Dialogus de Scaccario
The Course of the Exchequer
by
RICHARD, FITZ NIGEL

and
Constitutio Domus Regis
The Establishment of the Royal Household

EDITED AND TRANSLATED BY THE LATE CHARLES JOHNSON
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ABBREVIATIONS

C  British Museum MS. Cotton. Cleop. A. 16
N  Public Record Office MS. The Black Book of the Exchequer
    (Exch. Treasury of Receipt, Books) E.36/226
P  Public Record Office MS. The Little Black Book of the Exchequer
    (Exch. King's Remembrancer Misc. Books, series I,
    vol. XII) E. 164/12
R  Public Record Office MS. The Red Book of the Exchequer
    (Exch. King's Remembrancer Misc. Books, series I,
    vol. II) E. 164/2

M. S.

ARTURI HUGHES et CAROLI GEORGI CRUMP
SOCIORUM OLM DILECTORUM

"Funiculus triplex difficile soluitur"
PREFACE

The Clarendon Press edition of the Dialogus published in 1902 is now out of print. The present translation is meant for the general reader and for undergraduates or candidates for History scholarships who are not experienced in medieval Latin. There have been various additions to our knowledge since 1902, more especially those made by Reginald Lane Poole and by my friend Mr H. G. Richardson, and the valuable researches on tallies of the present Deputy-Keeper of the Public Records (my ‘fellow-helper’ in earlier work) to be found in Archaeologia. These new lights have necessitated a few changes of opinion or emphasis. I have as far as possible suppressed all critical notes, and limited the explanatory notes to a minimum, unless new facts need notice. I have appended a translation of the Constitutio Domus Regis because of its close connection with the Dialogus, and for this Mr G. H. White, to whom I owe my first understanding of the Constitutio, generously gave me access to his own (then unprinted) studies of that work. He must not, however, be held responsible for my views. They rarely differ from his own, and I am most grateful for his help.

I must apologize for any neglect to mention in detail the many points which this translation owes to living and dead authorities: I can only express my obligations in general terms. I must, nevertheless, return my sincere thanks to the Delegates of the Clarendon Press, and to my fellow-proprietors of the copyright of the 1902 edition, the late Mrs L. G. Hughes, Mr Norman Crump, and Mrs Neill Wright, for leave to make use of the printed Latin text and to borrow from the notes. To the General Editors and to the Publishers I am grateful for the opportunity,

donatum iam rude . . . iterum antiquo me includere ludo.

CHARLES JOHNSON

FOREWORD TO REVISED EDITION

Dialogus de Scaccario

Charles Johnson’s edition of the Dialogus de Scaccario was published in Nelson’s Medieval Texts in 1950 and it has remained the standard edition ever since. It went out of print several years ago and this edition has been arranged in response to the wish, often expressed by historians and others, that it should be available once more.

With what he described as one or two insignificant alterations, Johnson’s Latin text was avowedly based upon that of the Oxford edition, in which he, Hughes and Crump had collaborated in 1902. We have therefore confined ourselves to scrutinizing these alterations, which we regard as reasonable and suitably annotated, and to verifying that the two texts otherwise correspond and that the substance of the very detailed apparatus criticus of the Oxford edition has been included. We have also taken the opportunity to correct a few misprints, at the same time noting that certain misprints in the Oxford edition had already been corrected by Johnson himself.

Johnson’s English translation and the precis of the work contained in his Analysis we have left untouched. His introduction, and the additional commentary provided in his footnotes, we consider to be no less authoritative than when they were written. Some of the references have, however, changed with the passage of time or need amendment for other reasons, and we have endeavoured to clarify them for the present day reader. We have retained the references to classical and biblical allusions in the text, most of which Johnson inherited from the Oxford edition; biblical references (as usual in this series) are to the Vulgate.
FOREWORD TO REVISED EDITION

Constitutio Domus Regis

As an annex to the Dialogus, Johnson added an edition of the Constitutio Domus Regis because he regarded the two works as complementary. In this case, for the reasons explained on p. xlix of his Introduction, he had no established Latin text to use as a model, and he therefore made his own collation of the manuscripts contained in the Red Book and the Little Black Book of the Exchequer, describing the text he produced as a result as 'an eclectic one'. We have compared this text with the manuscript sources and, while we have slightly amplified the apparatus criticus, we are in full agreement with the selection he made. Indeed, we would go so far as to say that the Johnson version gives us a dependable and well-documented text for the first time and that it does for the Constitutio what the Oxford edition did for the Dialogus.

We have taken the opportunity to correct some minor errors in the translation and footnotes and have expanded the list of 'Books to Consult', but have not altered the substance of Johnson's interpretation and commentary.

June 1982

F. E. L. Carter
D. E. Greenway

INTRODUCTION

The treatise known as the Dialogus de Scaccario or 'Dialogue of the Exchequer' was styled by its author De Necessariis Observationis Scaccario, which I have ventured to render as 'The Course of the Exchequer.' It was recognized as of great value by the antiquaries of the sixteenth and seventeenth centuries, as may be seen from the number of copies of it in existence, more than a score of which were made by or for such scholars as Coke, Spelman, Lambard, and Twysden. All of these, however, can be traced to one or more of three manuscripts, all of which were at one time in the custody of officers of the Exchequer. These are:

R: The Red Book of the Exchequer, in the Public Record Office (Exchequer, King's Remembrancer, Miscellaneous Books, [E. 164] No. 2) ff.31r–46v. Parchment, 12½ in. × 8½ in. in double column, rubricated. Initials alternately red and blue. The earlier portion of this MS, compiled before the end of A.D. 1231, contains besides the Dialogus the Laws of Henry I, the Constitutio domus Regis, and a number of returns relating to knight's fees and serjeanties. The collection was made by Alexander de Swereford, archdeacon of Salop, a clerk and afterwards a baron of the Exchequer, who refers to the author of the Dialogus (f.47r) as Richard, Bishop of London. The other contents of the Red Book were printed by Hubert Hall in The Red Book of the Exchequer (Rolls Series, 3 vols. 1896).

N: The Black Book of the Exchequer, in the Public Record Office (Exchequer, Treasury of the Receipt, Miscellaneous Books, [E. 36] No. 266) ff.18r–43v. Parchment, 10 in. × 6½ in., in single column. The lacunae in the text are partially filled in smaller but almost contemporary hands. This is also of the thirteenth century but possibly a little later than R. This volume
contains the Exchequer calendar, the Oaths to be taken by various officers, drawings of the emblems of the four Evangelists and other religious pictures, possibly used for administering oaths, and official memoranda. A fuller description will be found in M. S. Giuseppi, *Guide to the Manuscripts preserved in the Public Record Office* (London, 1923; vol. i, p. 210).

C: British Museum, Cotton MSS, Cleopatra A.16, ff.1–38. Parchment, 6⅝ in. × 4⅝ in., single column, rubricated. The fly-leaf at the end bears the mark ‘Vitellius D 19.’ The volume is a composite one, but that to which ff.1–38 originally belonged appears to have contained various memoranda as to the office of Controller of the Great Roll (scriptor rotuli Cancellarie). Only ff.1–32 are of the thirteenth century, the rest of the *Dialogus* is a fifteenth century copy of R.

The only other early MS (H) is an almost contemporary copy of R. It is the British Museum Hargrave MS 313, ff.2–5 and 16–29. It was examined for the Oxford edition, but not collated, as no independent readings were found.

A comparison of the texts leads to the conclusion that R and N were copied at different dates from the same MS, which was either in double column or of small size, and had become much worn before N was copied. C represents a different tradition. But the agreement of the three MSS in a number of passages, which have all the appearance of interpolations, suggests the possibility that the MS from which they were copied may not itself have been the original.

The text printed by Madox in 1711, as an appendix to his monumental *History and Antiquities of the Exchequer*, was derived from two modern copies in the library of Lord Somers, from which a composite transcript was made. This was corrected by Madox, with the help of George Holmes, Deputy-Keeper of the Records in the Tower, by collation with the two Exchequer MSS in 1707, the *Red Book* being completed in June and the *Black Book* in August. One read out the transcript, while the other kept his eye on the MS; exactly as Public Record Office copies were made and certified in 1893. This text was reprinted in the quarto edition in two volumes of Madox’s *History* in 1769. Stubbs reprinted Madox’s text in 1870 in his *Select Charters* without recollation. In 1875 Felix Liebermann published his *Einleitung in den Dialogus de Scacario* (Göttingen), making a number of conjectural emendations, the best of which were adopted by Stubbs in the successive editions of the *Select Charters* until 1905.

The text here adopted is, with one or two insignificant alterations, that issued in 1902 by the Clarendon Press, edited by Arthur Hughes, Charles George Crump, and myself from a fresh collation of N, R and C: The importance of the last MS had been pointed out to us by Hubert Hall, to whom the Press had originally entrusted the editing, and whose survey of the accessible MSS was the foundation of our work. I have reduced the number of critical notes to a minimum, only indicating the source of the conjectures accepted. For a fuller treatment both of the text and the historical matter I beg readers to consult the Oxford edition.

I have retained the square brackets of the Oxford edition, which were inserted to mark passages which look like interpolations, and break the natural sequence of the argument. They must not be regarded as spurious, and may indeed in most cases have been the author’s own margina.* I have not replaced the chapter headings which Madox printed from R, since N has never had them filled in, and those of C do not correspond with them.

The majority of the transcripts attribute the authorship to Gervase of Tilbury, though one of them names Ockham as the author, and Coke cites the *Dialogus* under this title.¹ Madox had no difficulty in showing that Gervase could not be the

¹ e.g. 1st Inst. 1.47 [on Distress]
writer. He adduced Sweresford’s evidence as to the real author, but this had already been known to Agarde and Twysden. It seems hardly worth inquiring the reason of these reckless attributions.

Stubbs has observed that ‘The body of ministers, and not the office of the Exchequer only, was a sort of family party, or a guild and mystery, and to some extent continued so for a generation after this book [the Dialogus] was written.’ And we can hardly envisage Richard of Ely, the Treasurer, apart from his family. Indeed he himself claims to have inherited his knowledge of Exchequer business as being his father’s son — *id quod habemus per traducem acceptimus*. His father, Nigel, Bishop of Ely, had been the Treasurer of Henry I, and had been summoned by Henry II to restore the Exchequer, which had degenerated in the anarchy of Stephen’s reign, to its former efficiency. Nigel himself was the nephew of Roger le Poer, Chancellor, Bishop of Salisbury, and afterwards Justiciar of Henry I. Some of the writs issued in his own name by Roger, regent in the King’s absence, still survive. The family, which had thus risen to power under Henry I, fell when Stephen quarrelled with Roger and his nephews Alexander and Nigel in 1139. Richard, Nigel’s illegitimate son, was born in all probability about 1130, at all events before his father had been ordained priest and therefore certainly before 1133. He is first heard of as having been in Stephen’s bands as a hostage for his father, presumably about 1141–43, and was again sent to Stephen probably in the autumn of 1144. His mother was probably English, as he had a brother called William the English. He was brought up in the monastery at Ely, and his book shows him to have received a good education. With the accession of Henry II Nigel, recalled to official life, was in a position to do something for his son, and seems to have bought him the post of Treasurer about 1158. He had had some previous practice in Exchequer business, possibly as Chief Writing Clerk (Clerici qui prius scriptorio), of whose labours he speaks so feelingly. The post of Treasurer was not then of such dignity as it afterwards became. The Treasurer was the mainstay of the Exchequer, but subordinate to the Justiciar, if present, and in any case controlled by the Barons, clerical and lay, of superior dignity to himself. He had moreover been provided by a special order of Henry II with an official supervisor (pp. 17, 26–7) or colleague (p. 28) in the person of Richard of Ilchester. So Richard’s promotion, though possibly worth the £400 which Nigel is said to have paid for it, was not unreasonable advancement for an able man of about twenty-eight, with the advantage of his father’s experience and advice. Nigel seems to have retired into private life in 1164 or 1165 and died on 30 May 1169. Richard became archdeacon of Ely about 1160, and administered the diocese during his father’s illness. He must have received his dispensation for illegitimacy from Alexander III at this time or thereabouts. This enabled him to become a canon of St. Paul’s and Archdeacon of Colchester, and, not later than 1184, Dean of Lincoln. In 1186 he was one of the three nominees of the Chapter for succession to the vacant bishopric, but Henry II persuaded the Chapter to withdraw their nomination and elect Hugh of Avalon. After Henry’s death he was elected Bishop of London in succession to Gilbert Foliot, and consecrated and enthroned on 31 December 1189.

Like other ministers of Henry II he had from time to time to act as Justice in eyre, and is known to have done so in the South Western Counties in 1179 and in Norfolk, Suffolk and Essex in 1194. The latter eyre is of special importance as

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2 *Lectures on Early English History*, p. 134
3 For all these biographical details see Liebermann, *Einleitung*, pp. 29–54. H. G. Richardson (E.H.R. xliii, p. 165 sq.) rejects the story of the *Hist. Eborac.*, but thinks Richard may have become Treasurer as early as Christmas 1156.
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marking the institution of the Grand Jury, the election of Coro-
ners, and the prohibition of the sheriff's acting as judge in his
own county court. Richard also acted as a judge of Common
Pleas, which were then held at Westminster, in the Court
'before the Justices,' of which the Exchequer may best be
regarded as a specialized sitting. His name appears on many
of the earliest surviving Fines as that of one of the judges. He
was sent abroad in 1176, very probably to assist Richard of
Ilchester in the re-organization of the Norman Exchequer.
He obtained from Henry II about Easter 1177 a grant of the
crown manors of Essendon and Bayford in Hertfordshire,
formerly the property of Peter de Valoines. On his death,
10 September 1198, these manors appear to have been in the
King's hands for three months, as William of Ely, Richard's
kinsman, who succeeded him as Treasurer in 1195 or 1196,
begins to account for them as from Michaelmas 1198, while the
allowance to the sheriff then accounting due to Richard's
tenancy only extends to the previous Midsummer. Richard
had offered £66 13s 4d in 1195 to have a life estate in the two
manors, but the fine was still unpaid at his death. This
suggests that the income from the manors was part of the Treasurer's
official emoluments, and should have been resigned on his
retirement. They were granted to William as from Midsummer
1199 by John, and the rent of £20 remitted for the three previous
quarters.

Apart from Richard's official duties, he does not seem to
have been either politically or ecclesiastically important. His
real title to fame is his book and its 'most lucid and exhaustive
account of the method of account at the Exchequer.' It is

1 cf. for example, Pipe Roll, 6, Richard I [P. R. Soc. N.S. 5], p. 165
2 Pipe Roll, 53 Henry II [P. R. Soc. 26], p. 144
3 See H. G. Richardson's 'William of Ely' [Trans. R. Hist. Soc., 4th
Ser. xiv], p. 47
4 Pipe Roll, 10 Richard I [P. R. Soc., N.S. 9], 126; Pipe Roll, 1 John
[N.S. 10], 86
5 Richardson, op. cit., p. 49 sq.
6 Stubbs, Lectures, p. 189

the more necessary to consider his mental equipment. He was
not, like John of Salisbury, a learned man. He writes in a
somewhat clumsy Latin, and is apt to use trite phrases without
too much thought of their exact meaning. His apologies for
his lapses into unclassical diction would have been better
directed to his efforts to express vernacular terms in classical
form. (Miles argentarius for the Pesour, and miles gregarius for
the Constable have been a source of much difficulty to students,
and editors, of the Dialogus.) His education gave him a certain
familiarity with Horace and Virgil, and there are allusions to
Ovid, and possibly also to Seneca and to Cicero. His gram-
matical training included Priscian and Isidore. He must have
had some legal instruction, since he, like Glanvill, had read the
Institutes. It is doubtful whether he knew much about the
Digest, though some of his law seems to be derived from it
indirectly. The legal business done at Westminster, in which
he took part, must have involved a considerable practical
acquaintance with English law; and he was throughout his
life in intimate contact with the best-trained minds in the King's
service. His philosophical training shows in a knowledge of
scholastic logic; but it is doubtful whether his acquaintance
with Aristotle and Plato came nearer than a knowledge of
Boethius. The subtleties of the Schoolmen were unattractive
to his plain and straightforward mind.

We have only the Dialogus from which to measure his
character and opinions. He claims to have written an historical
work called Tricolumnmis (to which may perhaps be ascribed
the fathering of the Dialogus on Gervase of Tilbury, author of
the Historia Tripartita). This is twice mentioned, once (p. 27)
in the account of Richard of Ilchester, where it is described as
in three columns, the first devoted to ecclesiastical history with

1 His statement of the law as to distress is the earliest known, and he
devotes a paragraph to a defence of the English system of 'Case Law.' For
the close connexion of the 'Bench' and the Exchequer, see H. G. Richar-
dson, in Memoranda Roll, 1 John [P. R. Soc., N.S. 21], p. xii seq.
copies of papal bulls, the second to the history of Henry II, and the third to public and private affairs and to 'leading cases.' He there calls it a youthful performance (*Libellus . . . a nobis tempore juventutis editus*). The second mention (p. 77) is in the panegyric on Henry II which is inserted in the section of Book II dealing with the materials from which the summons is compiled. It is there said to contain an account of the events of 1173 and 1174. If both statements are equally true, they seem to imply that Richard had begun early to compile annals of the reign of Henry II, and that he was still compiling them shortly before 1180. If we had them they would probably resemble the works of Roger of Howden or Ralph of Diss; but it seems doubtful whether *editus* is to be taken seriously as implying that copies were made. In any case no successful attempt has been made to identify the book with any existing chronicle, or to prove that it has been utilized by any known chronicler.

From the *Dialogus*, a severely practical treatise, we can only deduce the author's view of his age by means of *obiter dicta*. Liebermann ranks him as a Conservative, an illogical and sometimes passionate defender of things as they are. He points to the deliberate omission of any mention of Becket in the story of Henry's victory in 1174 as marking Richard's dislike of the ultramontane position. The divine right of kings, like that of the Roman emperors, is derived directly from God, and they are responsible to God alone. But they are responsible, and will be punished in the next world if not in this. In this sense "the king can do no wrong." But Richard also recognizes the moderating force of established custom and the existence of a 'Common Law' taken over and in the main approved by the Conqueror. He is also our earliest authority for 'Case Law,' which he defends as the only means of arriving at a decision when the application of legal principles is not obvious. He had the not unusual faculty of holding two or more incompatible propositions at the same moment, and settling the conflict between them by an appeal to common sense in each case as it arises. His defence of the clerical branch of the civil service, ironical as it sounds to modern ears, is another instance of the same faculty for compromise. Not that he thought lightly of his cloth: *quanto gradus altior, tanto casus gravior,* and he regards it as improper to expose a clergyman to the risk of imprisonment for debt. Still, he would have been more at home with Gilbert Foliot than with John of Salisbury. In his official capacity he shows the same characteristics. He may flatter Henry II overmuch; but he recognizes in him the virtues which he really possessed, patriotism and a sense of justice. And he does not hesitate to admit that some official practices can hardly be justified. He shows a combination of respect for official tradition with a zeal for the public interest and a consideration for individuals which marks him as, in principle at least, a model civil servant. His contempt for trade as compared with agriculture is a habit which long persisted among educated Englishmen, though it may not long have survived the eighteenth century. In other respects his attitude of mind is almost that of the 'man in the street' of today.

Of his credibility as an historian it is enough to say that in matters of the details of Exchequer practice he may be completely trusted, except where he is tempted to describe the process too simply. For instance his discussion of the 'knights' of the Chamberlains in the lower Exchequer gives the impression that they invariably accompanied the Treasurer's clerk when treasure was moved; while Mr Richardson's investigations of the personnel appearing in the Pipe Roll accounts of such removals makes it very doubtful whether any of those there mentioned were laymen. A military guard is sometimes named, but not the mounted *miles* of the Receipt.

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1 cf. p. 59
2 cf. p. 81
3 cf. p. 106
4 'William of Ely' pp. 68–79
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Again the account he gives of the assay (p. 39) is followed by what is apparently an interpolated note from the margin which speaks of the process as obsolete. There is always the possibility that the practice of Henry I's time is being regarded as normal and described as the actual practice of the day. On general historical points Richard's view is that of the officials of his period, and is sometimes demonstrably wrong, as for example, his denial of the mention of 'blanch farm' in Domesday Book, or his account of the abolition of Danegeld as an annual tax by William I. His description of the settlement, parallel to Bracton's account of villein tenants in ancient demesne, can hardly be regarded as history, but cannot safely be neglected as evidence, and the same thing applies to his account of the murder-fine, or the explanation of blanch farm. The evidence has to be collated with that of such tracts as the Leges Edwardi Confessoris, or the Constitutiones de Foresta attributed to Cnut; it may be discounted, but it cannot be neglected.

The date of composition of the Dialogus itself is fixed by the author as beginning (p. 5) in the year 19 December 1176 to 18 December 1177. It was probably completed in its original form before Easter, 1 April 1179, since the form of the remission granted to the Templars, Hospitallers, and Cistercians in Michaelmas term of the preceding year (p. 51) is spoken of as not yet settled. Mr Richardson has questioned the validity of this argument,¹ and has shown good grounds for supposing that the remission to the Hospitallers is of earlier date than 1178. But he admits that the change in the Pipe Rolls from per breve regis et per libertatem carte sue to the simple per breve regis begins with the roll of 1179. The most reasonable supposition is that, as he suggests, Richard the Treasurer ordered the change. But there is no reason to doubt Richard's statement that it was authorized by the King's Writ. This would be under the seal of the Exchequer and, as the King was in England, attested

¹ E.H.R. xliii, p. 390 sq.

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by the Justiciar and one of the Barons. Mr Richardson has also pointed out¹ that this method of entry ceased to be accurately observed immediately after Richard's elevation to the See of London, and has argued that his supervision of the Pipe Roll was thenceforward comparatively lax. As an unquestionable 'magnate' he had probably more important affairs to attend to, even at the Exchequer. It is difficult to disagree with Mr Richardson's general conclusion that 'the text of the Dialogus as it has come down to us represents a first edition, consistent in itself, which was subsequently revised, at an interval of ten years or so, by the author himself.'

The consideration of the date of composition inevitably leads to a discussion of the passages printed in brackets in the Oxford edition, to which Mr Richardson would add, as interpolations by the author, the passage just discussed (p. 51, l. 11–p. 52, l. 6, Simile autem . . . menstruus), that on usury (p. 98, l. 7–p. 100, l. 29, Item cum cius . . . perceptor est) and the panegyric on Henry II with its reference to the Tricolumnis (p. 75, l. 13–p. 77 l. 10, Huius igitur . . . inspicito). These he considers to have been written between 1179 and 1189, when he became bishop. Another passage, which was considered to refer to the recoinage of 1180, and therefore bracketed (p. 39), may be excluded from our survey, since it could equally well apply to the period before that reform, but subsequent to the reform of 1158. The question of allowances per breve regis we have already discussed. It may be an interpolation, but if so it is a very early one. Mr Richardson shows from the Pipe Rolls that no goods of deceased usurers appear on them before 1170. If this was a new regulation at that date, it might be the ordinary course seven years later, and there seems no need to connect its appearance with the Norman disputes of 1190. The third passage could have been written at any time

¹ op. cit., p. 323
of survivals from the reign of Edward the Confessor. It must be remembered that some continental features may have been introduced in the reign of Edward, and it is possible that a clerical Treasurer may have been added by him as a colleague to the _haecli pagnas_ in whom R. L. Poole ¹ saw the forerunners of the chamberlains, though it is doubtful whether Henry the Treasurer, who held land in Hampshire before the Conquest was given any specific name, and was not merely a ‘clerk.’ But the whole constitution of the court, as Richard describes it, is on the model of the Carolingian household. From that not only the court of the Empire took its form, but also those of France, England and Scotland. In the _Constitutio Domus Regis_ ² we have an account of the Court of Henry I, and we can trace its members in Richard’s description of the Exchequer.

The Justiciar, head of the _Curia Regis_ and of the Exchequer in the King’s absence, may be regarded as corresponding to the Steward (_Dagifer_), the Count Palatine of the Empire, who was also the chief judge; but the Butler, though one of the chief officers in the _Constitutio_, has no representative in the Exchequer. The other great officers, the Chancellor, Chamberlains, Treasurer and Constables, are all represented in person or by deputy in the Exchequer.

The Chancellor appears in the _Constitutio_ as the head of a department originally closely connected with the Chapel, and his staff consists of a Seal-Keeper and a Chaplain. In the Exchequer he has his Clerk, who acts as his deputy, and the Treasurer’s Colleague; the _Clericus qui preest Scriptorio_, who is responsible for the writs issued in the Exchequer and appoints the Scribe of the Chancellor’s Roll; and finally that Scribe himself. Though the Chancellor is said to act as a Baron of the Exchequer, it is pretty clear from the _Dialogus_ that he was not usually there, and that his Clerk (the future Chancellor of

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¹ Exchequer in the Twelfth Century, p. 94. These Ford lectures are indispensable to any close study of the _Dialogus._

² pp. 128–35 below
the Exchequer), and his Colleague (probably the future Master of the Rolls) did the whole of his work. And although the Clericus qui præstent Scriptorio is described as very fully occupied, it is not certain that he had much to do personally in the Exchequer. It is clear that the Chancellor’s Scribe (afterwards Comptroller of the Pipe) was the writer of the writs as well as of the Chancellor’s Roll and the Summons (pp. 32, 70). There is no statement as to which officer acted as vicarius of the Chancellor to affix the seal (pp. 19, 62), but it may be presumed that the Chancellor’s Clerk did so. He acquired the title of Chancellor of the Exchequer between 1230 and 1248, possibly in 1238, when the King took the seal into his own hands.

The financial department of the Curia is represented in the Constitutio by two officers, each receiving the first-class salary of 3s a day, the Chamberlain-in-Chief and the Treasurer. The Chamberlain is a constant member of the household; the Treasurer is only paid si in curia fuerit et servierit in thesauru. This seems to indicate the divergence of the Exchequer from the camera curie which we find under Henry II. The subordinate officers of the Chamberlain are mostly household servants, but we find among them William Mauduit, who received 1d a day, and seems to have been permanently on duty, and certain Chamberlains who received 2s a day and served in rotation. There is also a Tallator regis who receives his food and 1d a day for his man, and another Chamberlain who receives food only without salary. It is more likely that the Tallator was the king’s tailor rather than his tally-cutter. It is noticeable that the Treasurer and the Chamberlain, the clerical and the lay officer are now on an even salary, and appear to rank as colleagues. We can get a further glimpse of the Court of Henry I from the Pipe Roll of 1130. Here we find Aubrey de Vere, who was granted the office of Master-Chamberlain in 1133 in succession to Robert Malet (who died in 1105 or 1106), acting as joint-sheriff with Richard Basset in eleven counties; but not receiving money either in the Exchequer or in the camera curie. Robert Malet is not mentioned as having been Chamberlain. William Mauduit is mentioned as receiving money in the camera curie, in which capacity no doubt he was exempted from his share of the aid due from Winchester. He had offered £26 13s 4d to have his father’s Norman lands, and his mother’s dower in England.

