshire.]

<sup>30</sup> [The hundred names in quotation marks do not correspond to the later hundred names, though they clearly refer to hundred names that existed at the time. CD]

<sup>31</sup> [Earl William is William fitz Osborn, who held the entire county virtually independently right after the Conquest. He rebelled, and King William took the lordship into his own hands. CD]

<sup>32</sup> [Notice that William subinfeudated to Walter; Walter died and his son Roger inherited, Roger has two subtenants on the land. They, in turn, hold part of the land directly (“in demesne” as the phrase goes) and four Welshmen hold the other part of them. The land was waste at the time of the Conquest. It’s now worth 20s annually. Things here are looking a bit up. CD]

<sup>33</sup> [That’s a big parish church in the city of Hereford. CD]

<sup>34</sup> [We’ve got a loss here. What Roger holds and what the parish holds adds up to £5. TRE it was almost £8.]

<sup>35</sup> See above, p. 27 n.16; and for illuminating comment on the whole entry, the introduction to Tait’s work just cited.

In the manor of Rhuddlan there was recently build a castle, likewise called Rhuddlan. A new borough is there, and in it [are] eighteen burgesses [divided] between the earl and Robert, as mentioned above. To these burgesses they granted the laws and customs that are [enjoyed] in Hereford and in Breteuil: namely, that during an entire year they shall give for any misdeed no more than 12*d.*, except for homicide, theft and premeditated house-breaking.<sup>36</sup> In the year of this description,<sup>37</sup> the toll of this borough was placed at farm for 3*s.* The income of Earl Hugh from Rhuddlan and Englefield is valued at £6. 10*s.*; Robert's share at £17.

(Latin) *Ibid*, I, 269.

(C) BERKSHIRE<sup>38</sup>

When the geld was given in the time of King Edward, commonly throughout all Berkshire the hide gave 3½*d.* before Christmas and the same amount at Pentecost. If the king sent an army anywhere, only one soldier went from five hides, and 4*s.* were given him from each hide as food and pay for two months. This money, indeed, was not sent to the king, but was given to the soldiers. If any one was summoned for an expedition and did not go, he forfeited all his land to the king. But if any one, for the sake of remaining [at home], promised to send another in his place, and yet he remained who was to have been sent, his lord was quit through [payment of] 50*s.* On the death of a king's household thegn or *cniht*,<sup>39</sup> all his arms, as well as one horse with a saddle and one without, were sent to the king as relief. But if he possessed dogs or hawks, they were given to the king as a present, if the latter was willing to accept them. If any one slew a man enjoying the king's peace, he forfeited to the king both his body and all his substance. He who broke into a city<sup>40</sup> by night paid 100*s.* fine to the king, not to the sheriff.<sup>41</sup> He who was summoned as a bearer for hunting, and did not go, paid the king 50*s.* fine.

(Latin) *Ibid*, I, 56b.

(D) WORCESTERSHIRE

In this county, if anyone knowingly breaks the peace which the king has given by his own hand, he is outlawed.<sup>42</sup> If anyone knowingly breaks the king's peace given by the sheriff, he pays 100*s.* fine. He who commits assault by ambush pays 100*s.* fine. He who commits rape can offer no atonement save judgment upon his body. These forfeitures the king has in the said county except on the land of St. Peter of Westminster, to which King Edward gave whatever [rights] he had there<sup>43</sup>—so the county says. When the king advances against the enemy, any one who is summoned and who remains behind, if he is so free a man that he has his *sac* and *soc* and can go with his land whither he pleases,<sup>44</sup> is in the king's mercy<sup>45</sup> for all his land. If however, the freeman of some other lord remains away from the host, and if his lord takes another man in his place, he has to pay 40*s.* to his lord who received the summons. If, however, no one goes for him at all, he shall indeed give to his lord the 40*s.*, but the lord has to pay the same amount to the king.

(Latin) *Ibid*, I, 172.