The Constitutio is only concerned with the Master Chamberlain and his household staff, of whom William Mauduit was one. But at some time which we cannot determine—possibly even before the Conquest—the Chamberlain in his capacity as Treasurer had acquired two deputies in the Treasury whom we find in the Pipe Roll of 1130 as Chamberlains of the Exchequer. One of these offices had been held by William Mauduit’s father, William, with the manor of Hartley Mauduit and the castle of Porchester. It had passed on his death to his elder son Robert, and had been granted to William de Pontdelarche together with Robert’s daughter and heiress for 1,000 marks (£666 13s 4d). William de Pontdelarche purchased at the same time the receivership in the camera curie for twelve marks and one ounce in gold (£72 15s in silver), paying an extra two marks (£12) for the same office for his brother Osbert. This suggests that William Mauduit had been his brother’s...

1 Mr. H. G. Richardson thinks the other Clerk did so (Memoranda Roll, John [P. R. Soc., N.S. 21], p. lxxxv).
2 P. 155 and Madox, H.E. 8, s. 9, p. 179 sq. On the whole question of the Treasurer and Chamberlains see G. H. White, ‘Financial Administration under Henry I’ (Trans. R. Hist. Soc. 4th Ser., viii, pp. 56–78). Mr. White would like to read in camera for in thesauru, but I am unwilling to make so drastic a change, and prefer to take it that the Treasurer’s 5s only came into the curis estimates when he was ‘at Court’ while acting as Treasurer.
deputy in the *camera curie* and that his post lapsed on his brother's death.¹ We find Pontdelarche accordingly in charge of the Treasury at Winchester at the death of Henry I, and joining with Roger, Bishop of Salisbury, in handing over the treasure to Stephen.² Henry II, before his accession, restored the office to William Mauduit, but on coming to the throne retained the castle. William's son William succeeded him, probably in 1158, and the office continued in the family.

The history of the other chamberlainship is more obscure, and cannot, like the Mauduit serjeanty be traced back to Domesday. At the end of the reign of William II a certain Herbert appears as 'cubicularius et thesaurius;'³ and he (or a son of the same name) was still about the Court at all events as late as 1107. In the Pipe Roll of 1130 Geoffrey de Clinton appears as the purchaser of a *ministerium thesauri Wintoniae* for 310 marks (£206 19s 4d).⁴ It cannot, however, be certainly identified with Herbert's chamberlainship, since it appears from the same Roll that Herbert left a son and a daughter who inherited his lands,⁵ and the mention of the purchase of the marriage of his daughter by William Croc among the *nova placita* probably indicates that he was only recently dead in 1130. In 1156 the colleague of William Mauduit is Warin Fitzgerald, and the office he holds is connected with the tenure of Highworth in Wiltshire,⁶ in which the manor of Seven-

¹ Pipe Roll, 31 Henry I, pp. 37, 154. Mr White suggests, with strong probability that there were two receivers in the *camera*, corresponding with the two (deputy) Chamberlains in the Exchequer.


³ See Chron. Mon. de Abingdon, ii, p. 43. He attests a charter to Salisbury with Ranulf the Chancellor (1107–22) conjecturally assigned by Farrer to 1121 (Reg. of St. Osmond I, 938).

⁴ Pipe Roll, 31 Henry I, p. 105. In two Kenilworth charters (which may be spurious or interpolated) he calls himself *camerarius* and *thesaurarius* respectively, and is called 'thesaurarius et camerarius' in Henry I's confirmation of the foundation (Madox, H.E. 2, s. 8, p. 49).

⁵ Pipe Roll, 31 Henry I, pp. 37, 125

⁶ Pipe Roll, 8–4 Henry II, p. 57; Round, Commune of London, p. 83

hampton, given to Warin by Henry II, was held by the serjeanty of being Chamberlain. Warin was succeeded by his brother Henry in 1161, and Henry by his son Warin in 1176. The elder Warin received money in the *camera curie* in 1156 and 1157,¹ as well as various payments for the personal expenses of the King and Queen. This serjeanty was given with the manor to Adam de Stratton in 1276 by Isabella, Countess of Albemarle, and escheated to the crown on Adam's forfeiture in 1290, after which date the Crown appointed the deputies in the Exchequer previously nominated by the holder of the Fitzgerald Chamberlainship.

The appearance on the Pipe Roll of 1130 of sums paid for both of the chamberlainships suggests a connection between the appointments of William de Pontdelarche and Geoffrey de Clinton, both closely attached to the *Curia*, as chamberlains, and the similar centralization of the office of sheriff, in 1129, which gave such prominence to Aubrey de Vere and Richard Basset. Pontdelarche was also Sheriff of Hants and Berks, and Clinton of Warwick. Did the King secure the surrender of both chamberlainships, as he is supposed to have done in the case of the sheriffs?² This might explain the break in the Mauduit succession and the disappearance of Herbert's chamberlainship.

It is not clear from the Roll who was Treasurer in 1130. If the *Historia Elenensis* is to be believed, Richard's father, Nigel, was already Treasurer in 1133, when he was elected bishop; but he appears as receiving the money in the Norman treasury jointly with Osbert de Pontdelarche or without a colleague.³ Geoffrey de Clinton and Robert Mauduit,⁴ the regular chamberlains, seem also to have received money in Normandy. A good deal of Exchequer business seems to have been conducted.

¹ Ibid., pp. 65, 91

² See W. A. Morris' article in E.H.R. xxxvii, p. 170 sq.

³ Pipe Roll, 31 Henry I, pp. 54, 63

⁴ Ibid. p. 37.
in Normandy in 1129-30, and it is possible that there was then no clear-cut distinction between the Exchequers of England and Normandy, and that the treasury and chamber staffs were common to both.

The minor officers of this department are divided in the same way as the Treasurer and Chamberlains, into clerical and lay. The Treasurer has his clerk in the lower Exchequer, and it appears from later practice that the four Tellers were also appointed by him.¹ The Chamberlains had each a Knight to represent him, whose functions have already been discussed. They, as laymen and ex officio illiterate, kept their accounts by means of notches on sticks; while the Clerk kept his in writing. But they shared with the Treasurer’s Clerk the full responsibility for the treasure, and it seems as if the Clerks, who appear later in charge of treasure being moved, were servants of these three deputies jointly. They had a representative in the Upper Exchequer in the person of the Tally-Cutter, who made any alterations in the tallies demanded by the course of the account.

Two officers of the Treasury staff are not deputies, like the Treasurer’s Clerk and the Chamberlains’ Knights in the Lower Exchequer. These are the Pesour (to give the miles argentarius of the Dialogus his later name) and the Melter; and for that reason their functions are not described in connection with the Receipt, but among the officers of the Upper Exchequer. They were ‘serjeants’ (and therefore laymen) and held their lands directly by the King by their service in the Exchequer. We shall have to discuss their work in connection with some remarks on the coinage, and at this point need only to give some account of the descent of their lands. The Pesour’s manor was Broadwindsor, Co. Dorset, held in 1086 by Hunger, son of Odinus. The Windsor family added to this Rhode Farm in Selborne, and Soberton, the Hampshire manors of Herbert the Chamber-

¹ Madox, H.E. 24, s. 12, p. 739
was a serjeancy attached to the manor of Aston Rowant in Oxfordshire, part of the land assigned in Domesday Book to 'Richard and other of the King's servants.  

It would therefore seem that the Usher of the Receipt was a deputy, not of Roger of Wallingford, to whom Henry II granted the mastership of the usherdom of the Exchequer by a charter which Eytone assigned to Michaelmas, 1156, but of the chamberlains jointly. Roger's serjeancy was ultimately divided among co-heiresses in 1282. Its holder had the appointment of the Usher of the Common Bench, and that of the Exchequer of the Jews, but not of the King's Bench, which renders it more likely that it was an office of the Treasury in the first instance and not of the curia regis.

Returning to the Curia, we come to the department of the Constable. The Constitutio does not specify the number of constables, but the Constable on duty had a salary of 5s a day, and the Marshal who served under him 2s. Two Assistant-Constables had the same salary as the Marshal. The Constable's department was concerned with the stables, kennels and mews, and with everything relating to sport. The Marshal had in all probability been specially concerned with horses, but was now given a different duty, the care of tallies and other vouchers relating to payments out of the Treasury and Chamber. Both officers dealt with payments to soldiers in time of war. The Master-Marshal in 1135 was John, son of Gilbert, who

played a distinguished part in the wars of Stephen's reign. Both the Constable and the Marshal had their representatives in the Exchequer. The Constable, like the Chancellor, was one of the Barons, ex officio, and had the duty of acting as witness jointly with the Justiciar in the issue of all writs under the Great Seal of the Exchequer. It is clear that his attendance in person was rare under Henry II, and that his duties were usually performed by a deputy. He had also a Clerk, whose duty it was to produce at the Exchequer the counterparts of all writs of liberate, computate or perdono issued from the Curia. The Clerk also frequently performed his duties by deputy. These two, with the Marshal, formed a sort of independent court for the payment of the wages of soldiers or sportsmen in the King's service, who came to the Exchequer for their wages. John the Marshal seems to have performed his duties at the Exchequer in person; since Becket's biographer, Fitzstephen, describes him as having 'with the treasurers and other receivers of revenue and public money in London, at the rectangular board which is called after the red and white pieces the "Exchequer," but is rather the King's board for white silver pence, where also the pleas of the Crown are heard.' It is not clear at what time the Marshal's Clerk began to take his master's place in the Exchequer. Madox instances a Clerk of William Marshal who appears in 1201, and is styled in the Roll Master G. [i.e. Jocelin] Marshal (Marshals' Clerk interlinieated), who was receiving 20s from the farm of the purpresse of Herefordshire. The form of the entry suggests that the Marshal's Clerk was already known simply as 'the Marshal.' The expression 'Marshal of the Exchequer' occurs in the Dialogus, but only in a passage which has been bracketed for other

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1 Domesday, i, 1668
3 Mr. Denholm-Young (op. cit. p. 25 sq.) holds that the "Usher of the Receipt" appointed by each of the chamberlains-in-fee was 'the deputy in the Receipt appointed by the chamberlain-in-fee,' and that he 'worked in the same office as the sergeant-usher's deputy, but had no tenurial connection with him.' I do not feel sure that he is right; since it is curious that Lawrence of the Exchequer in his bargain with Richard de Mandelham in 1272-73 makes no mention of the Usher of the Receipt. (Madox, H.E., 24, s. 4, p. 721, n. 7). I take the opportunity of thanking him for his correction of the statement in the Oxford edition (p. 24) that the ushership of the receipt had 'become separated' from that of the Exchequer.

2 See G. H. White's article in the Complete Peerage, x, App. G (pp. 91-5)
3 Becket Materials (Rolls Series) iii, p. 51
4 Pipe Roll, 3 John [P. R. Soc., N.S. 14], pp. 42, 265. Madox, H.E. 24, s. 6, p. 795, n. x
reasons (p. 20). The Marshal (or his deputy) had the custody of the vouchers presented by accountants, kept the prison of the Exchequer, administered oaths and delivered the writs of summons to the Usher to be sent out to the Sheriffs. The Marshal, being like the Constable an officer of the Curia, had his deputys both in the Exchequer and the King's Bench, as well as in the Court of the Marshalsea of the King's household and in the Common Bench.¹

The descent of the office of Constable is a little difficult to explain. Henry I seems to have had four Constables who had to serve at Court for three months each, and were charged respectively with the castles of Dover, Oxford, Worcester and Gloucester.² These offices were hereditary in the families of Montfort, D'Oilli, D'Abitot and Gloucester. Stephen's four Constables in 1156 were Robert de Vere, Robert D'Oilli, Brian Fitz Count, and Miles of Gloucester.³ The constableship of Dover descended, in succession to Adeline de Montfort, wife of Robert de Vere, to Henry of Essex, who forfeited it in 1163.⁴ Oxford is presumably the castle of which Henry D'Oilli was Constable in 1156.⁵ He died in 1163. The other two constableships had descended to William de Beauchamp and Miles of Gloucester. But in a charter of Henry II of c. September 1155, which is attested, amongst others, by Henry D'Oilli and

¹ Madox, H.E. 2, s. 5, p. 33; 19, s. 2, p. 544. I have failed to verify the statement in the Oxford edition of the Dialogus that 'the Marshal of the Common Bench was a deputy of the Marshal of the Exchequer' though the regular holding of Common Please in the Exchequer before Magna Carta points in that direction.
² See Mr G. H. White's article in the Genealogist for Jan. 1923 (N.S. 38, pp. 113-22).
³ See his Oxford Charter of Liberties (Stubbis, Select Charters, 1895, p. 121.)
⁴ For the Montfort pedigrees see D. C. Douglas's edition of the Domusdagen Monachorum, pp. 57-70, and the Complete Peerage, x, App. J, p. 111 sqq. It is not clear how Henry of Essex was related to the Montforts, nor how Gilbert of Ghent acquired the honour of the Constabulary under Stephen. He may have succeeded Robert de Vere as Adeline's husband. He is said to have died in 1156 (Complete Peerage, vii, 673), but was succeeded by Henry of Essex before the accession of Henry II (Pipe Roll, 8 Henry II [P. R. Soc. 15], p. 111).
⁵ Landor, Cartae Antiquae [P. R. Soc., N.S. 17], No. 141.

William de Beauchamp, only Henry of Essex and Richard de Hommet attest as constables. It seems then that these two were the High Constables of England and Normandy respectively.¹ No Constable of England seems to attest charters from 1163, until some time after 1170. Humphrey de Bohun, grandson of Miles of Gloucester, who succeeded to the Bohun estates in Wiltshire in 1166 ² is styled Constable on the Pipe Roll of 1174, and witnesses charters as Constable in 1175 at latest.³ From that date the office is hereditary ⁴ until the death of the last Bohun earl of Hereford in 1373.

The Marshal, originally subordinate to the Constable, ultimately rose to a position of almost equal importance; though as one of the joint holders of the Court of Chivalry he is always named in the second place. John, the holder in 1156, died in 1165. His eldest surviving son, John, succeeded, on whose death in 1194, the office devolved on his brother William, who acted as regent in the early years of Henry III, and undoubtedly enhanced its importance.⁵

The remaining members of the staff may be regarded as appointed by the King and not ex officio. This is expressly asserted of the Accountant (calculator), who was probably nevertheless a servant of the Court in another capacity.⁶ But two of the Barons, also, had been added to the Court by Henry II. Richard of Ilchester's place was meant to be a permanent one (if R's reading, ex officio, is right), but that of Thomas Brown is not so called, though it seems probable that it became a permanent office. Richard had been clericus qui praest Scriptorior, and thus one of the Chancery staff in the Exchequer (p. 26). Henry II appointed him Deputy-Treasurer, and our author,

¹ Round, Calendar of Documents in France, Nos. 29 and 480
² Pipe Roll, 12 Henry II [P. R. Soc. 9], p. 72
³ Pipe Roll, 20 Henry II [P. R. Soc. 21], p. 51; Round, op. cit. No. 1068
⁴ Complete Peerage, x, App. F, pp. 67-9 and G. H. White's other paper 'Coronation Claims' (Genealogists' Mag., vii, p. 510 sqq.)
⁵ See Complete Peerage, x, App. G, pp. 91-9
⁶ The Marshal had the business assigned to him later (Spelman, Gloss. s.v. Marecullus).
who was himself Treasurer is at some pains to insist that his colleague is an assistant rather than a controller. He had at one time a Clerk, who kept a duplicate of the summonses sent out as a check on the sheriffs; but it does not appear that this post existed at the date of the composition of the *Dialogus*. It does not appear that any successor to Richard of Ilchester was ever appointed.

Thomas Brown, the king's Almoner, was also specially appointed, possibly in 1160, to keep a third Roll which was in his personal custody, and is said to have contained 'laws of the realm and secrets of the King.' He died about Easter 1180.¹ It does not appear who succeeded him, but it seems possible to regard the King's Remembrancer of later times as the successor of the Clerk who kept his roll in the Upper Exchequer, and the Writer of the Tallies, who assisted the Treasurer's Clerk and ultimately became Auditor of the Receipt, as a successor to his Clerk in the Lower Exchequer.²

The wages of the staff (p. 13) given in the *Dialogus* are only those paid in cash out of the Treasury, and are only payable so long as the Exchequer is actually in session. The highest are those of the Pesour, a shilling a day, as against the regular knight's wage of eightpence paid to the Deputy-Chamberlains. The clerks, viz., the Treasurer's Clerk in the Receipt and the two Scribes of the Great Roll, have fivepence each; the Tellers threepence, or twopence if working in their native town. The Watchman has labourer's wages, a penny a day. The Chancellor and Treasurer had, no doubt, their household wages of five shillings a day (something like £12,000 p.a. by the standards of 1947); while the Chamberlains had

¹ Pipe Roll, 26 Henry II [P. R. Soc., 20], p. 115
² It is suggested, in *Treaties, Catalogue of an Exhibition at the Public Record Office* (London, 1948), p. 13, that the office of Prothonotary of the Chancery, first mentioned in 1169, was first held by Thomas Brown. The office was primarily concerned with Treaties, and the hypothesis is a tempting one. His position in the Exchequer would then have resembled that of the Chancellor's Clerk.

the lands held by their serjeanties, as indeed had the Pesour, and the clerks were either paid in the Household, like the Master of the Writing Chamber, or held some ecclesiastical benefice. We may be sure that all were somehow paid.

This survey of the Exchequer staff suggests that the Upper Exchequer is simply the *cura regis* sitting for the regulation of matters of finance; and we have no knowledge of any such body before the Conquest. The lower Exchequer, however, and the Treasury staff, in which a clerical system of written accounts has the appearance of having been superimposed on an earlier illiterate method of account-keeping by means of notches on sticks, may very reasonably be regarded as having come down from pre-Conquest times. We shall find that the procedure at the Exchequer-table, and that of assaying certain parts of the money paid in, point to the same conclusion.

We are expressly told that the method of account at the Exchequer was 'according to the accustomed course of the Exchequer and not by the rules of Arithmetic,' and the description of the functions of the Accountant makes it plain that the method employed was that of the abacus. This is familiar to many of us from the nursery toy, the *swanpan*, by which children are taught to count to the *radius* of 10 by means of coloured balls strung on wires. R. L. Poole has pointed out that the native English system of numeration was duodecimal, and suggested a connection between the introduction of the abacus and the adoption of decimal numeration;¹ but it is hard to believe that counting by the score and the hundred is so recent as to be within the memory of those to whom the 'Exchequer' was still less familiar than the 'tallies.' The Exchequer table, at all events was an abacus, whose vertical columns corresponded with the wires of the *swanpan*, proceeding as they did from pence to shillings, shillings to pounds, pounds to scores of pounds, scores to hundreds, and, but rarely, hundreds to

¹ *Exchequer in the Twelfth Century*, p. 45
however, wrote a treatise on the abacus, which can probably be assigned to a date shortly after 1100, when he was studying and teaching at Laon. An earlier book upon it by an Englishman called Turchill can be dated approximately by a reference in it to Hugh of Buckland, sheriff of Essex, who died in 1115. Turchill and Simon of Rutland, to whom he addresses his treatise, were both pupils of a distinguished Compotista, William R., by name. Haskins also shows that Robert of Lorraine, Bishop of Hereford 1079–95, and previously a king’s clerk, was familiar with the abacus, and suggests that it was introduced from Lorraine before 1100.¹

Though the abacus had been known to Gerbert, afterwards pope Silvester II, in the tenth century, there is no evidence that it was known in England before the end of the eleventh, and the memory of the Exchequer as ‘the Tallies’ makes it plain that the introduction of the Exchequer table must have been comparatively recent in 1170. We may, then, feel almost certain that it was introduced well after the Conquest. We may regard the tally system as earlier, just as the lay element in the Treasury staff seems traceable to Saxon England. We have now to consider what we are told about the method of payment.

The most primitive of the functions of the Exchequer was obviously the assessment and collection of the ‘farm of the county.’¹ The basis of the financial business is the clearing of accounts between the crown and its agents in the country, and the most obvious sources of income are the crown manors in each county and the profits of the county court. The sum of the income receivable from both of these was reckoned up and expressed in terms of money, and at the time of the Dialogus these sums were recorded in the Breve de Firmis. This sum was, except in the case of Northumberland, Cumberland, Shropshire and Sussex, payable in assayed silver of full weight. The

¹ Poole, op. cit. p. 44, n. 2
² Haskins, ‘ Adelard of Bath ’ (E.H.R. xxvi, p. 497)
Dialogus gives us a history of the steps by which this practice was established, beginning with a system of purveyance by which food rents were either paid in kind as the King visited his various manors, or brought from a distance to wherever his court might be established; each kind of food having a conventional price, at which it was credited to the sheriff, and through him to the tenant of the manor. This system (which had the disadvantage of discouraging good farming, since the worst animal—the ‘Tantony pig’—counted for as much as the best) was only applicable when the court was in constant progress and could live on the country, and became burdensome alike to the King and the farmers when the court tended to be stationary and the King needed more coined money to pay mercenaries to fight for him overseas. It was therefore exchanged by Henry I for a money economy. The gradual deterioration of the coinage under ‘Gresham’s Law’ resulted in a composition for war being claimed by the Treasury, first as an agio at a fixed rate (ad scalam), then by taking the coin at its weight-value, and finally by assaying the coin offered and accepting it at its value in pure silver.

When we try to check this very plausible statement by the evidence of Domesday Book and the Pipe Roll, we find it to be, even if right in the main, too much simplified. Domesday Book, in fact, shows that payment was made either in food—firma unius noctis or diei (equated in Domesday to a definite money payment in certain counties), in pure silver (e.g. in Derbyshire) or in gold, in coin by tale (ad numerum) simply, or in coins of standard weight (de viginti in ora), by weight (ad pensem) simply, or in coins of approved fineness (arsas et pensatas), or in coins of approved weight and fineness (blancas de viginti in ora). The number of cases in which assayed silver was paid is not large, but they are widely distributed, and most numerous in Norfolk, Somerset, Devon and Cambridgeshire. The evidence of Domesday points to the following conclusions:

1. Payments were normally by tale. Exceptions are only noted as a rule on royal manors. (It seems doubtful whether any private owners ever received 'blanch farm' at a later date.)
2. Payments by tale of coin of full weight, and payments by weight were not very common, and payments in assayed coin very rare.
3. There are traces of the commutation of payments in kind, especially the firma unius noctis.
4. As Round showed, the 'farm of the county' was fixed under Edward the Confessor and again under William I, and included the pleas.
5. The money was coined by 'moneyers' at provincial mints, usually in the county towns, but often elsewhere.

The Pipe Roll of 1130 has payments blanch, numero and ad pensem, but none ad scalam. There is, however, an allowance of £25 12s 6d numero to the Sheriff of Devon for a payment out of the farm of the city of Exeter to the canons of Holy Trinity, London, of the £25 6l. granted them by Queen Matilda, and confirmed by Henry I in a charter made at Winchester [1109-18], and again confirmed by another charter [1129-39] as £25 ad scalam. There are signs of a general reorganization of English finance about 1129-30, and it may be that the introduction of blanch payment for the farms of counties, instead of for those of individual manors was a part of this reform. In the Pipe Rolls of Henry II we find only payments blanch and numero. The allowance to the Sheriff of Devon mentioned above is made numero at the old rate of sixpence in the pound, and the numero payments allowed to the Sheriff are 'blanched' at the rate of 1s with the result that the Sheriff lost 13s 4d on

1 Commute of London, p. 72
3 Public Record Office, Ancient Deeds, A. 231
4 B. M. Cotton Charters vii. 2
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INTRODUCTION

Round has shown that the rate of 1s for the blanching of payments out, goes back to 1150, and it may be a part of the reform already hinted at.

If we reject, as an interpolation, the paragraph on p. 14 which denies the mention of ‘blanch farm’ in Domesday, and suggests that it was instituted as a consequence of that survey, we may accept as substantially correct the account in the *Dialogue* of the establishment of the system of ‘blanching’ the farm of the county, and even the ascription of the plan to Roger of Salisbury (p. 42). It is not necessary to suppose that the assay of the farms of individual manors was necessarily conducted at the Exchequer before the reign of Henry I. Such an examination could have been made by one of the local moneys, and that may have been the pre-Conquest practice. The Melter’s serjeancy cannot be traced back to Domesday, and that of the Pesour need not originally have involved the making of an assay.

The most disquieting thing about Richard’s account of ‘blanching’ is his complete ignorance of metallurgy. There is not a word in his description of the assay to show that the standard of the coinage was not the same as ‘pure silver.’ In fact, analysis of coins of Henry I and Henry II, as of a penny of the Conqueror, shows that the pre-Conquest standard was maintained, a fineness of approximately 925 thousandths, 11 oz. 2 dwt. silver to 18 dwt. alloy. We are told that the sole purpose of ‘blanching’ was to remedy wear and wilful debasement; but neither the *Dialogue* nor the schedules of combustion which have survived indicate whether the fineness demanded was that of pure or standard silver. The recorded deficiencies vary from 4d to 19d in the pound at Michaelmas, 1173, and the fixing of the deduction of 1s in the pound from the sheriff’s credits for payments out seems to require a standard of fineness considerably below that of pure silver; but Richard gives no hint of it.

We may probably take the institution of the assay, as a test of the coinage, back to the Conquest, or earlier; because some such check must have been made on the provincial moneys to secure the goodness of the coinage. But it may not have been part of the Exchequer procedure until a later date. And it does not seem unreasonable to connect the reforms in the Exchequer and the gradual progress from *ad scalum* to *ad pensum* and *ad pensum* to blanch with the recoinages which the chroniclers assign to the years 1108 and 1125 and with the financial reform of 1129.

In another place (pp. 85–6) we are told that the ‘blanch farms’ are those of manors to which a hundred court is attached, and that the profits of the court are a compensation to the tenant for the cost of making good the deficiencies of the current coin. In this case the tenant must have paid a poundage of 1s to the Sheriff in addition to the nominal farm, and repaid himself from the profit of the hundred court. That this was so, appears from the charter of Henry III to Basingtoke in 1228, in which the old farm is stated as £52, to which are added an increment of £18 and 52s ‘which the sheriff of Hampshire is wont to take for the blanching.’ This information, however, is irrelevant to the question of the origin of the Exchequer.

From all this evidence we must, I think, conclude as Round did, that the Treasury descends from a Saxon original, but that the Court of Exchequer as depicted in the *Dialogue* developed from it after the Conquest, and probably not later than the reign of William II.

The second book of the *Dialogue* treats of the Exchequer in

1 The story is told from the canons’ point of view in Round, *Comnum of London*, pp. 85–9. In 1180, when the coinage was reformed, the Sheriff appears to have attempted to pay the canons £25 of the new money, on the ground that no deduction was needed for wear, but to have been compelled by a judgment of the court to pay numero £25 12s 6d as before.
2 Ibid. p. 90
3 Brooke, op. cit. xi
rise and attend to any urgent business without interrupting the course of the Exchequer. The four benches or *scamma* surrounding the Board were common to all the English superior courts and to the county court, as well as to the courts of German towns.¹

We may think of the Upper Exchequer as being held in a hall to which was annexed a ‘bower’ or withdrawing-room in which matters of importance could be discussed by the Council without disturbing business. From this was derived the statutory Court of Appeal, called the Court of Exchequer Chamber, and given jurisdiction over the Exchequer in the fourteenth century and over the King’s Bench in the sixteenth. Before these statutes, however, the judges were clearly in the habit of meeting for conference on points of law in the *thalmus*.² With so simple requirements in the matter of buildings, it is obvious that sessions of the Exchequer could be held in any considerable town. The contents of the Treasury which travelled with the Chamberlains could be stored in a suitable strong-room, and the rest of the house be used as the office of the Receipt, as near as possible to the hall used as the upper Exchequer. We may regard Winchester as the natural home of the Exchequer, since the Tellers were taken from there, and the permanent Treasury had been established there before the Conquest. But Westminster, the scene of the *Dialogus*, was for many reasons more convenient, and was probably the usual place of meeting under Henry II. But it sat at Oxford in 1175, and a payment for the delivery of summonses in 1169 suggests that one session, at all events, of that year was at Northampton.³

¹ James Tait, in a review of Pollard’s “Evolution of Parliament” (*E.H.R.* xxxvi, p. 2539) compares with this the four woolsacks in Parliament. A detailed account of the furniture of the Exchequer and the two Benches at York in the fourteenth century will be found in P. R. O. Sheriffs’ Accounts (Exch. K.R. [E. 199]) 49/8.
² See *E.H.R.* xii, p. 396 for an instance in 1223–24.
³ Pipe Roll, 21 Henry II [P. R. Soc. 22], p. 11; 15 Henry II [13], p. 79. Other instances (including Worcester) in the Oxford edition, p. 44.
There is much evidence that the permanent treasury remained at Winchester, but treasure was stored at other places also, and might even be deposited for a short time at the private abode of one of the Chamberlains. The Sheriff who appeared at the Easter or Michaelmas Exchequer in answer to the Summons was held responsible for half his farm, and the same proportion of his other debts, at the Easter Exchequer, and for the balance at Michaelmas; and his first duty was to pay in these sums and obtain a ‘memoranda tally’ for the farm, and ordinary tallies for the other debts. The description in the Dialogus of these tallies is tolerably clear, but can hardly be completely understood without pictures of actual specimens of tallies. It must be remembered that the tallies for the farm were only provisional, since the actual sum paid in thesesauro could only be settled when the subsidiary accounts were cleared, and the amount paid in at each term numero has to be divided between two tallies, the longer showing the amount credited to the Sheriff and the shorter the amount deducted for ‘blanching,’ for which, however, the Treasury is accountable to the King. It must be remembered throughout that in the twelfth century, and for long afterwards, the layman was ex officio illiterate and therefore must be informed of his financial position by making notches in a stick, splitting it and giving the payer and the payee a half each. This system was in use at the end of last century in the hop-fields to check the number of bins picked, and in France to check the delivery of loaves by the baker.

The payment or ‘Proffer’ had to be made, whether the Sheriff could appear in person or not, and only after its receipt would a day be given for the account. The Easter account was only preliminary, and was known as the ‘view.’ The

1 Richardson, ‘William of Ely’ (R. Hist. Soc., 4th Ser. xv, p. 73 3.)
2 The most useful commentary on this point is H. Jenkinson’s paper on ‘Medieval Tallies’ (Archaeologia, lxiv, pp. 286–351, with plates).

‘view’ was originally a very simple statement, showing what the Sheriff had paid in for his Proffer and whether or not any part of the first half of his farm was still unpaid. These ‘states and views’ subsequently formed a considerable section of the Memoranda Rolls of the King’s and Lord Treasurer’s Remembrancers.

At Michaelmas came the effective ‘account.’ The Sheriff paid in the balance of his farm, and of whatever debts he had been able to collect, obtained tallies and ‘memoranda’ as at Easter, and presented himself for examination by the Treasurer, who charged him with the farm and with the farms of subsidiary manors. Some honours and boroughs accounted separately through their own bailiffs or keepers. The sum paid in is left blank until all the other outstanding debts have been met either in cash or in warrants for expenditure. The payments out from the farm are settled and set down in the Roll. The warrants are compared with the duplicates in the hands of the Chancellor’s Clerk or the Constable’s Clerk, according as they issued from the Exchequer or the Curia. All the vouchers are handed to the Marshal, who preserves them. The Treasurer also takes the account of arrears of farm, escheats and purpustures, and cess of woods and forests. The issues of eyres, aids and common assizes (which were imposed by the justices) were demanded of the Sheriff by the Chancellor’s Clerk. It is not clear whether Danegeld and the goods of felons and fugitives, or treasure trove was demanded by the Treasurer or by the Chancellor’s Clerk, but more probably by the former. Whatever the Sheriff had failed to get in, and was not covered either by the King’s writ, or by the customary allowances for the insolvency of the debtors (of which the Sheriff’s affidavit was

1 Pipe Roll, 8 Richard I [P.R. Soc., N.S. 7], p. 1 sqq. An earlier view of a single account, for the Honour of the Constableship, is printed in Pipe Roll, 15 Henry II [P. R. Soc. 15], p. 110 sq. This gives details of outgoings, but is only a ‘view’ because it is on the faith of the accountants, without production of vouchers.
normally evidence enough), was taken out of the cash paid in by the Sheriff on account of farm; and then only could the amount to be credited to him as *In thesaurus* be established, and a tally struck for the amount, after the deduction for blanching already explained. If the farm was paid in full, the Sheriff received his *quietus* and was free to go. If any debt was left, he was committed to the custody of the Marshal till the Exchequer rose, after which he might be put in gaol; but was usually bound over by the Barons to appear and make good the *deficit* at the next session. The Memoranda Roll of 1 John shows that the Sheriff of Devon in 1199 was still in debt for the farm of 1194–95.¹

The *Dialogus* does not tell us what took place when the account closed showing the crown in debt to the Sheriff, as might easily happen if the drafts on the farm for liveries, works or transport of treasure were excessive. But we learn from the rolls that the account then ended with *Et habet de superplus*—i.e. 'He has overspent.' In such cases his deficit was if possible made good to him from some other account. Thus in 1190 ³ Warin, Sheriff of Dorset, was also Sheriff of Somerset, and had £11 3s. owing to him on that account. This was allowed him in his account for Dorset. When the Sheriff has completed his account of his farm, and has made his *affidavit* before the Marshal that he has distrained for the debts still owing and found 'no effects,' he is free to go.

But the taking of the Sheriffs' and other accounts of revenue was not the only use to which the Exchequer board was put. We have mentioned the liability of the Treasurer and Chamberlains to account for the Blanching money, and indeed for all the contents of the Treasury including *Domesday Book* and the Rolls; and the *Dialogus* tells us that such an account was taken from time to time before special commissioners appointed by the

King (pp. 24–5). The Pipe Rolls are only concerned with the accounts of Sheriffs or other local accountants throughout England, and therefore give us no examples of this general financial statement, nor do we find anything resembling a 'budget' in any form until the thirteenth century.² But on the Pipe Roll of 1290 is an entry which speaks of an occasion in the previous year 'when the earl of Gloucester and Brian Fitz Count audited the account of the Treasury at Winchester.'² This was not, however it may be supposed, a national balance-sheet, but merely a verification of the cash account of the Treasury and Chamberlains, and most probably a check of the various objects known to be deposited at Winchester.

Another reference to the contents of the Treasury may well be added. It occurs in the Red Book of the Exchequer among the memoranda of Alexander de Sweresford made in the first half of the thirteenth century:

'...There is no sum of Danegeld set out upon the roll, just as there was no sum of the county in any roll of Henry II or of King Richard up to the eighth year of his reign; and that for this reason, as I heard from William of Ely, the Treasurer, namely, that the sheriffs might be kept in ignorance of the sum for which they had to account. But, after the writing of the sheriff's account and adding up the sums expended from the body of the county, the Treasurer brought out the roll containing the sums of the several counties and placed the particular sum above, and then subtracted the expenses, and so acquitted the sheriff or placed him in debt or allowed him a surplus. This also was done for Danegeld; but that roll I never saw, though the other I have seen.'

It is difficult to believe that the reason given by Sweresford

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¹ P. R. Soc., N.S. 21, p. 72
² Pipe Roll, 31 Henry I, p. 13
³ (Rolls Series edn.), ii, p. 659
for the omission of the figure of the farm on the Pipe Rolls is
the right one, though the facts are as he states them. The
Sheriff must have learned the amount of the farm when he
made his account, and could have had no cause for concealing
it from his successor, even if he did not get the custody of the
county for a second year; and the disappearance of the ‘Writ
of Farms’ is more readily accounted for by its ceasing to be of
use when the farm was expressed on the Roll. The Danegeld
Roll doubtless vanished because Danegeld ceased to be levied.
I should rather guess that the Writ of Farms continued to be
needed so long as the sum of the farms remained uncertain
because of the gradual restoration of the estates devastated in
the years of the anarchy. When the farms had become fixed
they could be entered on the Pipe Roll in advance. The object
of the later Rotulus de Corportibus Comitatvm, drawn up, like the
estimate of revenue above named, in 1284, was to make it
unnecessary to repeat the Terre Date year after year, and the
original ‘Exactory Roll’ may have been drawn up for a like
reason. Some support for this view may be found in the fact
that the roll of 1130 contains very few Terre Date, though there
are cases in Yorkshire, Surrey, Norfolk and Carlisle. The
number is much larger in 1156.

There is much more that could be written about this
unusually objective and practical book, but the student will
be able to gather most of it from the translation, and may
expand his knowledge by the help of Madox and more modern
authorities.

Constitutio Domus Regis

A translation of the Constitutio domus regis has been appended
to that of the Dialogus because the two documents are comple-
mentary to each other (since the constitution of the Exchequer
as a court follows the divisions of the household establishment),
and because the text is not very easily accessible, either in
Hearne’s Liber Niger Scaccarii or in the Rolls Series edition of
The Red Book of the Exchequer. Hearne’s text, moreover was
compiled not from the original, but from three seventeenth-

century transcripts; while that in the Red Book is not entirely
satisfactory, though in it the text of the Black Book has been
collated with that of the Red Book and the original MSS. of each
have been consulted. The text here presented is an eclectic one,
based on a revision of the Red Book version, and supplying
its omissions from the Black Book, the text of which, though
later, is more complete. The defects of the Rolls Series text
are the result of the use by Hubert Hall’s predecessor as the basis
of the printed version of a nineteenth-century transcript
made for the Record Commissioners; a blunder which all the
efforts of his successor were powerless to remedy. Most of the
deservedly harsh criticism lavished on this edition of the Red
Book, was earned by the original planners of the work, rather
than by the man against whom it was directed. So much might
have been clear to any reader of the introductory matter pre-
fixed to the third volume.

Only two basic MSS. exist, neither of which is the original,

viz:

R: The Red Book of the Exchequer, already described, f.xxx.
Books, Ser. i [5. 164] 12), ff.75b-77. This is of the early
thirteenth century, but looks a little later than R. It is, how-
ever, more complete.
The previous printed editions are:

*Liber Niger Seaccarii [with the Annals of William of Worcester]*


The *Constitutio* contains an account of the establishment of the royal household under Henry I. We can date it between December 1135, when Henry died, and some time in 1139, when John the Marshal went over to the Empress Maud. It is most probably a document drawn up for the instruction of Stephen on his accession, since it reads as if the post of Ralf de Marchia, who probably died before King Henry (though the reading is uncertain), had not yet been refilled. It is therefore generally assumed to be of the year 1136. It is difficult to guess who was the author; though the elaborate statement of wages and allowances suggests that it was written either for or by Nigel of Ely, who was Treasurer to Henry I. We may presume that it was in the Exchequer in the early years of Henry III, and was copied by Swereford for the same reasons as the *Dialogus*, and the *Carte* of 1166. Neither manuscript has observed the five main divisions into which it falls, though the rubricator has indicated the minor divisions.

The key to the organization is in the salaries of the heads of departments, each of whom received 5s a day, besides certain allowances of food. These were the Chancellor who was responsible for the Chapel services and the whole clerical establishment; the Sewers (*dopiferi*), who seem to have served in turn as heads of the Pantry and Kitchen; the Butler who had the Buttery and the Cellar; the Master Chamberlain and the Treasurer, who shared between them the duties of the modern Treasury and the Lord Chamberlain’s department; and the Constables, who served in turn as heads of the departments of the War Office (nothing is said of the Admiralty) and of the Master of the Horse.

Under these came a number of subordinates at a salary of 2s a day. In the Chancery: the Master of the Writing Office (now, probably, the Master of the Rolls): in what would now be the Lord Steward’s department; the Clerk of the Spence of Bread and Wine, and the Master Dispensers of Bread, of the Larder and of the Buttery; in the department of the Treasurer and Chamberlains, the Chamberlains who served in rotation; and in the Constables’ department, three persons named who appear to have been assistant Constables, and the Marshal, whose rise in dignity was still to come. The members of this class, if employed out of Court, had a subsistence allowance of 10d a day.

William Mauduit, who appears from the Pipe Roll of 1130 to have been Treasurer of the Chamber, has a salary of 1s 2d a day, and his board and lodging. No allowance is mentioned for employment out of Court. We may therefore equate his allowance with that of the assistant-Constables and the Marshal, whose allowance was reduced to fourteen pence when they resided in the Household.

The Dispensers of the pantry, larder and buttery, serving in rotation, had a salary of 10d a day, with a subsistence allowance of 9d if employed out of Court.

The customary wages of a ‘knight’ (8d a day) were paid to the Chamberlain of the Chandlery, the four Marshals attendant on the household if employed out of Court, the Ushers and the Huntsmen who were knights.

Double rations were given to the Chaplains and Serjeants of the Chapel, the Carters of the kitchen and larder, the Mazer-keeper, the Ewer and the Watchmen.

The great mass of minor officers had single rations only.
INTRODUCTION

Such were the bakers, larders, butchers, cooks and scullions; ushers, porters, linen-keepers, etc. The Chamberlains who were not receiving salaries might also live at Court.

The Usher of the Chamber had the anomalous salary of 4d a day.

Of the outdoor (hunting) staff, hunters and archers got 5d a day; hornblowers, fewterers (who led greyhounds), berners (who fed hounds), and men who had dogs on the leash or hunted with braches (hounds hunting by scent) had 3d a day.

Many of these officers had ‘mates’ who received, some 3d a day, but mostly 1½d or 1d. The carter of the kitchen and larder, the sumpter-men of the Chancery and Chapel, the linen-keeper, the porter of the King’s bed and any others who needed transport, had an allowance for their horses and for shoeing.

It must always be remembered that the twelfth-century Court was itinerant, both in England and in Normandy, and it has even been considered, on the ground of the provision of forty pence to the bakers to purchase a Rouen muid of corn, that the Constitutio describes the Norman establishment only. But this is hardly likely, because the permanent staff must of necessity have travelled with the King; although there were (for instance) hereditary officers in Normandy who had no status in England and vice versa, such as the Chamberlain (who was of the Tancarville family). And we may safely guess that a good many of the inferior servants were hired locally. But the main organization of the Household seems to have been the same wherever the King was.

BOOKS TO CONSULT


ROUND, J. H., The King’s Sergeants, London, 1911.

References to articles in the *English Historical Review* and elsewhere by V. H. Galbraith, C. H. Haskins, H. Jenkinson, Mabel Mills and others will be found in the notes. The printed pipe rolls, issued by the Record Commission and the Pipe Roll Society, will be found necessary for any serious work on the subject, and Johnson's own introduction to the first volume of the Pipe Roll Society's New Series (1925) is recommended.

**ANALYSIS**

The figures in brackets give the page references

**DEDICATION TO HENRY II**

Apology for the clerical civil service. 'The King can do no wrong' (1)

**BOOK I**

**CONSTITUTION AND STAFF**

**Prologue**

A colleague's request. Apology for uncouth language (5)

**Definition of the Exchequer and reason for its name**

Analogy of the chess-board. Why the chess-king is represented by the Treasurer. There are two Exchequers, Upper and Lower but alike in *raison d'être* (6)

**THE LOWER EXCHEQUER**

All there are deputies except the Pesour and the Melter (8)

**Treasurer's Clerk:** Chief of staff, chief accountant and joint chief cashier (8)

**Deputy Chamberlains:** Two knights, joint chief cashiers, responsible for the tallies as the Treasurer's Clerk is for accounts. (Note on the obsolete exemption of border counties from liability to pay in current coin.) A payee must count his money before leaving the Exchequer (9)

**Pesour and Melter:** Deferred till Upper Exchequer is described (11)

**Tellers (Four):** Assist Treasurer's Clerk and Deputy Chamberlains in counting and storing coin. Why are there such variations of value in a uniform coinage? (11)

**Usher:** His fees. Responsible for necessary office expenses (12)

**Watchman:** As usual elsewhere (12)

**Rates of wages for all minor officials in both Exchequers** (13)

**THE UPPER EXCHEQUER**

An equitable collector of the King's dues. Said to have been introduced by William I on the model of the Normans Exchequer. Omissions to this based on antiquity of 'blanch farm' invalid. (blanch farm not mentioned in Domesday). Equal in authority to *Curia Regis*. Some members of court *ex officio*, others during pleasure. The science of the Exchequer consists in correct decisions rather than in correct accounts (13)
Officers and their functions

Justiciar: Sits ex officio as President, representing the King, and may issue writs, in the King's absence, in his own name (14).

The arrangement of the seats at the table
(See diagram in Introduction, p. xiii)

1st Bench (on President's left): Chancellor, Constable, two Chamberlains, Marshal, and other magnates. On his right—the Bishop of Winchester (16)

2nd Bench (on President's right): Clerk or Serjeant of Chamberlains, with counter-tallies, King's agents, the Accountant (Calculator), Chief writing Clerk, ex officio (17)

3rd Bench (on President's left): Treasurer, Scribe of Pipe Roll, Scribe of Chancellor's Roll, Chancellor's Clerk, Constable's Clerk (17)

4th Bench (opposite President): Thomas Brown (see below, page lvii), Sheriff and his clerks (18)

Overlooking Pipe Roll: Thomas Brown's Scribe and Roll (18)

First Bench

Chancellor: Responsible for Great Seal of the Exchequer and Chancellor's Roll. How the Seal is used. Three Rolls of equal authority (18)

Constable: Witnesses President's writs. With Marshal, pays wages of soldiers, falconers, huntsmen, etc. (19)

Chamberlains (2): Colleagues of Treasurer, and share his responsibility for accounts as well as cash (20)

Marshal: Custodian of Sheriff's vouchers, and of the persons of insolvent debtors. Delivers Summons to Usher for transmission to Sheriffs. Receives oaths (20)

Bishop of Winchester: Formerly Chief Writing Clerk (26). Now by special appointment of Henry II Controller of the Treasurer (27)

The author's annals of Henry II, the Tritulumin (27)

Second Bench

Chamberlain's Serjeant or Clerk: Produces, and if required, alters tallies. Why tallies need be recut. Full and memoranda tallies. Rules for cutting (22)

Accountant: The columns of the Exchequer board and the arrangement of counters on the abacus (24). The wheel of Fortune. Mystic symbolism of the Exchequer (26)

Chief Writing Clerk: Responsible for providing scribes for Chancellor's Roll and Exchequer writs (26)

Treasurer: Generally responsible for both Exchequers, but specially concerned with the Sheriff's accounts and the composition of the authoritative Pipe Roll, which may not be altered (28)

Treasurer's Scribe: Prepares the sheepskin ' pipes ' of two membranes each. Ruling and form of the Rolls in detail (29). Distinction of 'farm' and 'cess.' Tenor of Roll dictated by Treasurer. Erasures not permitted. The scribe's allowance for parchment (29)

Chancellor's Scribe: Copies the Pipe Roll, and writes Exchequer writs and Summons. Form of writs of Liberate, Comptuare and Perdon. When issued by Justiciar. Contrabrevia kept by scribe (32)

Chancellor's Clerk: Jointly responsible with Treasurer for wording of Pipe Roll. Checks examination of Sheriff by Roll of previous year. Examines Sheriff on Summons. Keeps contrabrevia. Corrects and seals Summons (33)

Constable's Clerk: Produces contrabrevia of writs issued in Curia Regis. Acts for Constable in payment of wages, but often only by deputy (34)

Fourth Bench

Thomas Brown: Appointed by Henry II to keep a third Roll of regni juris regis secreta. Has a clerk in Lower Exchequer to check receipts and issues. Ranks as a Baron (35)

Personal history of Thomas Brown (35)

Without Seats

Pesour: Tests the money paid in for weight, and in cases of 'blanch farm' takes samples for assay. 'The trial of the Pyx' described (36)


(History of Roger le Poer.) Institution of the assay. Effect of the assay on coinage. Counties which pay by tale (43)

Usher: Why the Usher of the Upper Exchequer has no salary. His duties as doorkeeper of the Exchequer Chamber, and in delivering the Summons and as office-keeper (44)
Privileges of the Barons

(New apology for uncouth language) (45). Immunity from law suits during session of the Exchequer. From Toll and Customs (46). How disputes between officers of the Exchequer are to be settled (47). Freedom from Common Assizes, Murder-fines, Scutage and Danegeld, per breve regis. Imposts thus remitted not to be demanded from under-tenants. Attendance at either session qualifies for privilege (48). Meaning of per breve regis (49). Nigel of Ely as restorer of the Exchequer. His account of the cancellation of the privilege by Henry I and its restoration by his writ to the Barons (50). A similar privilege granted by Henry II to the Templars, and others (51).

Scutage : An assessment on the knight's fee to provide payment for mercenaries (52).

Murder-fine : Instituted to check secret murder of Normans by English. Levied on the hundred in which the body was found. Presentation of Englishmen now limited to villeins, owing to gradual assimilation of two races (53). At the conquest English who had fought lost their lands, as did their families. Others were allowed life-estate only, at will. In consequence of agitation English were allowed to hold only such property as they had acquired by grant or purchase (53).

Danegeld : Danish piracies caused tax of 1s per hide to be imposed to repel invaders, paid annually till reign of William I, then made occasional only. Officers of the Exchequer and Sheriffs exempt for demesne only (55). Definition of demesne. Villeins salable with land and also individually (56).

Assarts before 1135 : These having been arrenged at a fixed rate are not regarded as penalties for encroachment, but are on the same footing as Common Assizes (56). The Earl of Leicester's case, and the author's claim on his father's behalf (57). Defence of 'Case-Law.' Forest Law not part of the Common Law, but at the King's absolute discretion (59).

Forest defined. Not found in all counties (60). Assart defined. What constitutes 'waste' (60). The author assigns no limit to Henry II's liberality (61).

THE TREASURY AND ITS CONTENTS

The ambiguity of 'treasure' and 'treasury.' The Treasury contains both coined money, bullion, plate and changes of raiment, stored there permanently, and other things in the custody of the Treasurer and Chamberlains, but in habitual use, e.g. The Great Seal, Domesday Book, the Roll of Farms, the Pipe Rolls, charters, counter-talles and Receipt Rolls, warrants for issues, etc. (61)


Domesday Book : Henry, Bishop of Winchester's account. William I having subdued England decided to put its laws into writing, and made a selection from the three existing codes, Mercian, Danelaw and Wessex, with additions of his own. He then had a survey made to establish existing rights in land. The survey is by counties, hundreds and hides. It is called 'Domesday' because it is as infallible as the Day of Judgement (62). A 'Hide' originally contained 120 acres. A 'Hundred' is an unspecified number of hundreds of hides. A County contains a number of hundreds. The Earl (Comet) has one-third of the profits of justice in his county. Not all counties have earls (64).

The Roll of Farms : This contains the particulars of the manors from which the farm of the county is made up. The other contents of the Treasury have been sufficiently described (65).

BOOK II

THE EXCHEQUER IN ACTION

Prologue

The sin of idleness. The author encouraged by his pupil's attention (68).

THE SUMMONS

Its causes, material, formal and final (69).

(1) Purpose. The holding of an Exchequer. No attendance without summons, nor any demand, except for casualties, unless expressed in the Summonses (69).

(2) Form. Debts extracted from last Pipe Roll and assessed by the Barons (70). Profits of justice extracted from Eyre Rolls (70). Wording of Summonses in each case. Subdisjunctive use of et al (71). Formula added to stop evasion by removal of chattels, but now unnecessary (72). Difference of form in Easter and Michaelmas Summonses. 'View' only at Easter, 'Account' at Michaelmas (72). Only half demanded in Easter Summonses (73). Erasures not allowed in Summonses. Duplicates made at instance of Richard of Lincoln but now dropped (74).

(3) Matter. Parly apparent from the preceding section (75). Digression on the civil war of 1173-4 (75). Establishment of Eyres. Profits of justice extracted from Eyre Rolls (77). Liability of justices for incorrect enrolment of penalties, etc. (78).
THE EXAMINATION OF THE SHERIFF'S ACCOUNT

Appearance. Penalties for non-appearance expressed in the Summons. The Sheriff must appear on the day and report to the President or Treasurer, or send an essoinor. Graduated penalties for delay (79). How the Sheriff who has expended all his farm on the King's business can be detained for debts specified in the Summons (80).

Essoins: A Sheriff who does not appear must send essoins with a letter of excuse and the sums received on the King's account. One of these must be a layman, since clergy ought not to be arrested for debt (81). Unless he is sick, he must make his account in person, or have a writ from the King (or Justiciar) allowing him to appoint an attorney. If engaged on the King's service, he may appoint an attorney himself in Court. If sick, his eldest son may account for him (82). No essoin is valid unless the money due is paid in. Other essoins are mortal sickness of heir, sickness of wife in childbirth or otherwise, legal proceedings against liege lord, attestation of his will, or funeral of his or one of his family (83). A Sheriff need not hold directly of the King (84).

Account: Notice of hearing to be given to debtors (84).

(a) Examination by Treasurer

As to Farm and normal allowances from it—Alms, Tithes, Liveries, Lands granted out (85).

Blanch Farm: Manors are said to be granted blanch when the profits of the hundred-court are granted with the manor (86). Grants of the King's bailment are 'during pleasure.' Liveries are either charitable or by way of wages (86). As to payments out of writ. The write are handed to the Chancellor's Clerk, read out and entered on the Roll (87). As to payments by custom, without writ. Liveries of approvers, and cost of executions and trials, i.e. ordeals. Law as to approvers (87). Maintenance and transport (88). Executioners sometimes serjeants, sometimes paid. Cost of transport of treasure, royal fish, vineyards, etc. (89). How expenditure on works is vouched for. Necessity of a writ specifying the sum to be allowed (90). Ignorantia juris (91). The Farm account is now left incomplete till all else in the Summons is cleared (92). The Old Farm next; unless the same Sheriff is accounting, in which case it precedes the new (92).

Purpurses and Escheats: Purpurses are encroachments on Crown property, found by inquisition and arrested (93). Escheats are lands reverting to the Crown for lack of heirs. If the heir is a minor the 'escheat with an heir,' not being a permanent possession, is accounted for separately (94). The heir is maintained at the King's expense, and may or may not have to pay 'relief' on entering on his inheritance. A large estate is called an 'honour.' The King pays all customary alms, but not wages of servants not employed (95). Reliefs are proportionate to the estates passing. An heir of full age holding in chief, must make the best bargain he can. A minor will pay less, or if his minority is long, nothing. An heir holding of an Honour (i.e. an escheat) will pay £5 per knight's fee. No relief will be exacted from a ward of some years' standing (96).

Felon's Goods: On conviction these are forfeited to the King, as are those of fugitive criminals or those mutilated under the Assize of Northampton. Their lands, if any, go to their lords (97). These goods are accounted for separately from the Escheats, as are other casualties, e.g. 'Treasurer Troy and goods of usurers dying intestate. Distinction in guilt of clergy and laity. 'Open usury' distinguished from mortgage (98). But a mortgagee who takes interest as well as profits of land, if detected after death, is treated as a usurer (100). These miscellaneous casualties are accounted for after the profits of justice and before 'felons' goods' (101). Why the lord of a villein is deprived of the villein's chattels. Goods of thieves and robbers, if outlawed, go to their captors. If not, those of robbers to Crown, of thieves to Sheriff. The injured person who pursues and catches a thief is entitled to twofold restitution (solsa et persolita) (102).