(E) NOTTINGHAMSHIRE

In Nottinghamshire and Derbyshire breach of the king's peace, given under [his own] hand and seal, is atoned for by [a fine of] 18 hundreds, each hundred being £8.<sup>46</sup> Of this fine the king has two parts, the earl the third; that is to say, 12 hundreds go to the king and 6 to the earl. If any one, on conviction of anything, is exiled according to law, no one except the king can restore peace to him. A thegn having more than six manors pays no relief for his land except to the king, [namely,] 3*m.* of silver—wherever he may live, in

<sup>36</sup> On the significance of these customs, see Mary Bateson, "The Laws of Breteuil," in the *English Historical Review*, vols. XV, XVI; C. Stephenson, *Borough and Town*, pp. 88 f., 120 f.

<sup>37</sup> The year of the Domesday inquest, 1086.

<sup>38</sup> Round (in *Domesday Studies*, pp. 77 f.) was the first to explain the significance of the Berkshire custom. For further comment on this and the following entries, see the appropriate volumes of the *Victoria County History*.

<sup>39</sup> See above, p. 27 n.10. The *cniht* was a sort of lesser thegn; see Gross, *Gild Merchant*, I, 183 f.

<sup>40</sup> Cf. Ine, 45 ...; [the *civitas* of this passage is apparently a mere translation of *port* or *burh*].

<sup>41</sup> The meaning of this provision and similar ones below is probably that small fines were included in the sheriff's farm, while more extraordinary ones were not.

<sup>42</sup> Although the present tense is used, the customs described were those of the Anglo-Saxon period.

<sup>43</sup> Cf. [S&M] no. 15G [for a transcript of this charter].

<sup>44</sup> That is to say, can commend himself, with his land, to a lord of his own choosing.

<sup>45</sup> [I.e., subject to arbitrary fine.]

<sup>46</sup> A method of reckoning peculiar to certain Danish regions; see Round, *Feudal England*, p. 73.

borough or out of borough. If a thegn having *sac* and *soc* forfeits his land, half of his land and his chattels is shared between the king and the earl; his lawful wife, together with his legitimate heirs if there are any, has the other half.

(Latin) *Ibid*, I, 280b.

## HENRY I: CORONATION CHARTER (1100)

S&M No. 23, with modifications by CD

Henry, king of the English, to Samson, bishop [of Worcester], and to Urse d'Abetot<sup>47</sup>, and to all his barons and faithful men of Worcestershire, both French and English, greeting.

1. Know that by the mercy of God, and by the common counsel of the barons of the whole kingdom of England, I have been crowned king of the same kingdom. And since the kingdom has been oppressed by unjust exactions, I, through fear of God and through the love that I have for you all, in the first place make the Holy Church of God free, so that I will neither sell nor put at farm nor, on the death of an archbishop, bishop, or abbot, take anything from the demesne of a church, or from its men, until a successor enters upon it.<sup>48</sup> And I henceforth remove all the bad customs through which the kingdom of England has been unjustly oppressed; which bad customs I here in part set down.

2. If any one of my barons, earl, or other men who hold of me dies, his heir shall not redeem his land as he did in the time of my brother, but he shall relieve it by a just and legitimate relief. In the same way, furthermore, the men of my barons shall relieve their lands from their lords by just and legitimate reliefs.

3. And if any one of my barons or other men wishes to give in marriage his daughter, sister, niece, or [other] female relative, let him talk with my about the matter; but I will neither take anything from his property for this permission nor prohibit him from giving her [in marriage], unless he wishes to wed her to an enemy of mine. And if, on the death of a baron or other man of mine, a daughter remains as heiress, I will give her [in marriage], together with her land, by the counsel of my barons. And if, on the death of a husband, his wife survives and is without children, she shall have her dower and *maritagium*,<sup>49</sup> and I will not give her to a husband unless it is in accord with her own wish.

4. If, moreover, the wife survives with children, she shall yet have her dower and *maritagium* so long as she keeps her body legitimately, and I will not give her [in marriage] except in accord with her wish. And the guardian of the land and the children shall be either the widow or another one of the relatives who more rightly ought to be [in that position]. And I command that my barons shall conduct themselves in the same way toward the sons or daughters or wives of their men.

5. The common *monetagium*,<sup>50</sup> which has been collected throughout the cities and counties, and which did not exist in the time of King Edward, I utterly abolish for the future. If [however] any one, whether a moneyer or some one else, is taken with false money, let justice be done in the matter.