Cess of Woods: Tithes payable from forests as a composition for their extra-legal regulations (103).

N.B.—All debts left owing must be clearly set out on the Roll (104).

(b) Examination by the Chancellor's Clerk

The profits of justice and payments for privileges are demanded by the Chancellor's Clerk, who takes over the Summons from the Treasurer (104).

Fines and Amercements: pecuniary penalties are amercements. Voluntary payments for grants, or as compositions for penalties, are fines (104). These are demanded from the Sheriff, and must be satisfied in cash or by a writ of pardon specifying the amount. But the liability for the debt, if not paid, lies with the individual debtor and not with the Sheriff, except for Common Assizes, Danegeld and Murder-fine (105). If these, which are assessed on the community, are not paid, the Sheriff's successor is liable. A general exemption from 'secular service' is not valid unless the nature of the impost is specified in the charter. If the Sheriff fails to collect the whole debt, he must allege that he could find no effects, and be prepared to conform by subsequent affidavit (106). Debts for penalties due from knights, freemen or villeins
must be left in charge if there are no chattels (107). But bur-
gesses, failing to pay must have their real property seized as well; be-
cause a merchant can more easily conceal his wealth (107)

**Aids and Gifts by Cities or Towns:** These rank as amercements if assessed *per capita* by the justices, but as fines if granted by the community as a lump sum (108). In the first case they are recovered by distraint, in the second the community must either make good the contributions not recovered or show that the original contributors, then solvent, have since become poor. A knight or freeman who engages in trade must either find sureties for payment of his debt or be treated as a burgess (109)

**Distress:** In selling chattels, food for the debtor and his family cannot be sold; but saleable stores of any kind may (110). A knight by status must be left a riding horse, but a professional soldier must keep his horses and armour; provided, that is, he is at the King's service if required (111)

The chattels of the actual debtor must be sold first; reserving, if possible, his plough cattle. Next the chattels of his villeins (112). If those are insufficient, the sale must cease, unless the distress is for scutage, in which case the chattels of a lord's knights and villeins are equally to be sold, since the scutage is charged on the land. If a tenant has paid scutage to his lord, his chattels are exempt (112).

Debts due to insolvent debtors are to be got in by the Sheriff, and will follow any land sold by the debtor after becoming indebted to the King, unless the purchaser has paid the price to the King (113). The chattels on the land of a debtor are held *ad quaelvis de quod* to be forfeit till the debt is discharged. The Sheriff is not to allow any debt due to himself to be paid by a debtor who has not paid the King. If he has done so he must make it good before the end of the session. He must also inquire whether any insolvent debtor, has become solvent by marriage or otherwise (114).

Husbands and wives of debtors surviving are liable for their debts if they have possession of their property as guardians or otherwise. The heir is the person liable. Only villeins, when their chattels are sold, are released by death, having no other property. Debts may not be removed from the Roll except by the King on petition from the Treasurer (115)

Barons have the privilege of exemption from distress on an *affidavit* by their stewards to warrant the payment at the Exchequer (116). If the steward fails to appear the Sheriff is quit, and the case is noted for the punishment of the steward. If he appears and pays before the Exchequer closes, he will be excused. The Sheriff will only be quit if he takes the steward's *affidavit* in open county court, otherwise he must make it good from his farm. If the lord appears, but does not pay, he will be detained on parole till the Exchequer rises, and then dealt with at the King's pleasure. A steward will be delivered to the Marshal, and may be imprisoned and chained after the end of the session. A

knights detainted for his own debt, must not be imprisoned, but kept in the prison building in ‘free custody’ on parole (116). A Baron who deliberately exposes his steward to imprisonment to procure a temporary respite, will be arrested and distrained on, amerced and barred from pleading his word again. If permitted to do so, he must in future do it in person (117)

**Fines:** Voluntary immediate payments to obtain a grant only become due when the grant takes effect. If payment is not made the grant lapses, unless, by special grace, instalments are accepted (119)

Prospective payments are offered with a view to obtaining justice with greater expedition (120). They are not always accepted, and are never payable till judgement has been given. If it is unfavourable they are often remitted

**Reliefs,** though not strictly voluntary, are classed as ‘fines’ (120). They are the payments made by heirs on succession. If from tenants in chief, they are settled by the King (121). If from tenants of honours, they are £5 per knight’s fee. They are not subject to the rule that the grant lapses, but are to be treated like amercements

**Hawks** are sometimes offered (121). If the breed and age are not specified, the debtor has an option; but if he obtains a delay in delivery, he must produce a hawk of the age which the hawk originally offered would have had. Hawks are only summoned at the Michaelmas Exchequer. **Queen’s Gold**. All voluntary payments involve a concurrent payment to the Queen of 1 per cent in gold [i.e. at the current bimetallic ratio, 9 per cent in silver] (122). The Queen has her own staff at the Exchequer to receive this. A remission by the King of part of an offering brings no corresponding remission of Queen’s Gold. The minimum offering to be liable is in dispute (123)

**Privilege of Clergy:** Clerks and laymen are alike as to voluntary offerings (123). As to other debts, benefit of clergy if wished for must be claimed. The author declines to lay down the law on the privileges of clerks (123)

**How Escheats are accounted for:** Commissioners are sent to draw up a rental, for the sum of which the Sheriff or other accountant must answer (124). But an escheat committed to a ‘keeper’ is not so arrested. The keeper answers for receipts and expenses ‘on his conscience.’ He is not entitled to ‘procurations’ (124)

(c) Closing the Account of Farm

All the debts having been cleared and enrolled, a return is made to the Farm account at the head of the Roll (125). The accountant sets out on the abacus the Michaelmas payment of farm and deducts the assay allowance, then in like manner the Easter payment, and a single tally is cut for both payments
and a smaller one for both assays (125). The Treasurer brings out the Roll of Farms and the sum due is set out on the board. From it is deducted first, the sum of the blanch payments, then that of the farms granted ‘blanch.’ The payments and allowances by tale are then set out and ‘blanched’ by a deduction of 5 per cent, and the resulting sum is deducted from the debit remaining (125). If this leaves no remainder the Sheriff is written ‘quit,’ if not ‘owing’; and the amount paid ‘In the Treasury,’ as reached by calculation, is entered on the Roll (126). The Sheriff then makes his affidavit to the Marshal and is dismissed. It has been decided that one affidavit is sufficient for all the debts (126)

Epilogue

The Scholar now asks for an explanation of the more sacred mysteries of the Exchequer. His Master defers this till another occasion and concludes with an apology for a work which, even if crude, is at least original (126)
DIALOOGUS DE SCACCARIO

[PREFAATIO]

Ordinatis a deo potestatibus in omnì timore subici simul et obsequi necesse est. Omnis enim potestas a domino deo est.¹ Non ergo uidetur absurdum uel a uiris ecclesiasticis alienum regibus quasi precellentibus ² et ceteris potestatibus seruando sua iura seruare; presertim in his que ueritatì uel honestati non obuiant. Oportet autem his seruire non in conseruandis tantum dignitatisibus per quas gloria regie potestatis elucet, uerum in mundanarum facultatum copiis que eos sui status ratione contingunt. Ille enim illustrant, hec subueniunt. Porro mobilium * copia uel defectus principum potestates humiliat uel exaltat. Quibus enim hec desunt hostibus preda sunt, quibus autem hec suppetunt hiis hostes in predam cedunt. Sane licet hec regibus plerumque, iure non prorsus examinato set patriis quandoque legibus quandoque cordium suorum consiliis occultis uel solius interdum sue uoluntatis arbitrio, provenire contingat; eorum tamen facta ab inferioribus discutienda uel condempana non sunt. Quorum enim corda et motus cordium in manu dei sunt ⁵ et quibus ab ipso deo singulariter est credita cura subditorum, eorum causa duino tantum non humano iudicio stat aut cadit.⁴ Nemo tamen quantumlibet diues si secus egerit de impunitate sibi blandiatur, cum de huiusmodi scriptum sit 'Potentes potenter tormenta patientur.' ⁶ Igitur qualiscumque sit uel uideatur adquirendi causa uel modus, hiis qui ad

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THE COURSE OF THE EXCHEQUER

[DEDICATION]

To the powers ordained of God we must be subject and obedient with all fear. For there is no power but of God.¹ There is clearly, therefore, nothing incongruous, or inconsistent with the clerical character in keeping God's laws by serving kings as supreme ² and other powers, especially in those affairs which involve neither falsehood nor dishonour. And we ought to serve them by uphelding not only those excellencies in which the glory of kingship displays itself but also the worldly wealth which accrues to kings by virtue of their position. Those confer distinction, this gives power. Their power indeed rises and falls as their portable wealth flows or ebbs. Those who lack it are a prey to their enemies, those who have it prey upon them. And although this wealth is not invariably theirs by strict process of law, but proceeds sometimes from the laws of their countries, sometimes from the secret devices of their own hearts and sometimes even from their mere arbitrary power, their subjects have no right to question or condemn their actions. For those whose hearts are in the hand of the Lord, ² and to whom God Himself has committed the sole care of their subjects, stand or fall by God's judgment and not man's.⁴ But let no man, however wealthy, flatter himself that he shall escape unpunished if he act amiss; for of such it is written, 'Mighty men shall be mightily tormented.' ⁶ However questionable, therefore, may be or appear the origin or the method of acquisition of wealth, those whose duty it is to guard it

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* mobilium LIEBERMANN; mobilium CNR
² cf. Rom. 13:1
³ 1 Pet. 2:13
⁴ cf. Prov. 21:1
⁵ cf. Rom. 14:4
⁶ Wis. of Sol. 6:7
    
¹
THE COURSE OF THE EXCHEQUER

have no excuse for slackness, but must give anxious care to its collection, preservation and distribution, as they that must give account 2 of the state of the realm, the security of which depends upon its wealth. We are, of course, aware that kingdoms are governed and laws maintained primarily by prudence, fortitude, temperance and justice, and the other virtues, for which reason the rulers of the world must practise them with all their might. But there are occasions on which sound and wise schemes take effect earlier through the agency of money, and apparent difficulties are smoothed away by it, as though by skilful negotiation. Money is no less indispensable in peace than in war. In war it is lavished on fortifying castles, paying soldiers’ wages and innumerable other expenses, determined by the character of the persons paid, for the defence of the realm; in peace, though arms are laid ‘down,’ 3 noble churches are built by devout princes, Christ is fed and clothed in the persons of the poor, 4 and by practising the other works of mercy mammon is distributed. 4 The glory of princes consists in noble actions in war and peace alike, but it excels in those in which is made a happy bargain, the price being temporal and the reward everlasting. Therefore, greatest of earthly princes, because I have often witnessed your Majesty’s glory in peace and war alike, not hoarding treasure but spending it as it should be spent, in due place and time and on fit persons, I dedicate to Your Excellency this little book, on no lofty subject nor in eloquent language but written with an unskilful pen, about the procedure necessary in your Exchequer. I have at times seen you so concerned about this as to send some of your wise councillors to call in the Bishop

1 Heb. 13:17
3 cf. Matt. 25:40
tunc Eliensem conueneris. Nec fuit absurdum tam excellentis ingenii uirum, tam singularis potentie principem, inter cetera maiora hec etiam curasse. Sane scarrarium suis legibus non temere set magnorum consideratione subsistit, cuius ratio si seruetur in omnibus, poterunt singulis sua iura seruari et tibi plene provenient que fisco debentur, que possit oportune nobilissime mentis tue ministra manus effundere.

of Ely for his opinion on it. Nor was it unbecoming so wise a man and so unusually powerful a prince to concern himself with this matter as well as with others of more importance. The Exchequer has its own rules. They are not arbitrary, but rest on the decisions of great men; and if they are observed scrupulously, individuals will get their rights, and Your Majesty will receive in full the revenue due to the Treasury, which your generous hand, obeying your noble mind, may spend to the best advantage.
Incipit capitula libri primi.

I Quid sit scaccarium et que ratio huius nominis.
II Quod aliud est inferius atque aliud superius una tamen origo utriusque.
III Quod sit ratio uel institutio inferioris per singula officia.
IV Quod sit auctoritas superioris et unde sumpsit originem.
V Quod sit officium presidentis in illo et que sint singulorum sibi assidentium officia.
VI Quis sit tenor breuim regis factorum ad scaccarum siue de exitu thesauri siue de computandis, siue de perdonandis.
VII A quibus et ad quid instituta fuit argenti examinacio, set hoc incidenter.
VIII Quod sint iura et dignitates residentium ad scaccarium uel ex officio uel ex solo regis mandato, et quedam incidentia necessaria.
IX Quod scutagium et quare sic dicatur.
x Quod murdremen et quare sic dictum.
xi Quid danegeldum et quare sic nominatum uel institutum.
XII Quod foresta regis et que ratio appellationis.
xiii Quid essartum uel quid uastum et que rationes horum nominum.
xiv Quod thesaurus dicitur interdum ipsa pecunia, interdum locus in quo seruatur.
XV Quis sit usus sigilli regii quod est in thesaeo.
XVI Quid liber judiciarius et ad quid compositus.
xvii Quid hyda, quid centuriata, quid comitatus secundum vulgarem de hiis opinionem.
xviii Quid rotulus exactorius.]

Book I Contents

I The Exchequer, why so named
II The Lower Exchequer differs from the Upper, but both spring from the same root
III The nature and constitution of the Lower Exchequer in its several offices
IV The authority of the Upper Exchequer, and whence it sprang
V The duty of the President and his colleagues respectively
VI The form of the writs issued at the Exchequer, warranting issues, allowances, and pardons
VII A digression on the Assay, by whom established and for what purpose
VIII The rights and privileges of those who sit at the Exchequer either ex officio or by the King's special appointment, and some matters connected therewith
IX Scutage, and why so called
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XI Danegeld, its name and history
XII The King's forest and the reason of its name
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XIV Treasure and the Treasury
XV The royal Seal which is kept in the Treasury
XVI Domesday Book, and why it was written
XVII The Hide, the Hundred and the County, as commonly understood
XVIII The Roll of Farms
[PROLOGUE]

In the twenty-third year of the reign of King Henry II, as I was sitting at a turret window overlooing the Thames, I was addressed by someone who said, very earnestly, 'Master! Have you not read that "Wisdom that is hid and treasure that is not seen are both profitless"?' 'Yes,' said I; and he went on, 'Why, then, do you not teach others that knowledge of the Exchequer for which you are famous, and put it in writing lest it should die with you?' I replied, 'Why, brother, you have long sat at the Exchequer yourself, and nothing is hidden from you, you are so precise. And the same is probably true of the others who sit there.' 'But,' said he, 'as those who "grop in the dark without light" often stumble; so are there many there who see not, and hearing do not understand.' 'You speak profanely,' I replied, 'for my knowledge is not so great, nor of such importance; but perhaps those who, so to speak, hunt big game, have minds like eagles' claws, which let slip small things and keep hold of big ones.' 'Be it so!' said he, 'but though eagles fly high, they rest and refresh themselves on a lower level, and for that reason we beg to have these lower matters expounded to us, and the eagles may profit by them too.' 'I was afraid,' I replied, 'to write a book about these matters, which are objects of sense, and of which familiarity breeds contempt, affording no scope for fine distinctions, or pleasing novelties.' 'Those,' said he, 'who delight in novelties, or in hunting for fine distinctions, have Aristotle and Plato's books. Let them hear them!' Your book is not to be theoretical, but practical.'

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[PROLOGUS]

ANNO xxiii. regni regis Henrici secundi cum sederem ad fenestram specule que est iuxta fluuum Tamensem factum est verbum hominis in impetu loquentis ad me dicens 'Magister nonne legisti quod in scientia uel thesauro abscondito nulla sit utilitas?' Cui cum respondissem 'Legi,' statim intelit. 'Cur ergo scientiam de scaccario que penes te plurima esse dicitur alios non doces et ne tibi commendatur scripto commendas.' Tum ego, 'Ecce frater ad scaccarium iam per multa tempora resedisti et nihil te latet cum scripulosus sis. Sic et de ceteris qui assident probabiliter est.' At ille, 'Sicut qui in tenebris ambulant et manibus palpant frequentem offendunt, sic illic multi resident qui uidentes non uident et audientes non intelligunt.' Tum ego, 'Irreverenter loqueris, nec enim scientia tanta est uel de tantis; set forte sunt illis, qui magna occupantur, corda ut pedes aquile qui parua non retinent et quos magna non effugiant.' Et ille, 'Esto, set licet aquile celsius volent, tamen in humilibus quiescunt et reficiuntur, et ob hoc humilia nobis exposi petimus ipsam aquilis profutura.' Tum ego, 'Veritus sum de his rebus opus contemptere quos corporeis sensibus subiecta sunt et cotidianis usibus uilescunt, nec est uel esse potest in eiusmodum rerum descriptio uel iocunda nouitatis inuentio.' Et ille, 'Qui nouitatus gaudent, qui subtilium rerum fugam apettunt, habent Aristotelis et libros Platonici, audiant illos.' Tu scribe non subtilia set utila.' Tum ego, 'De

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\* occupantur scriptum : occupantur CNR
\* cf. Ecclus. 20:32 and 41:17
\* Job 12:25
\* cf. 1 John 2:10, 11
\* Luke 8:10
\* cf. Luke 16:29
\* cf.
hiis rebus quas petit impossibile est nisi rusticano sermone et communibus loqui verbis.’ At ille ululat succensus in iram, desideranti enim animo nihil satis festinatur, ait, ‘Artium scriptores ne multa parum scisse uiderentur et ut ars difficilior cognitiu fieret, multa conquiserunt et verbis incognitis palearunt. Tu scribendam artem non suscipis set quasdam consuetudines et iura scaccarii, quia quia communia debent esse, communibus necessario utendum est ueribus ut sint cognati sermones rebus de quibus loquimur. Preterea quamuis plerumque noua liceat nomina fingere, rogo tamen si placet ut usitatissimum ipsis uocabulis, quod ad placitum sunt, uti non pudet, nec noua difficultas ex insolitis uerbis oborta amplius perturbet.’ Turn ego, ‘Sensi te iratum, set animequior esto ¹; faciam quod hortaris. Surgens ergo sede ex aduerso et de hiis quae te offendunt interroga. Quod siquid inauditum proposueris non erubesco dicere ‘Nescio,’ set conueniamus ambo discreteres.’ Et ille, ‘Ad vota respondes. Licet autem turpis et ridicula res sit elementarius senex, ² ab ipsis tamen elementis incipiam.’

Discipulus. Quid est scaccarium?

Magister. Scaccarium tabula quadrangula est que longitudinis quasi x. pedum, latitudinis v. ad modum mense circumcessentibus apposita undique habitum limbum altitudinis quasi iiiii. digitorum ne quid appositum excidat. Superponitur autem scaccario [superiori] pannus in termino Pasce emptus, non quilibet, sed niger urgis distinctus, distantibus a se urgis uel pedis uel palme extente spatio. In spatiiis autem calculi fiunt iuxta ordinem suos de quibus alias dicetur. Licet autem tabula talis scaccarium dicatur, transmutit tamen hoc nomen ut ipsa quoque curia, que concedente scaccario est,

¹ Mark 10:49
² Elementarius senex, Sen. Epist. 36

‘But,’ I objected, ‘what you want can only be expressed in vulgar and commonplace language.’ Then he almost lost his temper, for an eager heart brooks no delay, and said, ‘Writers on the liberal arts have compiled large treatises and wrapped them up in obscure language, to conceal their ignorance and to make the arts more difficult. You are not undertaking a book on philosophy, but on the customs and laws of the Exchequer, a commonplace subject, in which you must needs use appropriate and therefore commonplace language. Moreover, though it is generally permissible to invent new terms, I beg you not to be ashamed to employ the common and conventional words for the objects described, so that no additional difficulty may be created by the unusual language.’ ‘I see you are vexed,’ said I, ‘but be of good comfort; ¹ I shall take your advice. Get up, and sit down opposite me, and ask any questions which occur to you. If you ask anything out of the way, I am not ashamed to say, “I don’t know, but let us both consult wiser folk.”’ ‘Just what I want,’ said he. ‘It may be disgraceful and laughable for an old man to be learning his alphabet,² but I shall begin with my ABC.

Scholar. What is the Exchequer?

Master. The exchequer [chess-board] is an oblong board measuring about ten feet by five, used as a table by those who sit at it, and with a rim round it about four finger-breadths in height, to prevent anything set on it from falling off. Over the [upper] exchequer is spread a cloth, bought in Easter term, of a special pattern, black, ruled with lines a foot, or a full span, apart. In the spaces between them are placed the counters, in their ranks, as will be explained in another place. But though such a board is called ‘exchequer,’ the name is transferred to the Court in session at it; so that if a
scaccarum dicatur, adeo ut si quis per sententiam aliquid obtinerit, uel aliquid de communi consilio fuerit constituendum, dicatur factum ad scaccarium illius uel illius anni. Quod autem hodie dicitur ad scaccarium olim dicebatur ad tales.

Discipulus. Que est ratio huius nominis?

Magister. Nulla mihi uerior ad presens occurrit quam quia scaccarii lusilis similem habet formam.

Discipulus. Numquid antiquorum prudentia pro sola forma sic nominavit? Cum et similis ratione posset tabularium appellari.

Magister. Merito te scrupulosum dixi. Est et alia set occultior: sicut enim in scaccario lusilium quidam ordines sunt pugnatorum et certis legibus uel limitibus procedunt uel subsistunt, presidentibus aliis et aliis precedentibus, sic in hoc quidam president quidam assident ex officio, et non est cuiquam liberum leges constitutas excedere, quod erit ex consequentibus manifestum. Item, sicut in lusilium pugna committitur inter reges, sic in hoc inter duos principaliter conflictus est et pugna committitur, thesaurarium scilicet et vicecomitem qui assidet ad compotum residentibus aliis tanquam iudicibus ut uideant et iudicent.

Discipulus. Numquid a thesaurario compotus suscipitur cum illic multi sint qui ratione potestatis maiores uideantur?

Magister. Quod thesaurarius a vicecomite compotum suscipiat hinc est manifestum quia idem ab eo cum regi placuerit requiritur. Nec enim ab ipso requiritur quod non suscepisset. Sunt tamen qui dicant thesaurarium et camerarios obnoxios tantum hiis que scribuntur in rotulis 'In thesauro' ut de hiis compotus ab eis exigatur. Set uerius creditur ut de tota scriptura rotuli respondeant, quod ex consequentibus constare poterit.

litigant wins his case, or a decision on any point is taken by common consent, it is said to have happened 'at the Exchequer' of such a year. But where we now say 'at the Exchequer,' they used to say 'at the Tallies.'

Scholar. Why is the Court so called?

Master. I can think, for the moment, of no better reason than that it resembles a chess-board.

Scholar. Was its shape the only reason why our wise forefathers gave it that name? For they might equally well have called it a draught-board.

Master. I was justified in calling you 'precise.' There is another less obvious reason. For as on the chess-board the men are arranged in ranks, and move or stand by definite rules and restrictions, some pieces in the foremost rank and others in the foremost position; here, too, some [the barons] preside, others assist ex officio, and nobody is free to overstep the appointed laws, as will appear later. Again, just as on a chess-board, battle is joined between the kings; here too the struggle takes place, and battle is joined, mainly between two persons, to wit, the Treasurer and the Sheriff who sits at his account, while the rest sit by as judges to see and decide.

Scholar. Does the Treasurer really take the account when there are many present who appear by reason of their power to be more important?

Master. It is obvious that the Treasurer takes the account from the Sheriff, because it is from him that an account is required when the King so pleases. Nor would that be demanded of him unless he had received it. Some say, however, that the Treasurer and Chamberlains are only accountable for those sums which are entered in the Roll as 'in the Treasury.' But the more correct view is that they are answerable for all that is written in the Roll, as will appear later.
ii Discipulus. Numquid solum illud scaccarium est in quo talis-conflictus est?


iii Discipulus. Que est ratio utel institutio inferioren scaccarii?

Magister. Ut video nullius horum ignorantiam sustines. Nueris autem quod inferius illud scaccarium suas habet personas ratione quidem officiorum a se distinctas, set in regis utilitatem, salua tamen equitate, pari intentione deotatis; omnes quidem dominorum suorum nominibus non propriis militantes, exceptas duobus duontaxat, milite scilicet qui preest examinibus, et fusore. Horum enim officia de regis tantum pendent arbitrio, unde magis ad superius quam ad inferius pertinere uidentur, sicut infra dictur.


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Scholar. Is the Exchequer where this conflict takes place the only Exchequer?

Master. No. For there is a Lower Exchequer, also called the Receipt, where the money received is counted and entered on rolls and tallies, in order that the account may be made up from them in the Upper Exchequer. But both spring from the same root, because whatever is found in the Upper Exchequer to be due, is paid in the Lower, and what is paid in the Lower is credited in the Upper.

Scholar. What is the plan or constitution of the iii Lower Exchequer?

Master. I can see that none of this is new to you. Let me tell you, however, that this Lower Exchequer has its own characters, differing indeed in their duties, but alike in their zeal for the King’s advantage when justice permits it. All these serve in their masters’ names [like the pawns], not their own, with two exceptions, the Knight who supervises the assays, and the Melter. For these are appointed directly by the King, and seem, therefore, rather to belong to the Upper than to the Lower Exchequer, as will be stated below.

In the Lower Exchequer are the Treasurer’s Clerk, with his seal, and the two knights of the Chamberlains. There is also a knight [the Pessor] whom we may call the Knight Silversmith, since it is his duty to preside over the assay. There is also the Melter, who assays the silver. There are four Tellers to count the money. And there are the Usher of the Treasury, and the Watchman. Their duties are as follows.

The Treasurer’s Clerk seals up the money when it has been counted and packed in ‘forels’ of a hundred pounds each, and records in writing how much he has

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1 The word is still used for a kind of parchment for covering books. It is used in this Dialogue both for the parchment or leather case in which the silver pence were packed (and which must have been of considerable size) and for the parchment wrapper in which the Marshal stored tallies and other vouchers relating to the Sheriffs’ accounts.
received, from what person and on what account. He also inscribes the tallies made by the Chamberlains for the money received. He may also, if he chooses, seal up not only the sacks of money, but also the chests or fores containing rolls or tallies. He supervises the work of all his subordinates, and nothing escapes his eye.

The duty of the Knights (who are also called Chamberlains because they act for them) is as follows. They bear the keys of the chests, for each chest has two locks of different patterns such that the key of one lock will not open the other—and they have the keys. But each chest has also a strap round it, and fastened to it, which is sealed with the Treasurer's seal after the chests have been locked, in order that none of the three can open the chest without the consent of the others. It is also their duty to weigh the money, when it has been counted and placed in wooden bowls holding a hundred shillings each, lest there should have been an error in the counting, and afterwards to pack it, as we have said, in fores holding a hundred pounds each. But if any bowl is found short weight, the amount apparently missing is not made good, but the whole contents in question are at once poured back into the heap of uncounted coins.

[Note.—As far back as the reign of Henry I, and also in that of Henry II, certain counties were permitted to pay in coins of any currency, provided that they were silver and of good weight; the reason being that, having anciently no moneys, they got their pence where they could. Northumberland and Cumberland are cases in point. But pence so received, even though for the farm of the county, were put up separately and specially marked. But the other counties brought in only current and lawful coin, whether for farms or for profits of justice. But since our noble King, whose great deeds win the

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1 Actually by the tally-cutter, as their servant, in all probability. cf. p. 22, and see R. L. Poole, The Exchequer in the Twelfth Century, p. 74.
2 R. L. Poole (u.s.) translates sassa as 'skippets.' These are turned wooden boxes, of which there are many at the Public Record Office, but those were used for holding deeds, and an open bowl would appear more appropriate than a closed box, at all events, for counting and weighing.
denarios tam de firmis quam de placitis afferebant. At, postquam rex illustri cuius laus est in rebus magnis excellentior sub monarchia sua per uniusserum regnum unum pondus et unam monetam instituit, omnis comitatus una legis necessitate teneri et generalis commercii solutioni cepit obligari. Omnes itaque idem monete genus quomodocunque teneantur soluunt. Sed tamen actionis que de combustionine provenit iacturam omnes non sustinent.\footnote{This note probably alludes to the reform of the coinage in 1158, from which date there is only one type of penny until 1180, when the whole system of coinage was changed. See Derek F. Allen, \textit{A Catalogue of English Coins in the British Museum. The Cross-and-Crosslets ("Tealey") type of Henry II} (London, 1951), esp. pp. xi-xv, lxiv-lxxiv.} Item hii tales faciunt de receptis, et commune est eis cum clericis thesaurarii ut per brevia regis uel precepto baronum, thesaurum susceptor expendant, non tamen inconsultis dominis suis. Hii tres simul omnes uel vicissim cum thesauro mittuntur cum oportuerit. Hii tribus precipua cura est in omnibus hii que inferiori scaccario fiunt.

\textit{Discipulus.} Ergo ut uideo licet hiis per breue regis uel precepto eorum qui president thesaurum susceptor consultis tamen dominis suis expendere.

\textit{Magister.} Licet, inquam, hoc modo. De libracionibus seruentium inferioris scaccarii et de minutis necessariis scaccarii emendis, qualia sunt uasa illa lignea et alia de quibus infra dicetur, eorum fidei committitur. Alias autem non. Qui uero breue regis uel cartam detulerit pro pecunia, precipientibus dominis suis, hac ei lege solutur id quod expresse nominatur in breui ut, antequam exeat, susceptam pecuniam numeret. Quod si quid defuerit redeat ad scaccarium qui suscepit et fidei religionem prestet sub hac forma quod quantum suscepit reportauit, non apposito secundum conscientiam suam ut fit in alis, et hoc facto solutur ei quod highest praise, appointed one weight and one money throughout all the realm under his sway, every county has become bound by the same law, and must make its payments in legal tender. So all, for whichever kind of debt, pay in the same coin. But they do not all have to bear the loss arising from the assay.] They also make tallies of the receipts, and are jointly responsible with the Treasurer’s Clerk for all payments out of the treasure received, either by the King’s Writ or by order of the Barons, not however, without reference to their masters. These three are sent, all together or by turns, with treasure when necessary. And theirs is the principal charge in all business done in the Lower Exchequer.

\textit{Scholar.} They may then, I perceive, after reference to their masters, spend the treasure which they receive by the King’s Writ or by precept of the Barons.

\textit{Master.} They may, in this fashion. They are trusted to pay the wages of the servants of the Lower Exchequer, and to buy minor necessaries, such as the wooden bowls, and other things which will be mentioned later. But that is all. If a man brings the King’s writ or charter for money, the exact sum named in the writ is, by their masters’ orders, to be paid him on these terms: that he count the money he has received before he goes out. But if the payment is short, the recipient must return to the Exchequer, and pledge his faith that he has brought back all he has received, without adding, as in other cases, ‘to the best of his knowledge and belief.’ On this the balance owing is to be paid him, when the money has been re-counted publicly by the appointed Tellers. But if, after fair warning, he has passed the door of the
restat, numerata prius eadem coram omnibus a constitutis computatoribus. Si uero, lege sibi proposita, hostium thesauri egressus fuerit quacunque fuerit persona uel quantacumque iactura non ei respondeatur. Militis argentarii et fusoris officia sibi uidentur annexa et ad superius scaccarium magis pertinentia et ob hoc ibidem cum ceteris officiis explana. Quatuor computatorum officium hoc est. Cum in scaccarium numeranda pecunia mittitur, unus eorum diligenter totam consicet ut non scorsum meliores et seorsum deteriores sint set mixti ut ponderi respondeant. Quo facto camerarius ad libram scaccarii ponderat quantum oportet in trutina; quod si numerus xx. solidorum plusquam sexnummis excreuerit respectu libre, indigna recipi dicitur. Si uero uel ad vi. uel infra se cohibet, suscipitur et a computatoribus diligenter per centenos solidos ut predictum est numeratur. Si uero de firma sunt denarii et sint examinandi, facta commixture xliii. solidorum de aceruo in loculum seorsum mittuntur, et huic uicecomes signum suum apponit ut ex his postmodum examen, quod uulgo essaium dicitur, fiat sicut ex sequentibus liquebit. Erit autem cure eorum qui presunt receptae gratia dominorum suorum, hoc est clerici thesaurarii et camerariorum ut recepta pecunia seorsum mittant examinati argenti pondera et denarios de firma, appositis quibusdam signis saccis eorum, ut si rex uasa argentae ad cultum domus dei uel ad domus proprie obsequium uel forte monetas transmarinas fieri uoluerit ex his fiunt.

Discipulus. Est aliquid in predictis quod me pulsat.
Magister. Dic ergo.
Discipulus. Dixisti si bene memini quod ad scaccarium quandoque soluenda diffurtur pecunia que iudicatur indigna recipi. Si scilicet pensata cum libra Treasury, his application must be refused, however great a personage he may be, and however great his loss.

The duties of the Knight Silversmith and the Melter are closely connected, and, as they belong rather to the Upper Exchequer, will be explained in the section devoted to the duties of its officers.

This is the duty of the four Tellers. When the money to be counted is sent in to the Exchequer, one of them carefully mixes up the whole payment, so that the good and bad coins do not form separate heaps, but are fairly mixed for weighing. A Chamberlain then weighs out in the scale-pan enough to balance the Exchequer pound; but if the number weighing twenty shillings is more than sixpence over the pound the money is judged too bad to be received. If, however, the excess is sixpence or less, it is accepted, and is carefully counted by the Tellers, a hundred shillings at a time, as already described. But if the pence are on account of farm and subject to assay, forty-four shillings are taken from the heap after mixing, and put away in a purse, which the Sheriff seals with his seal, in order that they may be used for the trial or assay afterwards, as will appear later. But it will be the duty of the deputies in charge of the Receipt, to wit, the Treasurer's Clerk and the Chamberlains, when they have received the money, to put aside the ingots of assayed silver and the pence of the farm in specially marked sacks; so that if the King wants silver vessels for a church or for his palace, or to coin for his foreign possessions, this silver may be used.

Scholar. There is a point which strikes me in what you have said.

Master. Tell me what it is.

Scholar. I think I remember your saying that money is sometimes brought to the Exchequer and condemned,
ponderis de scaccario inuenta est minus habens ultra vi. Cum ergo quilibet moneta regni huius impressam habere debeat regis imaginem et ad idem pondus omnes monetarii teneantur operari qualiter fieri potest ut non omne eorum opus eiusdem ponderis sit?


Discipulus. Si placet persequeure de officiis ut cepisti.

Magister. Ad hostiarii curam spectat ut excludat uel admittat quod oportet et diligens sit in custodia omnium que hostio concluduntur. Vnde et ratione hostii de singulis breuibus exitus duos habet denarios. Hic ministrat forulos ad pecuniam reponendas et rotulos et taleas et cetera necessaria per annum et pro singulis forulis duos habet denarios. Hic in omnem receptam¹ ligna oportuna ministrat ad taleas recepte et compo- torum, et semel, hoc est in termino sancti Michaelis, v. solidos pro lignis talearum percipit. Hie uascula lignea, cnipulos, loculos et corrigias et cetera minuta necessaria de fisico inuenit. In termino eodem pro incano totius anni ad utrumque scaccarium ii. solidi debentur quos sibi de antiquo iure uendicat sacrista maioris ecclesia Westmonasterii.² Vigilis officium idem est ibi quod alibi, diligentissima scilicet de nocte custodia thesauri

that is to say if, when weighed against the Exchequer pound, it is found to be more than sixpence short. But since all the coin of the realm must be stamped with the king's likeness, and all moneyers are bound to work to the same standard weight, how does it come about that their work does not all weigh alike?

Master. That is an important question and demands separate discussion. But it comes about through forgers, and mutilators or clippers of the coin. You see, English money may be bad in three ways, the weight, the alloy, the stamp, may equally be wrong. But the penalty for these wrongs is not the same in each case. However, that must come later.

Scholar. Pray continue your account of the duties of the officers.

Master. The Usher's business is to admit or exclude as the case requires, and to keep careful charge of all within doors. For which, and for opening the doors, he receives two pence on each Writ of Issue. He provides the forels for packing the money, the rolls, tallies and other necessaries by the year, and receives two pence for each forel. Against every opening of the Receipt¹ he provides suitable wood for the tallies of receipt and allowance, and once a year, in Michaelmas term, he receives five shillings for the wood for the tallies. He also finds, at the expense of the Treasury, wooden bowls, knives, purses, and straps, and other small necessaries. In Michaelmas term also two shillings are due for the ink for the whole year for both Exchequers, which is claimed of ancient right by the sacristan of the great church of Westminster.²

The Watchman's duty is what it is elsewhere, viz. the most diligent care during the night of the treasure,
principaliter et eorum que in domo thesauri reponuntur. Sic habes omnium officia distincta qui inferius ministrant. Sunt et his liberationes constituitum scaccarium est; hoc est a die qua convocabantur usque ad diem qua generalis est secessio. Clericus thesaurarii qui infra est v. denarios habet in die. Scriptor eiusdem thesauri in superiori scaccario similiter v. Scriptor cancellarii v. Duo milites Baiuli clavium quisque in die viii. ratione militie; asserunt enim quod equis necessariis et armis instructi fore teneantur ut cum thesauri missi quod sui officii fuerit oportunius sic exequantur. Miles argentarius xii. in die. Fusor v. Hostiarius maioris scaccarii v. Quatuor computatores quisque iii. si Londonis sunt, si Wintoniae, quia inde solent assumi, ii. quisque habet. Vigil, unum denarium. Ad lumen cuiusque noctis circa thesaurum, obulus.

Discipulus. Hostiarius thesauri qua ratione liberacionem solus non percipit?

Magister. Non satis noui, sed tamen quia uidetur aliquid percipere ratione hostii et pro forulorum et talearum ministerio liberationem forte non recipit uel forte quia non regi sed magis thesaurario et cameraliis seruire uidetur in custodia hostii domus eorum. Hac lege minoris scaccarii uel receptae ratio subsistit.


Magister. Licet eorum qui ad maius scaccarium resident, officia quibusdam uideantur proprietatibus esse distincta unum tamen officium omnium est et intentio ut regis utilitati prospicient, salua tamen equitate, secundum constitutas leges scaccarii. Eius autem

in the first place, and of everything else kept in the Treasury. This concludes the several duties of the officers of the Lower Exchequer.

They have also standing wages during the sessions of the Exchequer, that is from the day of assembly to that of adjournment. The Treasurer’s Clerk in the Lower Exchequer has fivepence a day; his Scribe in the Upper Exchequer likewise fivepence. The Chancellor’s Scribe, fivepence. The two Knights who bear the keys eightpence a day, as knights; for they say that they must needs be equipped with horses and armour, to perform their duties when sent out with treasure. The Knight Silversmith, twelve pence a day. The Melter, five. The Usher of the Upper Exchequer, five. The four Tellers, three each if they are in London, two if at Winchester, since their home is usually there. The Watchman, a penny; and for a light about the treasure every night, a halfpenny.

Scholar. Why does the Usher of the Treasury, alone, have no wages?

Master. I do not know. It may be because he gets a fee for keeping the door, and for providing forels and tallies; or possibly because he is held not to be the servant of the King, but of the Treasurer and Chamberlains in keeping the door of their house. This, then, is the constitution of the smaller Exchequer or Receipt.

Scholar. I think you have answered all my questions. Now, pray, proceed to the greater Exchequer.

Master. Although the functions of those who sit at the greater Exchequer are different, the duty and aim of all is the same, to secure the King’s advantage, without injustice, according to the appointed laws of the Exchequer. Its plan or constitution is warranted both by antiquity and by the authority of the magnates who

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1 This was the standard wage of a knight at this date. See Round, *Feudal England* (1895), p. 271 sq.
ratio uel instituto cum ipsa temporis antiquitate tum magnorum qui assident auctoritate roborata subsistit. Ab ipsa namque regni conquisitione per regem Willel- mum facta cepisse dicitur sumpta tamen ipsius ratione a scaccario transmarino. Verum in plurimis et pene maioribus dissident. Sunt etiam qui credunt usum eius sub regibus Anglicis extitisse, hinc sumentes huius rei argumentum quod coloni et iam decrepiti suis fundo- rum illorum qui corone annominantur, quorum in hiis cana memoria est, optime nouerint a patribus suis edocti quantum de albo firme pro singulis libris solvere teneantur. Sed hec ratio cogens est de firme solutione non de scaccarii sessione. [Videtur autem eis obuiare qui dicunt album firme a temporibus Anglorum cepisse quod in libro judiciario in quo totius regni descriptio diligens continetur et tam de tempore regis Edwardi quam de tempore regis Willelmi, sub quo factus est, singulorum fundorum valencia exprimitur, nulla prorsus de albo firme fit mentio. Vnde probable uidetur quod facta illa descriptione tempore iam dicti regis de albo firmaram fuerit a studiosis eius constitutum propter causas que inferius annotantur.1] Quocumque vero tempore cepit usus eius, certum est quod magnorum auctoritate roborata adeo ut nulli liceat statuta scaccarii infringere uel eis quauis temeritate resistere. Habet enim hoc commune cum ipsa domini regis curia in qua ipse in propria persona iura discernit quod nec recordationi nec sententiae in eo late licet alicui contradicere. Huic autem curie tam insignis auctoritas est cum propter regie ymaginis excellentiam que in sigillo eius in thesauro individuia lege seruaturn tum propter eos qui assident ut sit at it. For it is said to have begun with King William's Conquest and to have borrowed its constitution from the Exchequer of Normandy. But they differ in many impor- tant points. Some people believe that it existed under the English kings, arguing from the fact that the farmers of crown manors, some of them feeble old men but with an excellent memory for matter of this kind, know by their fathers' teaching, how much blanch farm in the pound they are bound to pay. But this is a cogent proof of the payment of the farm, but not of the session of the Exchequer. [But it may be objected to by those who consider blanch farm to have begun in the time of the English kings, that in Domesday Book, which con- tains an exact description of the whole kingdom both in the time of Edward the Confessor and in that of William I, under whom it was compiled, and states the value of each manor, no mention is made of blanch farm. From which it seems probable that it was after the compiling of Domesday Book in King William's reign that blanch farm was instituted by his devoted servants for the reasons noted below.]

But whenever the Exchequer [i.e. the abacus as dis- tinguished from the tallies] came into use it is certain that it is so potent owing to the authority of its Barons that no man may break its laws or be bold enough to resist them. For it shares with the King's Court in which he administers justice in person the privilege that its records and judgments may not be impugned. The Exchequer has this eminent authority both on account of the excel- lence of the King's image which is an essential to his seal preserved in the Treasury, and on account of those who sit at its board as we have said, by whose wisdom the whole state of the realm is kept secure. For at it there sits the King's Chief Justiciar, second only to the

1 Richard had evidently not made any careful examination of Domes- day except, in all probability, to verify claims of manors to be ancient demesne. It reads like an interpolation, not necessarily by Richard.
dictum est quorum sollertia totus regni status indepmnis seruatur. Illic enim resedit capitalis domini regis iustitiae, primus post regem in regno ratione fori, et maiores quique de regno qui familiaris regis secretis assistunt ut quod fuerit sub tantorum presentia constitutum uel terminatum inviolabili ture subsistat. Verum quidam ex officio, quidam ex sola iussione principis resident. Ex officio principaliter resedit, immo et presidet, primus in regno, capitalis scilicet iustitia. Huic autem assident ex sola iussione principis momentanea scilicet et mobili auctoritate quidam qui maiores et discretiores uidentur in regno siue de clero siue de curia. Assident inquam ad discernenda iura et dubia determinanda que frequenter ex incidentibus questionibus oriuntur. Non enim in ratiociniis sed in multiplicibus iudiciis excellens scaccarii scientia consistit. Facile enim est, propoita summa que exiguitur et suppositis ad collationem eius hiis que soluta sunt, per subtractionem discernere, si satisfactum est uel si quid restat. At cum ceperit multiplex inquisitio fieri de hiis rebus, que uarie fisco prouenient, et diversis modis requiruntur et a uicecomitibus non codem modo perquiruntur, discernere si secus egerint quibusdam graue est et ob hoc circa hoc scientia scaccarii maior esse dicitur. Dubiorum uero uel dubitalium iudicia que frequenter emergunt sub una tractatus serie comprehendi non ualent quia nec dum omnia dubiorum generat in lucem prodierunt. Quedam tamen ex hiis que propoita uel determinata cognouimus suis locis inferius annotabimus.

Discipulus. Quid est huius tam excellentis sessoris officium?

Magister. Aliud uerius attribui sibi non ualet nisi quod omnibus que in inferiori uel superiore scaccario

King by virtue of his jurisdiction, and all the Barons of the realm who are the King’s Privy Councillors, in order that the decrees made in such an important assembly may be inviolable. But some sit ex officio, others by the King’s command alone.

Sitting ex officio, in the chief place, and presiding, is the first subject in the realm, the Chief Justiciar. His assessors, appointed merely by the King’s command and with a temporary and revocable authority, are among the greatest and most prudent in the realm, whether clarks or courtiers. Their function, I may say, is to declare the law, and to resolve the doubtful points which arise constantly in the matters under discussion. For the highest skill at the Exchequer does not lie in calculations, but in judgments of all kinds. It is easy enough to set down the sum due, and to set underneath for comparison the sums paid, and find by subtraction whether the debt has been paid or what is the balance due. But when complicated questions arise about payments which reach the Treasury in different ways, are due on different accounts and are demanded of the Sheriffs in different fashions, some people find it a difficult matter to decide whether the Sheriffs have acted wrongly: and for that reason knowledge of these things is regarded as the more important at the Exchequer. But the decisions of doubtful or partially doubtful questions which continually come up cannot be dealt with in a single treatise, since all the varieties of them have not yet come to light. But we shall indicate below in their proper places some of these which have to our knowledge been raised or decided.

Scholar. What is the duty of this most eminent member of the court?

Master. The best way of describing it is to say that v
he supervises everything that is done either in the Lower or in the Upper Exchequer, and that all the inferior offices are at his entire disposal; provided always, however, that the King’s advantage is duly consulted. But the most exalted of all his privileges is that he can cause writs to be issued, either of *liberate*, for the payment of money out of the Treasury, or of *computate*, for the allowance of expenditure to accountants, in the King’s name with his own as witness, or, should he so prefer, in his own name with other witnesses, to the same effect.

*Scholar.* He is indeed a great personage, seeing that he is trusted with the care of the whole realm, and indeed with the King’s very heart. For it is written, ‘Where your treasure is, there will your heart be also.’ But now, please, proceed with the others.

*Master.* Shall I proceed according to their degree, or according to their place at the Board?

*Scholar.* According to the places they have attained respectively in virtue of their offices. For it will, I imagine, be easy to estimate the dignity from the duties.

*Master.* To understand the arrangement of the seats, you must know that four settles or benches are set at the four sides of the Exchequer Board. At the head of the Board, that is the narrow way, in the middle not of the bench but of the Board, is the place of that chief personage whom we have mentioned. Next him, on his left, sits the Chancellor, if present, by virtue of his office; next him the Knight-Commander, whom we call the Constable; after him the two Chamberlains, the elder first, out of respect for his years; and after them the Knight, whom we commonly call the Marshal. Others are sometimes included when these are absent, and perhaps even when they are present, if the dignity of the persons sent by the King is such that these ought

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1. Matt. 6:21
2. The bench extends beyond the table to the left. See the diagram, p. xiii.
3. *miles gregarius*, a ‘common soldier,’ seems to be adapted to mean the knight in charge of a *grea* or company.
eorum qui a rege destinatur ut eis cedere debeant; et hec est dispositio primi sedilis. In secundo uero quod est ad latus longitudinis scaccarii in primo capite resedit clericus uel alius seruiens camerariorum cum recuatis hoc est cum contrataleis de recepta, post hunc, interpositis quibusdam qui non ex officio resident set sunt a rege missi, locus est quasi in medio lateris scaccarii illius qui composito positione ponit calculorum; post hunc aliqui non ex officio necessarii tamen, et in fine sedilis illius resedit clerucus qui scriptorio preest et hic ex officio. Sic habes secundi scanni dispositionem. Verum ad dextram presidentis iustitiae resedit primo loco nunc Wintoniensis episcopus quondam Pictauenis archidiaconus ex officio quidem set ex nouella constitutione, ut sicicet proximus sit thesaurario et scripture rotuli diligenter intendat. Post hunc resedit thesaurarius in capite tercie sedis in dextera, cum diligentissima cura est per singula quae illic geruntur quasi rationem de his omnibus si oportuerit reddituro. Post hunc resedit clericus eius scriptor rotuli de thesauro, post hunc alius scriptor rotuli de cancellaria, post hunc clerucus cancellariae qui oculata fide semper spectavit ut rotulus suas alii per singula respondeat ut nec iota unum desit nec alius sit ordo scribendi. Post hunc quasi in fine sedilis illius resedit clerucus constabularie, magnus quidem et officiosus in domini regis curia et hic quidem habens officium quod per se ipsum uel per clericum discretum, si regi uius fuerit alias magis necessarius, administrat; et hec est descriptio tertia sedis. In quarto scanno quod

* ante ex add, non N, Liebermann probante
† tercie Liebermann secunde add
‡ oculata Liebermann: occultu add

The 'stock,' the larger portion of the tally, was delivered to the payer, the Treasury retaining the 'foil' or smaller piece. Hence, of course, Government 'stock' and the 'stock' Exchange. (In the 1902 edition the explanatory note has transposed the terms 'stock' and 'foil.'

The word *nouella* is deliberately employed to suggest the 'nouela' of the Civil Law. Richard uses it to indicate a practice introduced since the death of Henry I. See p. 71.
On the fourth bench, opposite the Justiciar, and at its head, sits Master Thomas Brown, with a third Roll, which was added by a recent ordinance, that is by our Lord the King. For it is written, 'A threefold cord is not quickly broken.' Next him come the Sheriff and his clerks who sit to account with tallies and other vouchers. And that is the arrangement of the fourth bench.

**Scholar.** Does Master Thomas’s scribe sit with the other scribes?

**Master.** His seat is not with them but above them.

**Scholar.** Why so?

**Master.** Since the original arrangement was that the Treasurer’s Scribe should sit beside the Treasurer, lest anything that should be written should escape his eye; and the Chancellor’s scribe beside the Treasurer’s, so that he might faithfully copy what the other was writing; and the Chancellor’s Clerk must needs be next to his Scribe to see that he made no mistakes; there was no place left in the row on the bench for Master Thomas’s Scribe to sit in; but a place has been given him up above so that he can overlook the Treasurer’s Scribe who is the original writer, and copy what is necessary from him.

**Scholar.** He must be ‘lynx eyed’ to avoid mistakes; and in these matters, I am told, a mistake is serious.

**Master.** He may make some mistake in copying from being so far away; but when the Rolls are corrected all three are compared, and any error is easily amended.

**Scholar.** That is enough about the arrangement of the seats. Now, please, continue with the duties of the sitters, beginning on the President’s left.

**Master.** On that side the first is the Chancellor. In the Exchequer, as in the Court, he is so great a man that nothing important is or should be done without his
ipsius consensu uel consilio nil magnum fiat uel fieri debeat; uerum hoc habet officium dum residiat ad scaccarium. Ad ipsum pertinet custodia sigilli regii, quod est in thesauro set inde non recedit nisi cum, precepto iustitie, ab inferiore ad superius scaccarium a thesaurario uel camerario deferetur ad explenda solum negocia scaccarii. Quibus peractis in locum mittitur et locus a cancellario consignatur et sic thesaurario traditur custodiendus; item cum necesse fuerit signatus sub omnium oculis cancellario offertur nunquam ab ipso uel ab alio alia efferendus. Item ad ipsum pertinet rotuli qui est de cancellaria 1 custodia per suppositam personam. Et, sicut uiris magnis uisum est, de omni scriptura rotuli cancellarius eque tenetur ut thesaurarius excepto duntaxat de hoc quod scribitur ‘in thesauro’ receptum; licet enim non prescribat ut thesaurarius, conscript tamen, et si ille errauerit licet ipsi uel clerico cius thesaurarium cum modestia corripere et quid debeat, sugereree. Quod si thesaurarius perseverauerit et mutare noluerit; poterit eum, si de parte sua confidit tantum, coram baronibus argueret ut ab eis quid fieri debeat judicetur.

Discipulus. Veri simile etiam uidetur custodem tertii rotuli cadem scripture lege constringi.

Magister. Non est uteri simile tantum set uerum. Par enim est auctoritas illius duobus rotulis ratione scripture quia sic placuit eius auctori.

Constabularii officium est ad scaccarium ut in breuibus regis de exitu thesauri, uel de aliquibus computandis hiis qui compotum faciunt, simul cum presidente testis existat. In omnibus enim huiusmodi breuibus ex antiqua

1 This is the duplicate of the Pipe Roll written by the Chancellor's Scribe.
institutione duos oportet conscribi testes. Item eius officium est ut cum ad scaccarium stipendiarii regis uenerint pro stipendiis suis siue sint residentes in castris regis siue non, assumptu secum clericorum constabulariae, cuius est terminos eorum nosce, et mariscallo scaccarii, computet eorum liberationes et de retractis fidem suscipiat et residuum solvi faciat. Omnis enim liberatio quorumcunque siue accipitrario rum siue falconariorum siue bernariorium ad eius officium spectat, si presens fuerit, nisi forte dominus rex ad idem aliquem prius assignauerit quia constabularius a rege non facile potest auellī propere maiora et magis urgentia. [Notandum uero quod marescallus scaccarii de liberationibus residentium militum percipit quod ad eum pertinent ratione officii sui, de commantibus autem non.]

Camerariorum officium annexum est officio thesaurariorum, quia uno et eodem pretextu honoris uel dispendi militare noscuntur, et est eis idem uelle et idem nolle ad honorem regis adeo ut quod ab uno factum fuerit a nullo eorum dicatur infectum. Thesaurarii enim pro se et pro eis suscipit compositos et secundum qualitatem exactorum uerba ministrat in scripturam rotuli in quibus omnibus pari iure societatis obligantur, et sic de aliis que uel ab hoc uel ab his salua fide domini regis fiunt siue in receptis siue in taleis siue in expensis.