6. I pardon all pleas and debts that were owed to my brother, except my rightful dues and except those promised for the heirs of others or for the lands that belonged to others, and all rightful reliefs agreed upon for inheritances. If any one has promised something more than is right, that I remit.<sup>51</sup>

7. And if any one of my barons or men becomes infirm, as he himself may bestow his chattels or provide [by will] for their bestowal, so, I grant, shall they be bestowed. But if he, prevented by arms or infirmity,

<sup>47</sup> Sheriff of Worcester. Other forms of address were of course used for the other counties.

<sup>48</sup> For examples of this feudal usage and of many others abolished or restricted in the Coronation Charter, see Henry's own pipe roll (no. 25).

<sup>49</sup> The *maritagium* (roughly, 'marriage-portion') was the land conferred on a woman by her father or other relative; the dower that given her by her husband. To the former she had, in some sense, an absolute title if she survived her husband; in the latter she had only a life estate. Cf. no. 27E, G. [See also S.F.C. Milsom, 'Inheritance by Women in the Twelfth and Early Thirteenth Centuries', in M. Arnold, *et al.*, ed., *On the Laws and Customs of England* (1981), pp. 60–89.]

<sup>50</sup> The *monetagium*, which is obscurely referred to in Domesday, was, apparently, an exaction introduced in England by William I. [It is generally thought to have been justified as a means of compensating the Crown for the loss of value of coinage through wear and clipping. See Liebermann, *Gesetze*, II, s.v., Münzänderung.]

<sup>51</sup> [For this translation and the emendations that support it, see S.E. Thorne, 'Henry I's Coronation Charter, Ch. 6', *E.H.R.*, 13 (1978) 794.]



has not bestowed his chattels or provided [by will] for their bestowal, his widow or his children or his relatives or his liegemen shall divide them for the good of this soul as my seem to them best.

8. If any one of my barons or men commits an offence, he shall not [be declared] in mercy [and be required to] give a pledge from his chattels,<sup>52</sup> as he was in the time of my father and my brother; but he shall pay compensation according to the measure of the offence, as was done before the time of my father, in the time of my other predecessors. But if he is convicted of treason or disgraceful crime,<sup>53</sup> let him make amends as is just.

9. I also pardon all murders<sup>54</sup> [committed] before that day on which I was crowned king, and those that have been committed afterwards are to be paid for by just compensation according to the law of King Edward.

10. By the common counsel of my barons, I have kept in my hands the forests as they were held by my father.<sup>55</sup>

11. To knights who hold their land by military service (*per loricas*) I grant, of my own gift, the lands of their demesne ploughs<sup>56</sup> quit of all gelds and of all work; so that, inasmuch as they are thus relieved of a heavy burden, they may the better provide themselves with arms and horses, to be fit and ready for my service and the defence of my kingdom.

12. I establish my firm peace throughout the whole kingdom and command that it be henceforth maintained.

13. I restore to you the law of King Edward, together with those amendments by which my father, with the counsel of his barons, amended it.<sup>57</sup>

14. If any one, since the death of my brother William, has taken anything from my property or from the property of any one else, let him at once restore it without penalty; but if any one keeps anything [of that sort], he on whom it may be found shall pay me heavy compensation.

Witnesses: Marice, bishop of London; William, bishop elect of Winchester; Gerard, bishop of Hereford; Henry, earl [of Warwick]; Simon, earl [of Northampton]; Walter Giffard, Robert de Montfort, Roger Bigot, Odo the Steward, Robert Fits-Hamon, Robert Malet. At Westminster, when I was crowned. Farewell!

(Latin) Liebermann, *Gesetze*, I, 521 f.

## THE PIPE ROLL OF 31 HENRY I (1130)

S&M No. 25, with additions and deletions by CD

### (A) WARWICKSHIRE ACCOUNT

Geoffrey de Clinton renders account of 44s. [shillings] 8d. [pence] blanch<sup>58</sup> 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. [marks, 13s. 4d., or  $\frac{2}{3}$  of a pound] of silver for an office in the treasury at Winchester. In the treasury 100m. of silver. And he owes 210m. of silver.