Mariscalli cura est tales debitorum, quas uicecomes

two witnesses must be given. It is also his duty, when the King's mercenaries come to the Exchequer for their wages, whether they dwell in the King's castles or not, to take with him the Clerk of the Constabulary, whose business it is to know their terms of service, and the Marshal of the Exchequer, and to credit them with their wages, take their affidavits as to arrears of pay and cause what remains owing to them to be paid. For all wages, whether of ostrogers, falconers or keepers of hounds are his affair, if he is present, unless the King has previously appointed anyone else for the business, because the Constable cannot easily be separated from the King, who needs him for more important and pressing matters. [Note, however, that the Marshal of the Exchequer takes his fee on the salaries of knights in garrison, but not of those in the field]. The Constable has this in common with the other Barons, that nothing of consequence ought to be done without his advice.

The duty of the Chamberlains is closely connected with that of the Treasurer, whose dignity and responsibility they share, and their will to do the King service is so blended into one that the act of any one of them cannot be disowned by either of the others. For the Treasurer receives the accounts on behalf of them all, and dictates what is to be written in the Roll according to the nature of the debts; in all which, by the law of partnership, the others are equally bound. And the same rule applies throughout to everything done by him or by them (saving the King's credit), whether in writing the Roll, receiving the money, cutting the tallies or paying out the treasure.

The Marshal's task is to set apart in the Sheriff's forel the tallies of debts which he has put in (though these are noted in the Roll), and also the King's writs of
reddiderit, que tamen annotantur in rotulo, mittere secr-
sum in forulo suo, brevia quaque regia de computandis
uel perdonandis uel dandis his que exiguntur a uice-
comite per summonitionem. Illi vero forulo super-
scriptione comitatus cuius hec sunt apponitur et singulis
comitatus singulos oportet forulos a uicecomite qui
computat maescallo ministriari.

*Discipulus.* Est hic aliquid quod me mouet.

*Magister.* Satis presensi. Sustine tamen modicum,
plana enim erunt omnia ex consequentibus. Item si quis
debitor non satisfacientes de summonitione mereuit com-
prehendi, huic traditur seruandus; et soluto scaccario
iullus diei si voluerit mittet eum in carcerem custodie
publice, non tamen inculabitiu uel in ima trudetur set
seorum uel supra carcerem; licet enim soluendo non
sit tamen ob hoc non meruit cum sceleratis deputari.¹
[Ita tamen si miles non fuerit, de militibus namque pro
pecunia retentis illustris regis est constituinit que infra
annotabilitur in agendis uicecomitis.]² Item ad hunc
spectat ut, peracto compoto uicecomitis uel custodis uel
cuiscunque persone que ad comptum resitent, fidem ab
ipso suscipiat in publico quod legitimum comptum
secundum conscientiam suam fecerit. Si uero uiccomes
uel qui computauit aliquo debito tenetur, addet quod
a scaccario, hoc est a leugata³ uille in qua est, non
discedet, nisi ipsa die reditus, sine licencia baronum.
Item hic factas summonitiones contra terminum alterius
scaccarii a latore sigilli regii signatas sub numero suscipiet
et hostiario superioris scaccarii per manum suam distrib-
ueat per Angliam deferendas. Sic habes eorum qui in

¹ Isa. 53:12
² See Book II below (p. 117).
³ The 'leugata' or lowy of a town is the usual limit of its municipal
jurisdiction, nominally a radius of about a mile from the centre. cf. L.
Délisle, *Étude sur la condition de la classe agricole... en Normandie* (Paris,
1909), p. 49.

allowance, pardon or payment out of the sums demanded
of the Sheriff in the summons. The forel is inscribed with
the name of the county to which its contents relate, and
a forel for each county ought to be supplied to the
Marshal by the Sheriff accounting.

*Scholar.* There is a point here which I should like to
raise.

*Master.* I felt sure you would. But have a little
patience, for it will all come clear from what follows.

Once more, if any debtor has rendered himself
liable to arrest by failing to pay the debt demanded
in the summons, he is handed over to the custody of
the Marshal; and when the Exchequer has risen for the
day the Marshal may, if he chooses, put him in the
common gaol. But he must not be fettered or thrust
into a dungeon, but kept apart or over the prison. For
although he cannot pay, he has not thereby deserved to
be numbered with the transgressors.¹ [This assumes that
he is not a knight, for the King's ordinance as to knights
detained for debt will be indicated below when the
Sheriff's duties are dealt with.]² It is his business also,
when the Sheriff, keeper or other accountant has con-
cluded his account, publicly to take his *affidavit* that he
has made his lawful account to the best of his knowledge
and belief. But if the Sheriff or other accountant is still
liable for any debt, he must add that he will not quit
the Exchequer (i.e. the 'lowy'³ of the town in which it
is) without the leave of the Barons, unless he returns on
the same day. The Marshal shall also receive from the
Keeper of the King's Seal the sealed summonses for
the next Exchequer by tale, and deliver them with his own
hand to the Usher of the Upper Exchequer, to be sent
throughout England. This completes the several duties
of those who sit on the first bench.
primo scanno resident officia distincta.

In capite uno secunde sedis primus est seruiens camerariorum, clericus seu laicus, cuius officium paucis expediri potest, verbo tamen non opere. Hic tales ¹ de thesauru contra uicceximitem, uel eum qui computat, ministrat et, cum oportuerit, secundum quod ratio computationis exegerit, mutat uel minuit uel addit in talea, apposita eidem contratale uiccecomitis; quo facto in termino Pasche longiorem uiccecomiti reddit, iterum in termino sancti Michaelis afferendam. In termino uero sancti Michaelis, cum in rotulo summa eius scripto fuerit deputata, tradit eandem longiorem marescallo in forulo suo reponendam.

Discipulus. Miror quod dixisti taleam semel compoto oblatam et receptam iterum ali compoto offerendam.

Magister. Noli mirari, quoniam quecumque exacta uel soluta fuerint a uiccecomite in termino Pasche, necesse est iterum summoneri; non tamen ut secundo solutur quoiam solutum fuerit, set ut offerat se compoto et oblata talea solutionis iam dudum factae redigatur in scripturam rotuli et sic absolutur a debito. Dum enim taleam penes se habuerit, liberatus non erit, set semper summonendus.

Discipulus. Et hec necessaria uisa sunt. Set prosequare si placet de officiis.

Magister. Immo quia de taleis mentionem fecimus, quo ordine taleandi ratio consistat paucis aduerte. Talearum igitur alia est que simpliciter talea dicitur, alia quam memorandam nuncupamus. Legitime uero talee longitudo a summitate indicis ad summitatem extenti pollicis est. Illic terebro modico perforatur. ² Memoranda uero, que de firma blanca semper fieri solet, paulo

¹ Note that this is not necessarily the cutter of tallies in the Receipt

² The hole was used for passing a leather thong through to string tallies on the same subject together.
But the memoranda tally, which is always made for Blanch Farm, is somewhat shorter because, after the assay by which the farm is blanched, that first tally is broken, and a tally of full length is only issued when the combustion tally is attached to it.¹

The method of cutting is as follows. A thousand pounds are shown by a cut at the top [or end] of the tally wide enough to hold the thickness of the palm of the hand, a hundred that of the thumb, twenty pounds that of the little finger, a pound that of a swelling barley-corn, a shilling smaller, but enough for the two cuts to make a small notch. A penny is indicated by a single cut without removing any of the wood. On the edge of the tally on which a thousand is cut you may put no other number save the half of a thousand, which is done by halving the cut in like manner and putting it lower [i.e. nearer the butt of the stock and the left-hand end of the foil]. The same rule holds for a hundred, if there is no thousand, and likewise for a score and for twenty shillings which make a pound. But if several thousands, hundreds, or scores of pounds are to be cut, the same rule must be observed, that the largest number is to be cut on the more open edge² of the tally, that is to say that which is directly before you when the note is made, the smaller on the other. But the larger number is always on the obverse of the tally, and the smaller on the reverse. There is no single cut signifying a mark of silver: it is shown in shillings [and pence]. But you should cut a mark of gold, as you do a pound, in the middle of the tally. A gold penny [i.e. a besant] is not cut like a silver one; but the notch is cut in the middle of the tally with the knife perpendicular, and not sloping as with a silver one. Thus the position of the cut on the tally and the difference in the cutting settles what is gold and what is silver. But

¹ This appears to mean that a temporary tally, shorter than the standard, was issued for the 'tale' of the pence paid in on account of Blanch farm. The result of the assay would show the poundage to be deducted to obtain the equivalent value lawful in unworn coin, and a full length tally would be cut for that figure, which the Sheriff could present at his account. To this had to be attached a 'tally of Combustion' for the amount deducted, because the Treasurer and Chamberlains were accountable for the actual number of pence paid into the Treasury.

² The more open edge is that under the inscription on the stock and above that on the foil. See H. C. Jenkinson's 'Exchequer Tallies' (Archaeologia, Ixii, p. 577 and Pl. xix, Figs. 18-24); Ixiv, 269-351.
igitur ipsa locorum dispositio et incisionis differentia quid aureum uel quid sit argenteum utrumque determinat. Ceterum opportunius hec omnia uis quam uerbo cognoscies.

Discipulus. Quod de his restat oculata fide constabit. Nunc si placet de officiis prosequere.

Magister. Post hunc, ut supra diximus, interpositis uiris aliquibus discretis a rege missis, residet is qui ex precepto regis computationes facit positione nummorum pro calculis. Officium quidem satis perplexum est et laboriosum et sine eo uix uel nunquam scaccarii ratio posset expediti. Set nulli illic residenti conuenit ex officio nisi cui rex uel iusticia mandauerit exequendum. Laboriosum inquam, quia cetera officia lingua uel manu uel hiis duobus explentur. Set in hoc 'lingua, manus, oculi mens indefessa laborant.'

Huius autem hec est ratio secundum consuetum cursum scaccarii non legibus arismeticiis. Memoriter, ut credo, dixisse me retines scaccario superponi pannum uirgis distinctum in cuius interstitiiis numerales acerui collocantur. Porro calculator in medio lateris resedit ut pateat omnibus et ut liberum habeat ministra manus excursum. Statuit autem ad dexteram in spatio inferiore aceruum nummorum ab xi. et infra. In secundo, solidorum a xix. et infra. In tertio uero librarum et hic quidem ipsi recta fronte debet opponi, quia medius est in consuetis compotis uicecomitis. In quarto aceruus est uigenous. In quinto centenarum, in sexto millenarum, in septimo set raro decem millium librarum. Raro inquam, hoc est cum a rege uel mandato eius a magnis regni compotus a thesaurario et camerariis regni totius

you will learn all this more easily by seeing it than by verbal description.

Scholar. The rest I shall see for myself. Now, pray, go on with the duties.

Master. After the tally cutter, as we have said, and after some discreet persons sent by the King, sits the man who, by the King's command, makes out the account, using coins for counters. It is a confusing and laborious process, and without it the business of the Exchequer would be interminable, or nearly so. But it is not the specific duty of any officer sitting at the Exchequer unless the King or the Justiciar has committed the task to him. I call it laborious, because every other official duty is carried out by using the tongue or the hand or both. But in this:

Tongue, eyes, hand and restless brain
Work with all their might and main

But the system of this is according to the usual course of the Exchequer, not by the rules of Arabian arithmetic. You remember my saying, I imagine, that a cloth is laid on the Exchequer table ruled with lines, and that the coins used as counters are placed in the spaces between them. The Accountant sits in the middle of his side of the table, so that everybody can see him, and so that his hand can move freely at its work. In the lowest space, on the right, he places the heap of the pence, eleven or fewer. In the second the shillings, up to nineteen. In the third he puts the pounds; and this column should be directly in front of him, because it is the centre column in the Sheriff's usual accounts. In the fourth is the heap of the scores of pounds. In the fifth, hundreds, in the sixth, thousands, in the seventh, but rarely, tens of thousands. I say 'rarely'; that is, when an account
recepte suscipitur.\(^1\) Licet autem calculatores pro x. solidis argenteus, pro x. uero libris, obulum aureum apponere ut comptus expeditius fiat.\(^2\) Cauendum uero est ne manus preambula linguam preueniat uel e conuerso *; set simul qui computat, et calculum mittat et numerum designet, ne sit error in numero. Disposta igitur per aceruos summa que a uicecomite requiritur, disponuntur infra similiter per aceruos que soluta fuerint uel in thesauru uel alias. Quod si fuerit firma numero que ab ipso requiritur, uel quodlibet aliud debitum cui solo possit numero satisfieri, simplex fiet detractio inferioris a superiore summa et de residuo tenebitur. Secus autem fiet si firmam blancam sit soluturus quod in agendis uicecomitis pleniis ostendetur.

Discipulus. Parce parumper currenti calamo ut liceat paucis uti.

Magister. 'Ad aleam resides nec sunt tibi uerba neganda.'

Discipulus. Vide re mihi uideo fieri posse ratione calculandi ut idem denarius pro calculo missus nun unum nun solidum nun libram nun centum nun mille significet.

Magister. Sic est quibusdam tamen appositis. Itemque fieri potest eisdem demptis, si calculatores placeat, ut qui mille significat gradatim descendens unum significet.

Discipulus. Sic fit ut quius de plebe, cum homo sit et aliud esse non possit, temporalibus appositis uoluntate presidentis ab ino conscendat in summum ac deinceps of the whole receipt of the realm is taken by the King, or by the magnates of the realm at his command from the Treasurer and Chamberlains.\(^1\) The Accountant may substitute a silver halfpenny for ten shillings, and a gold one for ten pounds for convenience in counting.\(^2\) But he must take care that his hand does not outrun his tongue or vice versa; but as he reckons, he must put out the counters and state the number simultaneously, lest there should be a mistake in the number. So, when the sum demanded of the Sheriff has been set out in heaps of counters, the payments made into the Treasury or otherwise are similarly set out in heaps of money. If the demand made on him is for a farm or other debt payable 'by tale,' the lower line is simply subtracted from the upper, and the Sheriff will be liable for the remainder. But for a payment of 'blanch-farm' the procedure will be different, as will be more fully explained in [the part about] the Sheriff's duties [Book II].

Scholar. Rest your flowing pen for a moment to let me say a few words.

Master. 'Your turn to play! So have your say.'

Scholar. It seems to me that in this system of accounting, the same penny, used as a counter, may stand for either a penny, a shilling, a pound, a hundred pounds or a thousand pounds.

Master. It may, if certain 'accidents' are added to it. It may also, if the 'accidents' be removed, at the pleasure of the Accountant, begin by standing for a thousand, and sink step by step to a penny again.

Scholar. In like manner, any common man, who is essentially a man, and can be nothing else, may, if the President wills to add some worldly 'accidents,' rise to

\* uel e conuerso * Modus: uel e conuerso CNR

\(^1\) This general audit leaves no traces on the Pipe Roll, which is only concerned with sheriffs' and other subordinate accounts. We can, however, confirm that it took place from a reference in the Pipe Roll of 91 Henry I, p. 193, to such an audit by the Earl of Gloucester and Brian Fitz Count. The duty ultimately fell to the Tally-Writer, who was after 1547 styled Auditor of the Receipt (Poole, op. cit., p. 190).

\(^2\) The practice in the sixteenth century was to use counters above the line instead of these halfpence. See Introduction, p. xxxvi.
fortune lege seruata retrudatur in imum, manens quod fuerat, licet uideatur ratione dignitatis et status a se sibi mutatus.¹

Magister. Nescis quod sermo tuus non capit in omnibus: uerum, quicquid aliis uideatur, mihi satis placet quod ex his alia conicis. In mundanorum enim tribulis mistici intellectus flores querere laudabile est. Nec in his tantum que commemoras set in tota scaccaria descriptione sacramentorum quedam latibula sunt. Officiorum namque diuersitas, iudiciarie potestatis actioritas, regie imaginis impressio, citationum emissio, rotulorum conscriptio, ulllicationum ratio,² debitorum exactio, rerum condempnatio uel absoluto districti examinis figura sunt, quod reuelabitur cum omnium libri aperti erunt et ianua clausa.³ Set de his hactenus. Nunc prossequamur de officis. Post hunc qui calculis inseruit primus resiit ex officio clericus qui preest regis scriptorius. Ad hunc pertinet scriptores idoneos ad rotulum cancellarie et ad brevia regis que in scaccario fiunt, nec non et summioniones conscribendas inuenire, et ut bene fiat prospicere; que quidem officia, licet paucis expressum uerbis, infinitis tamen uix expleri possunt labiores; quod norunt hii qui hec ipsa rerum experientia didicerunt.⁴ Sic habes officia dispositorium in secundo sedili.

Discipulus. Si bene memini primus ad dexteram presidentis resiit Wtoniensis episcopus, cuius officium in

the top, and as the wheel of Fortune revolves, be thrust down again to the bottom, without changing his nature, however much he may appear to be changed by his rank and estate.³

Master. You forget that what you say does not apply universally. But, whatever others may think, it pleases me that you should find a hidden meaning in these facts. For it is a good thing to seek the flowers of a mystic meaning among the thorns and thistles of this world. Nor is it only in the points which you mention, but in the whole account of the Exchequer, that holy mysteries hide themselves. For the diversity of the functions, the authority of the judge, the King’s image expressed in his seal, the issue of summonses, the writing of the Rolls, the account of stewardships,⁵ the exaction of debts, the condemnation or acquittal of the accused, are all a figure of that ‘strict account,’ which shall be revealed when the books of all are opened, and the door shut.³ But enough of this! Let us proceed with the duties.

Next after the Accountant, virtute officii, sits the clerk who is Master of the Writing Office. It is his business to find suitable scribes for the Chancellor’s Roll and for the King’s Writs, which are drawn up in the Exchequer; and also for writing the summonses, and to see that they are properly written. These duties need but few words to explain, but demand almost endless labour, as those know who have learned by experience.⁴ That concludes the duties of those who sit on the second bench.

Scholar. If I remember right, the Bishop of Winchester sits on the right of the President, and I should

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² For the Wheel of Fortune see e.g. Nisbet on Cicero, in Pisonem 22.
³ cf. Luke 16:22
⁴ cf. Rev. 20:12, Matt. 25:10
⁵ This suggests that Richard had himself been the Master of the Scriptorium; but it was more probably Richard of Ilchester, afterwards Bishop of Winchester, who is often described as Scriptor curie.
scaccario uellem protinus expediri. Magnus enim est et nisi magnis occupari non debet.

**Magister.** Magnus est procul dubio et magnis intentus in multa distrahitur sicut in Tricolumni plenus est ostensum. Hic ante tempora promotionis dum paulo inferior in regis curia militaret, usus est fide et industria regis negotiis necessarius et in computationibus atque in rotulorum et breuiam scripturis satis alacer et officiosus. Vnde datus est ei locus ad latus thesaurarii, ut scilicet scripture rotulorum et his omnibus cum ipso intenderet. Thesaurarius quidem tot et tantis curis et sollicitudinibus per omnia distrahitur ut fas sit interdum tanto operi subrepere somnunum. In humanis etiam actionibus uix aliquid est usquequaque perfectum.

**Discipulus.** Quid est quod dicis? Nec enim noui quid sit Tricolumnis.

**Magister.** Libellus quidam est a nobis utcumque tempore iuentutis editus de tripartita regni Anglie historia sub illustri Anglorum rege Henrico secundo. Quem, quia per tres columnnas per uniusern digessimus, diximus Tricolumnum. In prima quidem de ecclesie Anglicane negotiis plurimis et de nonnullis rescriptis sedis Apostolice. In secunda uero de insignibus predicti regis gestis que fidem humanam excedunt. In tertia uero de pluribus negotiis tam publicis quam familiaribus, necnon et curie iudiciis *agitur. Hic si forte in manus suas inciderit, caue ne te effugiat. Utilis enim esse poterit futuris forte temporibus, et iocundus hiis, qui de regni statu sub predicto princepe solliciti fuerint. Hic enim rex licet 'attauis regibus editus' 1 fuerit et per longa terrarum spatia triumphali victoria suum dilatauerit imperium, maius tamen est quod prodigum in se fame

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* iudiciis *Madox*: iudiciis *N*: iudicis *R*: iudicibus *C
1 Hor. Carm. 1. 1. 1

like to hear next what are his duties at the Exchequer. For he is a great personage, and his business should be equally important.

**Master.** He is without doubt a great man, and has many avocations of great importance, as is more fully shown in the *Tricolumnis*. Before his promotion, when he held a slightly lower position in the King's Court, he approved himself a trustworthy and diligent civil servant, zealous and dutiful in the matter of accounts and in the writing of rolls and writs. Wherefore a place was given him beside the Treasurer, so that he should, jointly with him, attend to the writing of the Roll, and all such matters. The Treasurer, indeed, is so beset by so many constant great cares and anxieties, that he cannot be blamed if sleep sometimes overtakes him in the middle of it all. Moreover, in human affairs, scarcely anything is absolutely perfect.

**Scholar.** What are you saying? I do not even know what the *Tricolumnis* is.

**Master.** It is a little book which I wrote when a young man about the history of England under Henry II under three heads. And I called it *Tricolumnis* because I arranged it all in three columns. The first column dealt with the affairs of the English Church and some papal bulls. The second dealt with the King's noble deeds, which are beyond human belief. In the third are various matters of public or private interest, and also judgments of the King's Court. If it should come into your hands, take care not to let it go again. For it may be of use to posterity, and agreeable to those who are interested in public affairs under Henry II. For although this king was [like Maecenas] 'sprung from ancient kings,' 1 and extended his empire far and wide by his triumphs, it is his even greater glory that his actions
titulum strenuiss actibus superaurit. Set de his hactenus: nunc cepta negotia prosequamur.

Discipulus. Esto, quia sic placet. Salua sit igitur reuerentia thasaurii, hic uidetur eius dignitati derogatum quia non est soli fidei ipsius per omniam creditum.

Magister. Absit. Immo magis sic eius laboribus parcitur et indempnitati providetur. Non enim quia uel ipsi uel alii non creditur tot et tanti resident ad scaccariun, set quia rebus magnis et regni negotiis sub tanto principe decet magnos ac multos deputari, non tantum ut utilitati prospiciani set excellentie et honoris regio deseruiant.

Discipulus. Prosequere si placet de officiis.

Magister. Officium thesaurii uel cura uel sollicitudo ipsius uix explicari posset uerbis, etiam si esset mihi 'calamus scribere uelociter scribens.'\(^1\) In omnibus enim et per omniam quae uel in inferiore scaccario uel in superiore geruntur ipsius sollicita diligenter necessaria est. Ex predictis tamen magna pro parte constare poterit in quibus amplior sit eius cura, adeo ut ab hiis auelli non possit manente scaccario, in recipiendis scilicet compotis uicecomitum, et in scriptura rotuli. Ipses namque ministrat uerba\(^2\) secundum qualitatem negotiorum in scripturam rotuli sui, a quo postmodum illud idem excipitur ab aliis rotulis sicut supradictum est, et cauendum est ipsi ne uel in numero uel in causa uel in persona sit error, ne absolutor qui quietus non est, uel rursus conueniat qui meruit absolvit. Tanta namque rotuli eius auctoritas est ut nulli liceat ei contradicere uel mutare, nisi forte tam manifestus error fuerit ut omnibus pateat. Neque tunc nisi de communi consilio omnium baronum mutari debet et ipsis

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1 Ps. 44:12
2 cf. Hor. Ep. I. xvi. 20

exceeded his extravagant reputation. But I need say no more. Let us pursue the business in hand.

Scholar. Be it so, since you wish it. Well then, saving the Treasurer’s reverence, this appointment seems to detract from his dignity, since his honour is not absolutely trusted.

Master. God forbid! Say rather that his labour is spared and his security assured. For it is not because either he or anyone else is not trusted that so many sit at the Exchequer; but because it is fitting that such great matters and the public affairs under so great a prince should be entrusted to many great personages, not merely for the King’s profit, but to honour his excellence and royal state.

Scholar. Pray proceed with the duties.

Master. The Treasurer’s duty, or his care and anxieties, can hardly be expressed, even if I had the pen of a ready writer.\(^1\) For his careful attention is necessary in everything which is done in either the Upper or the Lower Exchequer. But it is pretty clear from what has been said, what are the main objects of his care, so important that he cannot be torn away from them while the Exchequer sits, viz. receiving the accounts of the Sheriffs, and writing the Roll. For he dictates the text\(^2\) of his own Roll as the nature of the business demands, and from it the text is copied, as we have said, on to the other Rolls. And he must be careful to make no mistake in the amount, the account or the person, lest he who is not quit should be acquitted, or he who has earned his quittance be resummoned. For the authority of the Roll is such that no man is allowed to dispute it or alter it, unless the mistake is so obvious that it is patent to all. Nor even then should it be changed except by the assent of all the Barons and in their presence, to wit, during the
presentibus cum adhuc scilicet scaccarium illius perseverat. Scripturam uero rotuli preterito anno factam, uel etiam huius anni extantis post solutum scaccarium, nulli mutare licet nisi regi, cui super hiis licent quaecunque libent. Item ad eum spectat ut ad omnia magna negotia cum superioribus assumatur et nichil eum lateat.

Scriptoris qui proximus est thersaurario officium est preparare rotulos ad scripturam ex pellibus ouinis non sine causa. Longitudo autem eorum est quanta surgit ex duabus membranis, non tamen quibuslibet set magnis, ad hoc opus ex industria procuratis, latitudine uero paulo plus una expansa et semis. Regulatis igitur rotulis a summo pene usque deorsum et ex utraque parte lineis a se deceteri distantibus, prenotantur in summo rotuli comitatus et baillie de quibus infra compotus redditur. Facto uero modo inter vacuo quos tria uel quatuor digitorum prescribatur in medio lineae nomen comitatus de quo primo loco agendum est. Deinde in capite sequentis lineae nomen uiccecomitis depingitur, subsequente hoc tenore uerborum 'Ille uel ille uicecomes reddit compotum de firma illius uel illius comitatus.' Deinde paulo post in cadem linea scribitur 'In thesauro' nec apponitur aliud nisi consummato compoto propter urgentem causam que in agendis uiicecomitis manifesta est. Deinde in capite sequentis lineae quid in clemosina et decimis constitutis, quid etiam in libratione de firma comitatus expendatur,2 exprimitur. Post huc in capite lineae inferioris in terris datis annotantur ea que regum munificentia contulit ecclesias, uel hiis qui eis militarunt, in fundis suis que corone annominantur, quibusdam blanca quibusdam numero.

2 e.g. pensions or salaries secured on the Sheriff's farm
Discipulus. Mouet me quod dicis quosdam fundos dari blancos quosdam numero.

Magister. Prosequamur ad presens de scriptoris officio et in agendis uicecomitis super hoc si libet interrogas. Post terras datas, facto intercallo unius linee, uitecantur etiam ipsa sui ratione seluncta, annotantur ea que iussa sunt de firma expendi per breuia regis, quia hec constituta non sunt set casualia. Quedam etiam que sine breuibus computantur pro consuetudinem scaccarii, de quibus infra dicetur; et sic terminatur comptus de corpore comitatus. Post hec facto intercallo quasi vi. uel vii. linearum fit comptus de purprespuris et escaetis sub his uerbis ‘Idem uicecomes reddid comptum de firma purprespurarum et escaeterarum.’ Set et de omnibus firmis manerium et de censu nemorum que annuatim debentur et soluuntur, post hec suo ordine compotii collocantur exceptis quibusdam ciuitatis et uillis et baillis quorum maiores compotii sunt, quia constitutas habent elemosinas uel liberationes et terras datas et ad custodes earum proprie summonsiones de debitis regis diriguntur. De hiis autem compotii sunt post consummatum omnino comptum de comitibus in quibus sunt; qualia sunt Lincolnia, Wintonia, Mienes, Berchamstead, Colecestria, pluraque * alia.

Discipulus. Miror dixisse te quosdam redditus constitutos dici firmas quosdam uero censum.

Magister. Firme manerium sunt, census autem nemorum tantum. Que enim ex manerius proveniunt, quia per Agriculturam quilibet anno renouantur et redeunt, et preter hec in ipsis certi sunt constituti redditus consuetudinum iure perpetuo, merito firma et immutabilia nominantur. Que uero ex nemoribus que

* pluraque scripsimus : pluraque CNR

Scholar. It excites my curiosity that you should say that some lands are given ‘blanch’ and some ‘by tale.’

Master. Let us, for the present, proceed with the duty of the scribe. You can question me on this point when we come to the business of the Sheriff. After the ‘Lands Granted’ a line is left blank to indicate a change of subject, and then are noted the payments which have been made by order of the King’s Writs, because these are not fixed, but casual. Also certain payments which are allowed without writ, by the custom of the Exchequer, as will be explained below; and so concludes the account of the Farm [or ‘body’] of the county.

Next, after leaving a blank space of six or seven lines, comes the account of purprespures and escheats in these words: ‘The same Sheriff renders account of the farm of purprespures and escheats.’ After this, furthermore, in their proper order, are placed all the accounts of farms of manors and cess of woods, except certain cities, towns and bailiwicks whose accounts are longer, because they have their own fixed alms and liverys, and lands granted, and special summonses are sent to their keepers for the debts due to the King. Their accounts are entered after the complete closing of the accounts of the counties in which they are. Such are Lincoln, Winchester, Meons, Berkhamstead, Colchester and several others.

Scholar. I am surprised at your calling some fixed rents ‘farms’ and others ‘cesses.’

Master. Manors have farms; only woods have cesses. For the income from manors, since they are renewed and come back every year by cultivation, and besides have fixed rents established by ancient custom, is rightly called ‘farm,’ being firm and unchangeable. But that due annually from woods, which are daily cut down and perish, from which there is no firm and unchangeable profit, but
quotidie succiduntur et percutunt annua lege debentur, quorum non est tam firmus uel inimibilis questus, set est in eius ascensus et descensus, licet non annus, frequentem tamen, censum dicuntur, et sic per affere sim reditum hos censori dicunt. Sunt tamen qui credant censum dici que a singulis hominibus soluuntur, firma uero que ex hiis surgit, ut sit firma nomen collectiun sicut turba. Ob hoc igitur sicut creditur sic censetur ut anuum indicet et firmum non esse designet. Post hec constituta, facto iterum intercallo, fit compotus de debitibus super quibus summonitus est uicecomes, pretitulatis tamen nominibus illorum iudicum quorum hec sunt. Ultimo uero de catallis fugitiuorum uel mutilatorum pro excessibus suis, et hiis expletis compotus illius uicecomitatus terminatur. Caueendum autem est scriptori ne aliquid motu animi sui scribat in rotulo nisi quod thesaurario dictante didicerit. Quod si forte per negligentiam, uel alium quemlibet casum, contigerit emm errare in scriptura rotuli uel in nomine uel in numero uel in causa in quibus uis maior scriptura consistit, non presumat abradere, set linea subtili subducta cancellet et scribat in serie quod oportet. Habet enim rotuli scriptura hoc commune cum cartis et aliis scriptis patentibus, quod abradi non debet et ob hoc cautum est ut de pellibus quiin is fiant, quia non facile nisi manifesto uitio rasure cedunt.

Discipulus. Scriptor iste de proprio an de fisco rotulos inuenit?

Magister. In termino sancti Michaelis scriptor iste v. solidos de fisco recipit, et scriptor cancellarie alios nichilominus v. ex quibus ad utrumque rotulum et ad summationes et receptas inferioris scaccarii membranas inueniunt.
other five, out of which they provide parchment for both Rolls, and for the Summons, and the Receipt Rolls of the Lower Exchequer.

The care, labour and zeal of the other Scribe who sits next him are mainly directed to copying word for word from the other Roll, in the order already described. He also has to write the writs of Liberare, for those expenses only which the Treasurer and Chamberlains are authorized by the Barons to pay during the session of the Exchequer. He also writes the writs of Computate and Perdone for the sums which the Barons decide should be allowed or remitted. It is also his task, when the Sheriffs’ accounts have been completed and the debts to be summoned determined, to write with diligent care, for transmission throughout the realm, the Summons which are the material and final causes of the convocation of the Exchequer of the following term.

Scholar. What is the formula used in the King’s vii Writs for the issue of treasure?

Master. The Treasurer and Chamberlains do not pay out the money which they receive without the express order of the King or the presiding Justicier. For they must have the authority of the King’s Writ for the issue of the money when a general account shall be demanded of them. ‘H. King,’ etc. to N. the Treasurer and so-and-so Chamberlains, greeting. Pay from my treasure to so-and-so such-and-such a sum. Witness the following at the place of N. at the Exchequer.’ ‘At the Exchequer’ is added in order to distinguish these writs from those made in the King’s Court. It is, furthermore, the duty, as we have said, of the Chancellor’s Scribe, when a writ is made for the issue of treasure, to make a copy of it, commonly called a ‘counterwrit’ (contrabreve). This the Chancellor’s Clerk will keep in
in testimonium liberate facie per breve regis originale quod thesaurarius et camerarii habent. Breuia quoque de computandis et perdonandis hiis que barones decreuerint computanda et perdonanda, precognita domini regis voluntate, sub hoc tenore verborum iunct. 'H. dei gratia rex' etc. 'baronibus de scaccario salutem. Computate illi uel illis hanc uel hanc summam quam liberauit ad hoc uel ad illud negotium meum. Testibus hiis ibi ad scaccarium.' Item. 'Rex baronibus de scaccario, salutem. Perdono illi' uel 'clamo quietum hunc uel illum de hoc uel de illo. Testibus hiis ibi ad scaccarium.' Horum autem omnium breuium rescripta penes iamdictum clericum residebunt in testimonium factorum breuium. Originalia enim computatorum uel perdonatorum breuia forulis marescalli, factis vice-comitum compotis, includuntur, de cetero, nisi contentio de eis oriatur, non exponenda. Quod autem de breuibus regis dicimus intelligendum est simili de breuibus presidentis justiciarii tantum cum rex absens est et cum sigilli eius impressione iura regni statuuntur, et cause citantur ut condemnentur uel absolvantur qui uocantur ad curiam; ceterum dum rex in regno Anglie fuerit breuia scaccarius nomine regio sient sub eiusdem presidentis et alieius alterius magni testimonio. Quis autem sit tenor breuium illorum que summationes dicuntur plenius infra dictetur [in titulo de summonitionibus].

Clericus cancellarii qui huic proximus est, licet non proprio sed alieno nomine militet, magnis tamen occupatur et in multa distrahitur, adeo ut ab ipso initio compotorum usque ad finem inde auell et non possit, nisi forte dum sibi propitius est substituto interim sibi discreto uicario. Huic enim prima cura est post thesaurarium in hiis omnibus que illic geruntur, maxime his own hands in witness of the payment made by virtue of the original writ, which the Treasurer and Chamberlains have.

Writs of compute and pardon for those sums which the Barons (having previously taken the King's pleasure) shall decide to be credited or remitted, are made in the following form: 'H. by the grace of God King' etc. 'to the Barons of the Exchequer greeting. Credit so-and-so with such-and-such a sum, which he has paid for this or that business of mine. Witness the following, here, at the Exchequer,’ and ‘The King to the Barons of the Exchequer greeting. I pardon so-and-so,’ or 'I acquit so-and-so of this or that. Witness the following, there, at the Exchequer.’ Copies of all these writs will remain in the hands of the Chancellor's Clerk as evidence of the writs issued. For the original writs of compute and pardon, as soon as the Sheriff’s account has been taken, are put away in the Marshal’s forels, not to be produced again unless some question arises concerning them. And what we say about the King's Writs applies equally to the writs of the presiding Justiciar, but only in the absence of the King, when the Justiciar's seal is used for the making of statutes and the summoning of cases to court, and for the condemnation or acquittal of the parties cited. But so long as the King is in England, the Exchequer Writs are drawn up in the King's name, and witnessed by the Justiciar and some other Baron. The form of the writs called 'Summonses' will appear more fully below [in the chapter on Summonses].

The Chancellor’s Clerk who sits next, though only a deputy, is occupied with important and multifarious duties, so much so that he cannot leave his post from the beginning to the end of the accounts, unless he gives himself a holiday and leaves a competent substitute in his
place. His office is next in importance to the Treasurer’s in all Exchequer business, but his special concern is the writing of the Rolls and writs, for that is his métier:

His Scribe he watches lest he stray
One step from his companion’s way.

He also scans carefully the Roll of the previous year, which he has before him, until the Sheriff has cleared all the debts which are noted there, and for which he is summoned. And also when the Sheriff is sitting at his account, after the fixed payments have been allowed and written down, he takes from the Sheriff the writ of summons, from which hangs the King’s Seal, and charges him with the debts which are written in it, speaking out openly and saying, ‘Render so much from this man and so much from that.’ The debts which are paid in full and cleared, he is to cancel by a stroke through the middle, so that what is paid is distinguished in this way also from what is owing. He also keeps the counter-writes of the writs issued at the Exchequer, and corrects and seals the summons, when they have been engrossed, as has been said, and his work is unending and only less than that of the Treasurer.

Scholar. ‘Argus were better here than Polyphemus.’

Master. The Clerk of the Constabulary has most important duties both in the King’s Court, and in the Exchequer too he is associated with the Barons in all matters of importance and helps to transact the King’s business. He is sent by the King to the Exchequer at each term with the counter-writes of those writs only which are issued in the King’s Court. He also, with the Constable, sees to the payment of knights and others, as already mentioned, and though his work needs little description, there is plenty of it at times. But, like the
per suppositam personam sicut cancellarius, quia propter
maiora non facile possunt a regis presentia longius ire.
Sic habes dispositorum in tercio * sedili ad dexteram
presidentis utcumque distributa officia. Porro in capite
quarti sediliis quod opponitur iusticiarii residet magister
Thomas cognomento Brunus. Huius ad scaccarium non
ullis est auctoritas. Magnum enim et validum fidei
eius et discretionis est argumentum quod a tam excel-
 lentis ingenii principi electus est ut preter antiquam
consuetudinem tertium habeat rotulum in quo regni
iura regisque secreta conscribat et eundem penes
se reservans quocunque voluerit deferat. Habet etiam
clericum suum in inferiore scaccario, qui iuxta clericum
thesauri residens liberam habet facultatem scribendi
que recipiuntur et expenduntur in thesauro.

Discipulus. Numquid principi cognita est eo usque
fides eius atque discretio quod ad hoc opus merito non
estimetur alius ad illum ? *

Magister. Magnus hic erat in magni regis Siculi
curiae consiliis proudus et in regiis secretis pene pre-
cipuus. Surrexit interea rex nenus qui ignorabat illum, *
qui praua habens latera * patrem persequebatur in suis.
Compulsus est igitur vir iste, mutatis rebus prosperis,
quie sue consulere, et licet pateret ei cum summo honore
accessus ad regna plurima, tamen frequenter uocatus ab
illustri rege Anglorum Henrico, cum fama uester ipsa
minor est, preclegit at natale solum et successorium ac
singularem dominum suum accedere. Susceptus igitur
ab ipso sicut utrumque decuit, quia apud Siculum magnis

Chancellor, he very often does it by deputy, because
more important business requires the attendance both of
his master and himself about the King’s person. That
completes the functions of those who are placed on the
third bench, on the President’s right.

At the head of the fourth bench, that opposite the
Justices, sits Master Thomas Brown. He is no incon-
considerable person at the Exchequer. For it is a strong
and cogent proof of his loyalty and prudence that so
wise a prince chose him to have a third Roll, contrary
to the ancient constitution of the Exchequer, in which to
write the laws of the realm and the secrets of the King,
to keep it in his own hands and to carry it about with
him whithersoever he will. He also has a clerk in the
Lower Exchequer, who sits next the Treasurer’s Clerk,
and has full freedom to take notes of all the receipts and
expenses of the Treasury.

Scholar. Are his loyalty and prudence so well known
to the King that he deserves that ‘none shall be
accounted of in comparison of him ’ \footnote{1} for this task ?

Master. He was a great man at the court of the great
King of Sicily [Roger II], a prudent counsellor, and almost
at the head of the King’s confidential business. Now
there arose a new king who knew not \footnote{2} Thomas, one who
kept bad company \footnote{3} and persecuted his father in the
persons of his servants. So Thomas fell from power and
had to flee for his life. There were many kingdoms in
which he would have been received with honour. But
as he had been frequently invited by our noble King
Henry of England, and since report cannot compare
with the plain truth, he preferred to return to his native
land and his hereditary liege lord. The King received
him as befitted them both; and because Thomas had
held a great position in Sicily, he is appointed here also

\footnote{* tercio Psele : secundo codd}
\footnote{1 Baruch 3:36}
\footnote{2 Exod. 17:8}
\footnote{3 cf. Mart. vi. lviii. 4 and Augustine, In Ps. 47:3. De alienibus solennis
ita loqui : ‘Bonus homo est, sed mala latera habet ’ : id est, ipse quidem
probitate praestat; sed maligni sunt et qui et conjuncti sunt.}
intenderat, hic etiam ad magna deputatur scaccarii negotia. Sicigitur et locum et dignitatis officium adeptus est, ad quilibet etiam scaccarii magna negotia cum magnis assumitur. Sic habes omnium qui ad maius scaccarium ex officio resident iura distincta. Consequens autem est ni fallor ut que sint corum dignitates ratione sessionis ad scaccarium prosequamur.

Discipulus. Immo si placet de officio militiae quem argentarium dicis, necnon et de fusoris officio dicendum est. Quia cum sibi uideantur annexa et ad maius scaccarium pertinentia hucusque dilata sunt.

Magister. Cerno quod te promissorum memoria non preterit, ex quo spes certa concipitur quod te iam dictis non fraudabit oblivio. Credebam sane de officii tibiuisse satisfactum quia de residentibus ad scaccarium neminem pretermiseram. Set hii de quibus commemoras certas non habent sibi deputatas sedes, immo pro imperio presidentis uel thesaurarii suum explent officium.

Porro miles argentarius ab inferiore scaccario ad superiorem defert loculum examinandi argenti cuius supra meminimus. Quem cum intulerit signatum sigillo vicecomitis, sub omnium oculis effundit in scaccario xxxiii. solidos, quos de aceruo sumptos prius signauerat, factaque commixtione eorundem ut ponderi respondente, mittit in unum uasculum trutine libram ponderis, in alterum uero de denariis quod oportuerit. Quo facto numerat eodem ut ex numero constare possit si legittimi ponderis sint. Cuiuscunque uero ponderis inuenti fuerint seorsum mittit in ciphum libram unam hoc est xx. solidos ex quibus examen fiat, reliquos uero xxiiii. solidos mittit in loculum. Item duo denarii preter libram examinandam dantur fusori non de fisco sed de parte vicecomitis quasi in premium sui laboris. Tunc eliguntur a presidente, uel a thesaurario si ille absens fuerit, alii
to important duties in the Exchequer. That is how he obtained his seat and his dignified post, and he is associated with the Barons in all important business. That completes the account of the respective duties of all who sit ex officio at the greater Exchequer. I think the next step is to state the privileges which they have by reason of their sitting.

Scholar. No! Let us, pray, next discuss the duties of the Knight Silversmith, as you call him, and of the Melter. Because they were deferred till this stage, as being interdependent and pertaining to the greater Exchequer.

Master. I see that you remember my promise, and that makes me confident that you will not forget what I have told you. I thought I had satisfied your curiosity about everybody who sits at the Exchequer. But the persons you name have no appointed seats, but fulfil their duties at the command of the President or the Treasurer.

The Knight Silversmith brings the purse of money to be assayed, of which we spoke, from the Lower to the Upper Exchequer. He brings it in sealed with the Sheriff’s seal, and empties out on the Exchequer table the forty-four shillings taken from the heap, which the Sheriff had previously sealed. He mixes them up, so that they may be fairly weighed, puts a pound weight in one pan of the scales, and enough pence to balance it in the other. He then counts the pence to see from their number whether they are of lawful weight. But whatever they weigh, he puts aside in a cup a pound of them, that is, the twenty shillings of which the assay is to be made, and puts back the other twenty-four shillings in the purse. Besides the pound to be assayed, two pence are given to the Melter, not from the Treasury
duo uicecomites ut simul cum argentario, necnon et uicecomite cuius examen faciendum est, procedant ad ignem ubi fusor ante premonitus, preparatis necessarisis, eorum prestolatur aduentum. Ibi iterum presente fusore et hiis qui a baronibus missi sunt diligenter computantur et fusori traduntur. Quos ille suspiciens manu propria numerat et sic disponit eos in vasculum ignitorum cinerum quod in fornae est. Tunc igitur, aris fusoric lege seruata, redigit eos in massam, confians et emundans argentum. Ceterum cauendum est ei ne citra perfectum subsistat uel importunis estuationibus uexet illud atque consumat; illud propter regis, hoc propter uicecomitis iacturam; sed modis omnibus prouideat et quanta procuret industria ut non uexetur sed ad purum tantum excoquatur. Hoc autem ipsum prouidere debent hii qui ad idem missi sunt a maioribus. Facto igitur examine defert illud argentarius ad barones comitantibus illis, et tunc in omnium oculis ponderat illud cum libra predicta ponderis; supplet autem mox quod ignis consumpsit, appositis denariis eiusdem loculi donec equilibriter se habeat examen cum pondere. Tunc inscribitur idem examen, desuper ducta creta, hiis uerbis, 'Euerwicscira. Libra arsit tot uel tot denariis;' et tunc illud essaium dicitur. Non enim inscribitur nisi preconcesso quod sic stare debeat. Quod si uicecomes cuius est calumpnietus fuerit illud quasi plus iusto consumptum fuerit, ignis scilicet ex estuatione uel plumbi in fusione; uel etiam fusor ipse qualibet occasione defecisse fateatur examen, iterum numerentur

1 in fusione scripsi: infusione codd. It seems simplest to take ex estuatione as applying equally to ignis and plumbi, and to read in fusione (against the MSS) for infusione. Richard admits that he was no metallurgist, and it seems better to give up the metallurgical explanation offered in the Oxford edition.

but from the Sheriff as a fee for his work. Two other Sheriffs are then chosen by the President, or in his absence by the Treasurer, to go with the Knight Silversmith and the Sheriff whose money is being assayed, to the fire; where the Melter, who has been warned, has made the necessary preparations and awaits their arrival. The pence are then again counted in the presence of the Melter and of the persons sent by the Barons, and are handed to the Melter. He takes them, counts them with his own hands, and arranges them in an ash cupel [or 'test'] in the furnace. He then, following the rules of his art, melts them into an ingot, fusing and refining the silver. But he must be careful neither to stop short of completion, nor to over-refine and waste the silver by unnecessary heating; causing a loss to the King in the one case, or to the Sheriff in the other. But he must take every precaution, and try with all his might not to overheat the silver, but only to make it pure. And it is the duty of the persons sent by the Barons for that purpose to see that this care is taken. When the assay is completed, the Knight Silversmith, accompanied by the others, brings the ingot to the Barons, and weights it, in the sight of all, against the pound weight. He then makes good what the fire has consumed by adding pence from the same purse till the test-piece balances the pound. It is then marked with chalk as follows: 'Yorkshire. The pound lost in the fire so many pence'; and then it receives the name of 'Assay.' For it is not chalked until it has been agreed that it should stand as such. But if the Sheriff to whom it belongs challenges the assay, on the ground that too much has been consumed by the fierceness of the fire or the boiling over of the lead in the melting; 1 or if the Melter admits that the test has failed for any reason, another twenty
xx. solidi qui residui sunt in loculo predicto coram baronibus, sicut dictum est, et eadem ratione servata fiat examen. Hinc tibi constare potest qua consideratione de aceruo magno proposito pecunie xliii. solidi scorsum ab initio mittantur in loculum apposito uicecomitis sigillo. Notandum uero est quod fusor duos percipit denarios pro examine sicut diximus. Quod si quouis casu alius faceret, etiam si tertio examinauerit, non percipiet quicquam, sed contentus erit semel suscipitis duobus.

Discipulus. Miro a tantis tantam adhiberi diligentiam in unius libre examinatione, cum nec magnus ex ea questus nec multa iactura proueniit.

Magister. Non propter hanc tantum fiunt hæc, sed propter omnes illas que ab eodem uicecomite sub eodem nomine firme simul cum hac persoluuntur. Quantum enim ab hac libra per ignem purgatorium decidit, tantumdem ex singulis aliis libris nouerit uicecomes de summa sua subtrahendum; ut si centum libras numeratas soluerit et libra examinis xii. denariis exciderit non computentur ei nisi nonaginta quinque.

Discipulus. Nunc uidere uideor quostum ex his prouenire posse non modicum, sed cui cedere debeat ignoro.

Magister. Semel dictum est, et semper intelligatur, soli regie utilitati in omnibus his seruiiri. Licet autem a talea uicecomitis combustio detrahatur, mittitur tamen scorsum in taleam alteram breuiores ut de summa eius thesaurarius et camerarii respondant. Scierendum uero quod per hanc taleam combustionis dealbatur firma uicecomitis, unde in testimonium huius rei semper maioris talee appensa coheret.

Discipulus. Pulsat adhuc me quostio non dissimilis illi quam in agendis inferioris scaccarii proposuisse me
memini; quare uidelicet libra una plus altera decidat cum par debeat esse conditio omnium operantium in moneta.

Magister. Ad hanc sicut ad illam questionem sufficit respondere fieri posse hoc per falsarios et nummorum detonsores. Fuerunt autem qui crederent, quibus nec ego dissentio, non esse legitimam regni huius monetam si examinata libra decidat plus quam vi. a pondere que* numerata respondet; et etiam delatam ad scacarium huiusmodi pecuniam fisco debere cedere, nisi forte nol sint et non usuales denarii, quorum etiam superscriptio suum probat autorem. Tunc enim idem monetarius super opere suo distriictum et legibus constitutit sine iactura uicecomitis condemnabitur uel absolvetur. Quod si per examinationem probatis et reprobatis denariis, monetarius condemnatus et punitus fuerit, [denarii] † a fusore scacccionis presentibus allius huius artis peritis redigetur in massam et pondus eius uicecomitis computabitur. [Verum totum hoc pene nunc abolitum est et multum reliquitur, quoniam in moneta generaliter peccatur ab omnibus. Cum autem ad debitum et legem determinatum modum moneta peruenit, primitiae constitutionis legem obseruari necesse erit.1] Contra si quis uicecomes nummos attulisset quorum libra combusta ad v. uel iii. uel infra se cohibaret, et uiderentur de nouo facti non usuales uel cursorii, simili modo non legittimi dicebantur quasi excedentes legem communem, unde et infiscari poterant sicut et ali. Item sunt ad scacarium liberaiones constitue que statutis terminis sine breui regis soluntur. Qualis est liberatio naucleri, custodis scilicet nauis regie quam esneccam

* que scripsimus: cui Stubbs: quam Madox: qua coed
† denarii seclusimus

1 This is obviously an interpolation, and may refer to the misdeeds of Philip Aymar and his associates in 1180.

of the Lower Exchequer, namely, why one pound loses more weight than another, since all the coiners of money ought to work to the same standard.

Master. The same answer applies to both questions. It is because of forgers and clippers of coin. There were those who held (and I do not disagree) that the money of this realm is not lawful if the pound, when tested, falls short by more than sixpence from its proper weight, although the number of pence to the pound is correct; and that such money, if brought into the Exchequer, should be confiscated, unless haply the pence are unworn, bearing the mark of their maker. For in that case the moneyer is to be brought to book and condemned or acquitted as the law requires, without loss to the Sheriff. But if the moneyer is condemned and punished because the pence have been assayed and found wanting, the money is to be melted down by the Melter of the Exchequer in the presence of other experts, and the Sheriff credited with the weight of the ingot. [But all this is now practically obsolete and out of general use, since offences against the coinage laws are universal. But when money has been restored to its proper and legal standard, it will be necessary to revert to the ancient rule.]1 But if a Sheriff brought in pence which when assayed were fivepence or fourpence or less below the standard, and they appeared to be new and unworn, they were likewise regarded as unlawful, as having more than the usual amount of alloy, and might therefore be confiscated like the others.

There are also certain fixed payments which are made at the set terms in the Exchequer without writ. Such are the payments of the shipmaster, that is, the Keeper of the King's Ship called the 'Snake,' who receives twelve pence a day. For these and like
Discipulus. Que sunt signa facti uel infecti examinis?
Magister. Non satis noui, quia nec sollicitus super his fui, uerum quandiu super iam liquidum argentum nigra quedam nubecula circumferri conspicitur, infectum dici-
tur. At cum quedam quasi grana minuta ab imo deducunt-
ur ad summum et illic dissolventur signum est examinati.¹

Discipulus. A quibus uel ob quam rem instituta fuit
examinatio hec uel combustio?
Magister. Vt de his tibi constare possit paulo altius oriendum est. Sicut traditum habemus a patribus, in
primitivo regni statu post conquisitionem regibus de
fundis suis non auri uel argenti pondera sed sola uictualia
soluebantur, ex quibus in usus cotidianos domus regie
necessaria ministrabantur, et nouerant qui ad hec de-
putati fuerant quantum de singulis fundis proueniebat.
Ceterum ad stipendia uel donatiua militum et ad alia
necessaria de placitis regni uel conuentionibus, et ex
ciuitatibus uel castellis a quibus agricultura non exerce-
batur, pecunia numerata succrescebat. Toto igitur regis
Willelmii primi tempore perseverauit hec institutio usque
ad tempora regis Henrici filii eius, adeo ut uiderim ego
ipse quosdam qui uictualia statutis temporibus de fundis
regiis ad curiam deferri uiderint. Certumque habebant

¹ This is the phenomenon known as 'brightening,' when the latharge is absorbed by the porous cupel, leaving the silver clear.

payments the Chamberlains make tallies, because they have no writ. But the Knight Silversmith holds the foils or counter-tallies. He and the Melter also, by request of the Chamberlains, assist the Tellers when needed, when the amount of money brought in is more than they can manage. But this is a voluntary service and not part of their duty. You now know the functions of the Knight Silversmith and the Melter.