<sup>52</sup> This was a promise to abolish the system of amercement, or arbitrary fine, introduced by the Conqueror, and to revert to the older system of *bot* and *wite*, but it was not kept; see Pollock and Maitland, II, 513 f. Many examples of amercement will be found in the following documents.

<sup>53</sup> *Perfidiae vel sceleris*—offenses for which there was no lawful compensation in money; cf. Alfred, 4, ... and the subsequent dooms.

<sup>54</sup> [This is normally taken to be a fine that the community (or perhaps it was the lord of the slayer) paid when a man was killed and the community could not prove that the man was of English rather than French ancestry.]

<sup>55</sup> See no. 35 and the references given there.

<sup>56</sup> Cf. no. 22A. If carried out, the reform would have been equivalent to a heavy reduction of hidage on all baronial manors.

<sup>57</sup> Cf. no. 18, art. 7.

<sup>58</sup> See p. 27 n.18 above.

And the same man owes 40*m.* of silver on behalf of the earl of Leicester [Robert de Beaumont] for the debt of Ernald de Vétheuill.

And the same man owes 20*m.* of silver and 1*m.* of gold that the king will confirm in a charter for his church of Arden everything that the earl of Warwick [Roger de Beaumont] gave him for the benefit of the said church.

And the same man owes £7. 13*s.* 8*d.* from the old farm of the land of William de Roumare.

And the same man owes 40*m.* of silver with which he should acquit Nicholas Fitz-Gundewin of Rouen.

Geoffrey Lovet owes £9. 13*s.* 4*d.* for the security that he unjustly took from a certain man; of which the pledges are Geoffrey de Clinton and Robert de Neufbourg.

Osbert of Arden renders account of £10. for the pleas of William Hubold.<sup>59</sup> In the treasury 40*s.* And he owes £8.

And the same sheriff renders account of 100*s.* from old pleas and murders.<sup>60</sup> In pardon by the king's writ to the earl of Warwick 100*s.* And he is quit.

Hugh Fitz-Richard renders account of 200*m.* of silver and one valuable horse (*equo de pretio*) and two war-horses (*dextrariis*) for the land that Geoffrey de Lovet holds of him. In the treasury £30. And by the witness of Miles of Gloucester he has acquitted himself toward the king of the valuable war-horse (*dextrario pretioso*). And he owes the king 155*m.* of silver and two horses. And thereof [these men] are pledges: the earl of Warwick, 60*m.* of silver; Henry de Sai, 20*m.* of silver; Henry de Armentières, 20*m.* of silver.

William Fitz-Ralph renders account of 113*s.* 4*d.* and one war-horse that he may have the land of his father. In the treasury 30*s.* And he owes £4. 3*s.* 4*d.* and one war-horse.

Robert Fitz-Ralph renders account of £4. for his portion of his father's land. In the treasury 20*s.* And he owes 60*s.*

The earl of Warwick renders account of £72. 16*s.* 8*d.* and two war-horses for pleas concerning stags;<sup>61</sup> and of 20*m.* of silver that the king will pardon him the surplus hidage of his manor of Brailles.<sup>62</sup> In the treasury £43. 6*s.* 8*d.* And he owes £176. 2*s.* 4*d.*

Guibert, steward of Robert de Mowbray, renders account of 1*m.* of silver from the pleas of Geoffrey de Clinton. He has paid it into the treasury. And he is quit.

Agnes de Clincamp renders account of 40*s.* that her sons may secure the inheritance of their father's land. She has paid it into the treasury and she is quit.

And the same sheriff renders account of £8. 5*d.* from arrears of Danegeld. In the treasury 70*s.* 5*d.* And in pardons by the king's writ to the chancellor £4. 10*s.* And he is quit.

Walter Croc renders account of 33*s.* 4*d.* from the old rent of the forest during four years. He has paid it into the treasury. And he is quit.

And the same Walter renders account of 10*m.* of silver from the new rent of the forest. In the treasury 106*s.* 8*d.* And he owes 26*s.* 8*d.*

And the same man owes 3*m.* of gold for having his office again; and £13. 11*s.* 5*d.* for the land of Richard Chienewe; and £7. 6*s.* 8*d.* for the plea of Roger, son of Eli the *scutellarius*;<sup>63</sup> and £18. 5*s.* from the pleas of William of Gloucester; and 10 horses and 106 oxen and 200 pigs he took from the forest, and which did not belong to him but to the forester. And he is in the king's mercy unless the king will be his warrantor for the 30*s.* that he unlawfully took and did not return.

---

<sup>59</sup> Entries of this sort normally refer to trials held before the king's justices on mission—already an important source of revenue.

<sup>60</sup> See above, page 27, n.50.

<sup>61</sup> Violations of forest law. There are many such entries on the roll.

<sup>62</sup> A reduction of hidage would, of course, mean a reduction of Danegeld, which, as this roll testifies, was by now an annual exaction.

<sup>63</sup> Probably keeper of the dishes in the royal kitchen. See [S&M no. 29: 'The Constitution of the King's Household'].

And the same sheriff renders account of £12. 3s. 10d. from arrears of Danegeld. In the treasury 19s. And in pardons by the king's writ: to Ralph the Butler 60s.; to the count of Meulan 24s.; to Geoffrey de Mandeville 60s. 9d.; to Curtis 10s.; to the earl of Warwick £4. 4s. Total £11. 4s. 10d. And he is quit.

And the same sheriff renders ac[c]ount of 37s. 2d. from arrears of aid from the borough of Tamworth.<sup>64</sup> He has paid it into the treasury. And he is quit.

### **New Pleas and Obligations<sup>65</sup>**

Robert Tortran renders account of 60m. of silver for the chattels of William de Chenfara that he took. In the treasury 30m. of silver. And he owes 30m. of silver.

Hugh Hall (*de Hella*) renders account of 100s. for the claims of Leofric Lock. In the treasury 30s.. And he owes 70s.

Rodbright of Bradwell renders account of 100s. from the same pleas. In the treasury 30s. And in pardon by the king's writ to the same Rodbright 20s. And he owes 50s.

Ralph, son of Godwin Hall (*de Halla*) renders account of 10m. of silver from the same pleas. In the treasury 40s. And he owes 7m. of silver.

Fulk of Mauritania renders account of 30m. of silver for the plea concerning the chattels of Matilda of Stafford. In the treasury 5m. of silver. And he owes 25m. of silver.

Ivo, son of Hugh of Leicester, owes 20m. of silver for the grant of the land which belonged to William de Beaumont, and which the earl of Warwick gave him.

And the same sheriff renders account of Danegeld. In the treasury £78. 12s. 1d. And in pardons by the king's writ: To William Comyn 13s.; to the earl of Chester [Ranulph 'de Gernon'] 24s. ...<sup>66</sup> Total £50. 5d. And he is quit.

And the same sheriff owes 30s. from the aid of the borough of Tamworth.

Geoffrey de Clinton renders account of the farm of Wargrave. In the treasury £80. And he is quit.

And the same Geoffrey renders account of £20 from the old farm of Wallop. He has paid it into the treasury. And he is quit.

And the same Geoffrey renders account of the new farm of Wallop. In the treasury £20. And he owes £20.

And the same Geoffrey renders account of the revenues of the abbey of Evesham. In the treasury £40. [...]

(Latin) Pipe Roll of 31 Henry I, pp. 104 f.

### **[(B) 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. [...]

### **[(D) YORKSHIRE ...]**

Roger de Flamenvilla renders account of 20m. silver from pleas of G[eo]ffrey de Clinton and his companion at Blyth. In the treasury, 10m. silver. And he owes 10m. silver. ...

And the same sheriff [of Yorkshire] renders account of 31m. silver from 9 "judicators" (*judicatoribus*) of the county from the same pleas. In the treasury £9. 7s. 8d. And in pardons to Count Stephen of Brittany, 5m. silver for William de Lamara; for Robert de Bruis, 1m. silver; for Jordan de Buisili, 1m. silver. Sum: £4. 13s. 4d. And he owes 10m. silver. ...

And the same sheriff renders account of 335m. silver, 5s. 6d. from the lesser judges and jurors of the county (*de minutis iudicibus et juratoribus comitatus*) from the same pleas. In the treasury: £148. 13s. In the King's works at York, £4. 1m. silver. And in livery for Eustace fitz John, 20s. 10d. And in pardons by

<sup>64</sup> On the annual *auxilia burgorum* that accompanied the Danegeld, see C. Stephenson, *Borough and Town*, pp. 160 f.

<sup>65</sup> *Conventiones* is the regular form, but it covered a variety of payments besides those based on agreement.

<sup>66</sup> Thirty-five other items enumerated.

the King's writ for the count of Brittany, 21*m.* silver from the lesser men; for fitz Ribald, 5*m.* silver; for the archbishop of York, [... illegible]; for Gamel de Hochesworda, 20*s.*; for Chetel fitz Sueini, 1*m.* silver; for Alan de Moncell, 70*s.*; for the earl of Warenne [William earl of Surrey], 107*s.*; for Ougrim de Frisemareis, 40*s.*; in the lordship of Roger de Molbrai, £4. 7*s.* from his "Dreini"; for William fitz Ralph, 40*s.*; for the prior of St. Oswald, 42*s.*; for Bernard de Bailleol, £6. 15*s.*; for the men of Blyth, 2*m.* silver; for Robert de Bruis, 4*m.* silver; for Geoffrey fitz Pain, 6*s.* 8*d.* Sum: £54. 15*s.* 8*d.* And he owes £15. 20*d.*

William fitz Rannulf, sheriff, renders account of 20*m.* silver from the same pleas. In the treasury 10*m.* silver. And he owes 10*m.*

William de Albamara renders account of 154*m.* silver from the same pleas from his land of Holderness. And in pardons by the King's writ to Alan de Moncell, 45*s.*; to Ougrim de Frisemareis, 30*s.* And he owes £49. 18*s.* 4*d.*

And the same William owes 100*m.* silver that he not plead against his men concerning land, for his father held in demesne. ...

Robert Fossard renders account of 10*m.* silver from the same pleas and of 40*m.* silver that he be reseised of his land. In the treasury 10*m.* silver. And in pardon by the King's writ to the same Robert 40*s.* And he owes £38. ...

Godereda, daughter of Gospatric son of Aldret, owes 10*m.* silver for right of the land of her father. ...

Walter Espec renders account of 200*m.* silver from pleas of the stag. In the treasury 50*m.* silver. And he owes £100. ...

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.

Grento of York renders account of 10*m.* silver for a plea of the land of his wife. In the treasury 40*s.* And he owes 73 shillings, 4 pence.

Nigel of Doncaster renders account of 20*m.* silver for the forfeiture of his sons who killed a man. In the treasury 5*m.* silver. And he owes 15*m.* silver. ...

William fitz Hugh renders account of 10*m.* silver that he may hold in peace the land of Sulinga. In the treasury £5. [*sic*]. And he owes 4*m.* ...

Turbert fitz Gamel renders account of 40*m.* silver that the king might make him have seisin of his land from William de Albamara. In the treasury 7*m.* silver. And he owes 43*m.* silver. ...

The barons of Blyth render account of £20. for the forfeiture of the wall of the castle of Blyth. They paid Eustace fitz John for the works of the same castle. And they are quit. ...

#### BETWEEN RIBBLE AND MERSY<sup>67</sup>

The men of the count of Mortain. Sweign son of Lesing owes 40*m.* silver for concord between him and the earl [probably of Chester]. Lesin his brother owes 30*m.* silver for the same concord. Edward de Cardiner owes 40*m.* for the same concord. Ailsa fitz Ulf owes 40*m.* for the same concord. Roger fitz Ranchil owes 30*m.* for the same concord. Osbert fitz Edmund and Uctied his brother owes 40*m.* for the same concord. ...

William Maltravers owes 1000*m.* and £100. to be given to whom the King wishes for the wife of Hugh de Laval with all the land of Hugh for 15 years and for 15 years to have her dower and marriage portion. ...

#### **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. ...

<sup>67</sup> Two rivers in Northwest England, not in present-day Yorkshire.