Scholar. What are the indications whether an assay is or is not complete?
Master. I do not really know because I have never studied the subject. But so long as a black film is seen floating about over the now liquid silver, the assay is said to be unfinished. When, however, small grains appear to rise from the bottom to the top, and there dissolve, it is a sign that the assay is complete.¹

Scholar. By whom and why was this assay or comp- vii bustion established?
Master. To make that clear to you we must go back a little. Our fathers have told us that in the original constitution after the Conquest no sums of gold or silver were paid to the King from the crown lands, but victuals only, from which the daily needs of the King’s household were supplied; and the officers concerned knew how much came in from each estate. But for the wages and rewards of knights and other necessary expenses coined money accrued from the profits of the King’s jurisdiction or from voluntary payments for privileges, and from cities and villages whose business was not agriculture. This system persisted throughout the reign of William I and until the time of his son Henry; so that I myself have seen persons who themselves saw victuals being brought in at fixed times to the Court from the crown lands. And the officers of the King’s household knew
officiales domus regie a quibus comitatus triticum, a quibus diuere * species carnium uel equorum pabula uel alia queque necessaria debebantur. Hiis uero solutis secundum constitutum modum cuiusque rei, regii officiales computabant utsche comitati redigentes in summam denariorum. Pro mensura scilicet tritici ad panem c. hominum solidum unum, pro corpore bovis pasqualis solidum i., pro ariete uel oue iii. denarios, pro pre-benda xx. equorum, similiter quatuor. Succedente uero tempore cum idem rex in transmarinis et remotis partibus sedandis tumultibus bellicis operam dare, contigit ut fieret sibi summe necessaria ad hec explenda numerata pecunia. Contuebat interea ad regis curiam querula multitudo colonorum, uel quod grauibus sibi uidebatur pretareunti frequenter occurrerat, oblatis uomeribus in signum deficientis agriculture. Innumeris enim molestiis premebatur occasione uictualium que per plurimas regni partes a sedibus propriis deferebant. Horum igitur querelis † inclinatus rex, diffinito magnor- rum consilio destinauit per regnum quos ad id prudeniores et discretiores cognoverat. Qui circumcunctes et osculata fide fundos singulos perlustrantes, habita estimatione uictualium que de hiis soluebantur, rede- gerunt in summam denariorum. De summa uero summarum que ex omnibus fundis surgebant in uno comitatu, constituerunt utsche comitiem illius comitatus ad scaccarium teneri, addentes ut ad scalam solueret, hoc est preter quamlibet numeratam libram vi. denarios. Rati sunt enim tractu temporis de facile posse fieri ut moneta tunc fortis a suo statu decideret. Nec eos fefellit opinio. Vnde coacti sunt constitutere ut firma maneriorum non solum ad scalam sed ad pensum

* diuere Madox : diuerras codd
† querelis Madox : querulis codd

exactly from which counties wheat, or various kinds of flesh meat, or forage, or other necessaries were due. But while payment was thus made of each commodity in its appointed measure, the officers credited the Sheriff with it in terms of money. For enough wheat to bake bread for a hundred men they allowed one shilling; for the carcass of a grazing ox, a shilling; for a ram or a sheep, four pence; for forage for twenty horses, likewise four pence. But in process of time, when King Henry was engaged in suppressing armed rebellion in distant places overseas, coined money became of the utmost necessity to him for that purpose. At the same time a crowd of aggrieved farmers beset the Court, or (what was even more annoying) the King himself on his progresses, presenting their ploughshares as a token of agricultural depression. For they suffered countless inconveniences in having to bring the victuals from their own homes to all parts of England. The King heard their complaints with sympathy, and after consulting his Council, sent throughout the kingdom commissioners, whom he knew to be especially wise and prudent. They made a tour of the crown lands and saw for themselves, made an estimate of the quantity of victuals paid by each of them, and expressed the value in terms of money. Adding up the total due from the crown lands in each county, they fixed the sum for which the Sheriff should be answerable at the Exchequer, adding that he should pay at a fixed rate (ad scalam), that is, six pence vantage money on each pound by tale. For they thought that in course of time the coinage, which was then good, might deteriorate. Nor were they mistaken. So they were compelled to ordain that the farm of manors should be paid not only ad scalam, but ad pensum [by weight], which could not be done without adding many more
solueretur quod perfici non poterat nisi longe pluribus appositis. Seruabatur per plures annos ad scaccarium lex huius solutionis, unde frequenter in ueteribus annalibus rotulis regis iiueius scriptum 'In thesaurio c. libras ad scalam' uel 'In thesaurio c. libras ad pensum.'

Surrexit interea uir prudens, consiliiis prouidus, sermone diserto et ad maxima queque negotia per dei gratiam repente precipus. Diceres in eo completum quod scriptum est 'Nescit tarda molimina spiritus sancti gratia.'

Hic ab eodem rege uocatus ad curiam, licet ignotus non tamen ignobilis, suo perdocuit exemplo 'Paupertas tenuis quam sit secunda uirorum.'

Hic igitur, succrescente in cun principis ac cleru populique favore, Saresberiensis episcopus factus, maximus in regno fungebatur officiis et honoribus et de scaccario pluriforme habuit scientiam; adeo ut non sit ambiguum sed ex ipsis rotulis manifestum plurimum sub eo floruisse. De cuuis stillicidiis nos quoque modicum id quod habemus per traducem accepimus. Super hoc ad presens multa loqui supersedoeo, quia pro qualitate sui status nobiliissime mentis indicem superstes sibi memoriam deroquit. Hic postmodum ex mandato principis accessit ad scaccarium; ubi cum per aliquot annos persedeset committer hoc solutionis genero non plene fisico satisficeri. Licet enim in numero et ponderu uideretur satisfactum non tamen in materia. Consequens enim non erat ut, si

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1 The only surviving Pipe Roll of Henry I contains no payments ad scalam. We may therefore he sure that it had ceased to be a usual method of payment in 1179. On the other hand a writ not later than 1118 orders a payment of £25 ad scalam, which is authorized by a charter granting the same payment 'by the King.' Poole (op. cit. p. 32 sq.) suggests that the six-penny rate was then merely an expedient to avoid the trouble of an assay. It seems possible that the change to payment by weight was connected with the reform of the coinage in 1195.

2 This, despite 'it is written,' is not a Biblical quotation, but comes from St. Ambrose, In Luc. 1:39. It is the homily for the third Friday in Advent in the Roman breviary, but not in that of Salisbury.

3 cf. Luc., Phars. 1:116, 'secunda virorum, Paupertas fugitur,' and note the play on Roger's name of le Poer.

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pence. This regulation for payment was long observed at the Exchequer; and consequently you will often find in the old Pipe Rolls of Henry I 'in the Treasury £100 ad scalam,' or 'in the Treasury £100 ad pensum.'

Meanwhile there arose a wise man, prudent in counsel, eloquent in speech and (by the grace of God) suddenly the chief mover in great matters. You might say that in him were fulfilled that which is written: 'The grace of the Holy Ghost has no slow movements.'

Called by Henry I to his Court, unknown yet not un-noble, he exemplified the saying,

How fertile is lean Poverty of men.

He grew in favour with the King, the clergy and the people, was made Bishop of Salisbury, held the most important and honourable posts in the kingdom, and had the profoundest knowledge of the Exchequer; so much so that it is clear beyond all doubt from the Rolls that it flourished exceedingly under his direction. It is from the overflow of his learning that I have received, in my blood, the little I know. But I will not enlarge on this, because he has, as he deserved, left behind him a memory which attests his noble mind.

Later, by the King's command, he took his seat at the Exchequer, and after sitting there for some years, perceived that the Treasury was not completely satisfied by this method of payment. For though the tale and the weight might be correct, the standard might not.

4 tradus is a runner or layer. The Pelagians, who denied the existence of original sin, nicknamed the Catholics 'Traducians,' as deriving sin by physical inheritance from Adam. Richard is emphasizing his inheritance from his father, Nigel.
pro libra una numeratos xx. solidos etiam libre ponderis respondentes soluisset, consequenter libram soluisset argenteam. Poterat enim cupro uel quousis ere mixtum soluisse, cum non fieret examinatio. Vt igitur regie simul et publice pruideretur utilitati, habito super hoc ipso regis consilio, constitutum est ut fieret ordine predicto firme combustio uel examinatio.

Discipulus. Quomodo publice?

Magister. Sentiens enim uicecomes se pregrauari per combustionem deterioris monete, cum firmam est soluturus, sollicitam adhibet diligentiam ut monetarii sub eo constituti legis constitute fines non excedant. Quos cum deprehenderit sic puniuntur ut eorum exemplo ceteri terreantur.

Discipulus. Numquid de omnibus comitatibus firma blanca solui debet uel examinatio fieri?


Discipulus. Uideo per hanc ad litteram impetum quod scriptum est, 'Quale fuerit cuiusque opus ignis probabit.' Sed iam nunc placeat cepis insistere.

Magister. Fiat. Consequens est, ut, credo, secundum dispositionis rationis ordinem, ut que sint dignitates residentium ad scaccarium ex officio uel ex regis mandato prosequamur.

Discipulus. Miro satis qua consideratione cum de

For it did not follow that if a man paid in for a pound twenty shillings by tale, and actually weighing a pound, he therefore paid a pound of silver. For it might be alloyed with copper or bronze of some kind, seeing that no assay was taken. In order, therefore, to protect both the King and the public, it was ordered, after discussion in the Council, that the combustions or assay should be made as described.

Scholar. How did this protect the public?

Master. The Sheriff, finding that he suffers on account of the loss on inferior money, when he has to pay his farm, takes good care that the moneymen who work under him do not exceed the established proportion of alloy. And if he catches them, they are so punished as to discourage the others.

Scholar. Is blanch farm paid, or the coin tested, in the case of all counties?

Master. No. Those which are assigned to the Crown by ancient right pay it. But those which have accrued for accidental reasons pay by tale only. Such are Shropshire, Sussex, Northumberland and Cumberland. Furthermore, the Sheriff is free to pay his blanch farm in assayed silver, and so escape the loss on the assay; that is, if the Melter passes the silver as good. That answers your question, by whom and why the assay was instituted.

Scholar. I see that the assay literally fulfils the text: 'The fire shall try every man's work of what sort it is.' But pray proceed.

Master. So be it. I think the order of our inquiry brings us to the privileges of those who sit at the Exchequer either ex officio or by the King's command.

Scholar. I wonder why, in your account of the duties, you either purposely suppressed the Usher of the greater
DIALOGUS DE SCACCARIO

officiis ageretur, de ostiario maioris scaccarii et eius officio uel ex industria suppressisti uel obliuionis iniuria resistente, preteristi.


Ostium domus illius in qua scaccarium residet ostiarius ille solus sine consorte custodit, nisi cum de domo propria seruientes assumit in onus officii sui. Nichilominus custodit idem ostium thalami secretorum qui colocatus est iuxta domum ubi scaccarium est. Ad hunc accedunt barones cum proponitur eis uerbum ambiguum ad scaccarium de quo malunt seorsum tractare quam in auribus omnium. Maxime autem propter hoc in partem secedunt, ne compoti qui ad scaccarium iunt impediantur; quibus moram facientibus in consiliis consuetus cursus compotorum agit tur. Si quid uero natum fuerit questionis referetur ad eos. Liberum etiam est ostiario ut quibuslibet magne auctoritatis uiris ad hoc opus non necessariis impune precludat aditum cum uoluerit; solis uero hiis qui ad scaccarium ex officio uel ex regis mandato resident, voluntarius patet ingressus in utrumque thalamum. Quod si auctentice sunt persone, quas singulariter incedere non est idoneum,2 uenum uel duos introducere poterunt in exteriorem domum scaccarii; sed in thalamum secretorum soli maiores introcunt, ceteris exclusis nisi cum ad quilibet regia negotia explenda a dominis suis uocantur. Item ostiarius factas summationes et signatas

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Exchequer and his duties, or were overcome by forgetfulness and left him out.

Master. I congratulate you on your memory. For a forward scholar is a glory to his master. You know1 that the aforesaid Usher receives wages with the other officers, and very properly inquire what his duty is. It is as follows:

The Usher keeps the door of the hall in which the Exchequer sits, alone without any colleague, unless he brings in some of his own household servants to do his work. He also keeps the door of the privy Chamber adjoining the hall of the Exchequer. Into this the Barons withdraw when some doubtful case comes up at the Exchequer which they would rather discuss privately than in everyone’s hearing. But their main reason for withdrawing is to avoid retarding the accounts which are in course of being heard at the Exchequer; for while they are consulting, the accounts continue their accustomed course, and any question which may arise is referred to them. The Usher also has the right to exclude from the Chamber any person, however important, whose presence is not required for the business in hand. Only those who sit at the Exchequer ex officio or by the King’s command have free entry into both chambers. But if they are persons in authority, who cannot decently appear unattended,2 they may bring one or two followers into the outer hall of the Exchequer; into the privy chamber only the Barons go, all others being excluded unless they are summoned by their masters for the expedition of the King’s business.

The Usher also receives from the Marshal the

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1 See p. 13
2 The subordinate clerks or scribes have thus no business in the Exchequer Chamber, unless sent for. The Usher has presumably power to refuse admission to the hall to casual visitors, but will admit the attendants of Barons. The scandal caused by Becket’s dismissal of his cross-bearer illustrates the principle of ‘decency.’
a marescallo suscipit, soluto scaccario illius termini, et in propria persona uel per fidelem nuncium per Angliam, sicut supradictum est, casdem deferit. Hic etiam ex mandato presidentis conuocat in presentiam eius vicecomites qui extra domum circumquaque dispersi sunt cum indiguerit illis. Item ad hunc pertinet ut sollicitus sit circa minuta quilibet necessaria que in domo scaccarii sunt, ut huc ad sternenda et preparanda sedilia circa scaccarium et huiusmodi. Ex predictis, ut credimus, de officiis omnium qui ad scaccarium resident tibi constare potest. Nunc que sunt eorum iura vel dignitates ratione sessionis ad scaccarium ostendemus.

viii Oportet autem de cetero ut nobis amplius parcat lingua detractoris\(^1\) et dens emulus ne laniet insultando. Vix enim ad notitiam tuam aliquid horum pertinget si non usitatis rerum vocabulis, set exquisito uerborum scemati, uel conflictis nominibus duxerimus insistendum.

Discipulus. Solam uerborum noutatem a principio\(^2\) uitare premonui et circa communia communibus et usitatis uti uerbis obtinui, ne disciplinaria rudimenta noutias insuetas turbaret. Sic igitur ut cepisti ceptum libeat iter explere. Quod si te sic gradientem detractoris emula mens uel lingua\(^3\) repperit, illud obtineas ab eo ut qui in scriptis suis sine peccato est primus in te lapidem mittat.\(^4\)

Magister. Sponte parco dummodo lex ista seruetur. Dignitas residentium ad scaccarium in pluribus consistit. Siue enim de clero sint siue de regis curia qui assident ex mandato, ab ea die qua conueniunt usque ad generalem

\(^1\) Wis. of Sol. 1:11
\(^2\) See p. 6
\(^3\) cf. Hor. Epp. 1. xii. 15
\(^4\) John. 8:7

summons drawn up and sealed, when the Exchequer breaks up at the end of Term, and delivers them, in person or by a trusty messenger, throughout England, as we have said. He also, at the President’s order, summons before him Sheriffs who are dispersed outside the hall, when they are wanted. He must also attend to any minor necessities about the hall, such as covering and arranging the benches round the Exchequer table and the like. Now, I think, you are informed of the duties of all who sit at the Exchequer. I shall now set forth their rights and privileges by virtue of their sitting.

From this point I still more need that men ‘refrain viii their tongue from backbiting,’\(^1\) and that the tooth of envy tear me not. For scarcely anything would be intelligible to you, if I tried to express it, not in vulgar language but in elaborate figures of speech, or in newly coined words.

Scholar. The one thing which I insisted on at the beginning\(^2\) was that you should avoid new words, and I prevailed on you to employ common and customary terms for common subjects, in order not to make an elementary treatise unintelligible by new and strange language. So pray go on as you have begun. But if, on that account, the envious mind or tongue\(^3\) of the backbiter should find you out, you must persuade him to ‘let him that is without sin’ in his own writings ‘first cast a stone’\(^4\) at you.

Master. On those terms I will gladly abstain from preciousness.

The privileges of those who sit at the Exchequer are manifold. For whether those who attend by the King’s command are clerks or lay courtiers, from the day of assembly to the general recess they are not summoned
in any other cases before any judges whatsoever, and, if summoned, they are excused on the ground of public policy. But if they are the plaintiffs and not the defendants in other cases, they have the option of appearing by proxy, or of putting off the day of trial without prejudice to their case. But if the judge, ecclesiastical or civil, before whom their case is, in ignorance of this law, summons any of them after the day of summons to the Exchequer, and deprives him by his sentence of his property or rights, by the King’s authority and by virtue of his sitting at the Exchequer the case will be set down for rehearing in the stage in which it was before the summons. But the judge has not on this account deserved punishment; he has only done his duty, though for reasons of public policy his action is ineffective. But if the summons be such that the ‘fugal day’ fixed by the law and applying to the person privileged precedes the day of assembly of the Exchequer, he cannot thus ejoin himself, or turn aside the judge’s sentence, or annul it when it has been delivered against him; even though the two days are so near together that he is forced to set out on his journey. He must therefore get a proctor or attorney and hasten to Court in good earnest on the King’s business. Again, Barons sitting at the Exchequer pay no custom [or toll] on victuals for their households bought in cities, villages or seaports. But if the collector exacts payment on such commodities, provided that the Baron’s servant appears and pledges his faith that the goods were bought for his master’s use, the money levied will be repaid in full, and the unconscionable official pay a money penalty proportionate to the dignity of the injured party. Furthermore, if anyone, even of high rank, loses his temper and reproaches or insults anyone sitting at the

* prorogare Madox: prorogare CNR
Exchequer, he will immediately be amerced for the offence if the President is present. But if the President is away, and he stoutly denies the offence, but the other members of the board assert unanimously that he did use the words with which he is charged, he will, notwithstanding his protest, be adjudged liable to pay the King, their master, a money penalty, unless he anticipates the judgment by crying for mercy. But if members of the board abuse each other, the other officers of the same rank must mediate between them and reconcile them, and the aggressor must make satisfaction as they award. But if he refuses and persists in his rash conduct, the case must be laid before the President, and each party receive the justice due to him. And if, through the author of all evil who looks with an evil eye ¹ on the joys of peace and brotherly love, it should come to pass that cause for dissension should arise between the Barons themselves, that then (which God forbid) reproaches should be exchanged and (as the devil drives) that their colleagues should fail to reconcile them, the judgment of all this shall be reserved for the King. And he, as God ² in whose hand the King’s heart ² is, may inspire him, shall punish the offence, lest they who govern should seem to go unpunished for the acts for which they punish others.

Scholar. This exemplifies what Solomon says:

‘Death and life are in the power of the tongue,’ ³ and James too: ‘The tongue is a little member and boasteth great things.’ ⁴

Master. That is so. But let us continue with the privileges. Common assessments [or assizes] are from time to time made in the counties by the Justices in Eyre, whom we may call itinerant or visiting judges. They are called Common Assizes because, the sum demanded

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lacessierit, si presidens ille presens est excessus huius ultricem penam pecuniariam statim excipiet. Absente uero presidente, illatam inuiuriam si constanter ille negauerit et acclamauerint ¹ consedentes dixisse eum quod sibi obicitur, nichilominus regi cui militatur in pecuniam reus statim judicabitur nisi festinauerit postulando misericordiam preueneri iridicium. Quod si se inuiemens hii qui ad scaccarium resident contumeliosa qualibet objectione molestauerint, mediantibus alius sui ordinis ministris, in pacem redant, et satisfiat ab ipso qui innocentem lesit ad eorum estimationem. Si uero acquiescere noluerit, set magis in sua temeritate perseverauerit, proponatur uerum presidenti et ab eo postmodum quod iustum fuerit uterque suscipiat. Ceterum si per incentorem malorum diabolum, qui fraterne pacis iocundam leticiam non equis aspiciat oculis, ² fieri contigerit ut inter ipso maiores dissensionis oriatur occasio, deinde, quod absit, succrescant conuiciorum iurgia et, addente stimulos Sathana, per alios collegas operis ciusdem pax reformari non possit, horum omnium cognitio ipsi principi reseruabitur; qui secundum quod cordi suo deus, in cuibus manu ipsum est, ³ inspirauerit, excessum puniet, ne qui presunt alius ferre uideantur impune quod decernunt in alii puniendum.

Discipulus. Ex hiis manifestum est quod Salomon ait: ‘Mors et uita in manibus linguæ’ ⁴ et item Jacobus, ‘Lingua modicum membrum est et magna exaltat.’ ⁴

Magister. Sic est, set prosequamur de dignitatisibus. Fiant interdum per comitatus communes assise a iustitiis errantibus, quos nos deambulatorios uel pluustrantes

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¹ acclamauerint: Madox ₂ acclamerint: G ³ acclamerent: XR ² Lewis and Short quote ‘acquis oculis videre’ from Curt. B. II. 9; ‘author of all evil’ and ‘when the devil drives’ are ecclesiastical commonplaces. ³ Prov. 21:1 ⁴ Prov. 18:21 ⁴ Jas. 3:5
judices nominamus, que ideo dicuntur communes quia, cognita summa que de comitatu requiritur, committer ab hiis qui in comitatu fundos habent per hidas distribuitur, ut nichil desit de illa cum ventum fuerit ad scaccarium solutionis. 1 Ab hiis omnibus omnes hiis qui ad scaccarium ex principis mandato resident liberrimi sunt, adeo ut non solum a dominis suis sed etiam ab omnibus feocis suis nichil horum exigatur. Si uero qui residet ibi fundum habeat, uel ad firmam uel in custodiand uel etiam ad pignus pro pecunia, liber non erit, sed magis de his legibus publicis obnoxius fiet. Amplius autem preter has liber erit ad scaccarium a murdiri, scutagii et a danegeldis. Quod autem ad ipsum pertinet a summa constituta decident et uiuecomiti computabitur per hec uerba, 'In perdonis per breue regis illi uel illi hoc uel illud,' cum tamen nullum super hoc breue regis habuerit. Caeusat autem cui dimittitur aliquid a principio ne postea sibi dimissum requirat a subditis, set magis memor sit uerbi illius 'dimittete et dimittemini,' 2 quia cum hoc fuerit deprehensum, princeps, evangelice emulator doctrine, 3 nec dimittet eum, nec debitum dimittet ei, set forsitan in centuplum puniet, quia impensa sibi gratia uidetur abuti cum ab alis irreuerenter exigat quod gratis sibi dimissum est.

Discipulus. Dictum est, si bene memini, quod quinque regis precepto residet ad scaccarium a quibusdam lege determinatibus ratione sessionis liber est. Additum est etiam, si bene recolo, considere scaccarium in termino Paschae, non tamen que illic fiunt omnino terminari, set eorum consummationem termino sancti Michaelis

1 On the Common Assizes see J. Tait's article in E.H.R. liii, p. 569, where a distinction is drawn between the assisa comitatus of 1156, which was presumably a donum, and leved as here described, and the Comunis assisa comitatus of 1169 which was a composition for judicial penalties. But in both cases the charge was a lump sum charged on the county and answered for as such by the Sheriff.
2 Luke 6:37
reseruari. Cum igitur possibile sit, immo et frequenter contingat, aliquem ex regis mandato in termino Pasche ad hec assumi qui in termino sancti Michaelis uel fati debita soluit uel ad alia regni negotia mandato regis transfertur uel, quod fortius quibusdam usum est, medio tempore principi factus exosus tam excellentiibus negotios indiginos iudicatur; quero si qui in termino Pasche quietus est quo paucar terminansur set omnia per iteras tam summationem innouantur, hic talis in termino sancti Michaelis absolu meretur, cum etiam et scaccarrii sessionem et ipsam principis gratiam demeruerit.

Magister. Ad huius questionis partem utramque construeam copiosa forsitan est rationum inventio, set noueris regie munificentie libertatem post semel indultam absolutionis gratiam etiam cum pecunie dispending in partem meliorem semper esse ponuorem. Quippe similis est donorum et perdonorum regis ratio ut, sicut dona eius reuocari uel repeti non debent, sic nec regis dimissa, que uulgo perdonata dicuntur, nequeunt in irritum duocari. Liber igitur et absolutus is est in termino consummationis qui quocunque modo in precedentem meruit absolu.

Discipulus. Mouet me quedam que predicta sunt; primo quod dicis alicquid alicui dimitt sub hoc tenore uerborum 'In perdons per breue regis illi uel illi hoc uel illud,' cum tamen nullum breue regis dimissionis obtinuerit. Quo modo enim fieri posset ut sic falsa non deprehendatur scriptura rotuli non uideo.

Magister. Muet te, nec inmerito, quod me diu mouit; atque, ut credo, noncum patuit omnibus hec scripture ratio, unde, licet non sit magnum quod petit attamen est insolitum et uidetur absurdum ut per breue regis dicatur dimissum quod sine breui semper est dimittendum. Ea propter de hac ipse sollicitus fui circa Michaelmas term. So then, as it is possible and indeed often happens, that a person attends in Easter term by the King’s command, who in Michaelmas term is either dead or has been transferred by the King’s command to some other employment, or (which some people consider a stronger case) has incurred the King’s displeasure and is considered unfit for such important business. I want to know whether a man, who is quit in Easter term, in which little is concluded but everything brought up again by a second summons, can claim to be exempt in Michaelmas term, even though he has lost not only his seat at the Exchequer but also the King’s favour.

Master. There is probably a great deal to be said on both sides of the question, but you must know that the King’s generosity, once the quittance has been given, is always inclined to take the more liberal course, although he loses money by it. Indeed the King’s pardons are like his gifts. As his gifts cannot be revoked or reclaimed, so what he has remitted, or as we commonly say ‘pardoned’ cannot be called back. He therefore is free and quit in the term of final account, who has in any way earned his quittance in the term preceding.

Scholar. Some of your statements puzzle me. To begin with, you said that remissions were made in the form: ‘In pardons by the King’s Writ. To so-and-so, so much,’ though he had no writ of remission from the King. I fail to see how the writing of the Roll can avoid being found untruthful in this point.

Master. You may well be puzzled. I was for a long while; and I do not believe that the explanation is generally known. So, though the point is unimportant, it is unusual, and even seems absurd, that what is always remitted without writ should be said to be so ‘by the King’s Writ.’ And for that reason I asked that very
dominum Elyensem, uirum utique * huius officii peritissimum, cuius memoria in benedictione sit in eternum. Hic illustris illius Anglorum regis Henrici primi thesaurarius et nepos Saresberiensis cuius supra meminimus, incomparabilem suis temporibus habuit scaccarii scientiam. Maximus etiam existens in his que ad sui status dignitatem pertinebant, celebrum sui nominis famam fecit, adeo ut pene solus in regno sic uixerit et sic decesserit ut gloriem eius inuida lingua denigrame non audeat. Hic etiam, ab illustri rege Henrico secundo frequenter rogatus, scaccarii scientiam continuata per multis annos bellica tempestate pene prorsus abolitam reformavit, et totius descriptionis eius formam uelut alter Esdras,\(^1\) bibliothecce sedulus reparator, renouuit. Credidit sane uir prudentis satius esse constitutas ab antiquis leges posteris innotescere quam sua taciturnitate ut noue conderentur, efficere. Vix enim modernitas in questu, pecunie mitiora prioribus iura dictauit. Ab hoc igitur super hoc huiusmodi responsum accepit. ‘Frater, qui aures audienti audias habet facile detractoris linguam inueniet. Etiam is qui non habet, non facie etandem effugiet. Accessit itaque ad regem Henricum primum uir aliquis habens sibila serpentis,\(^2\) dicens ei, ‘Barones uestri qui ad scaccarium resident ut quid que de terris eorum exsurgent, non solunt, cum quidam constitutas habeant ad scaccarium liberationes pro sessione sua? Quidam etiam pro officio suo fundos habent et fructus eorum. Hinc ergo grauis iactura fisco prouenit.' Cum igitur ille principis emolumentum allegans frequenter instaret, mentem eius uix tandem uerbum istud eo usque possedit ut omnia constituta ab omnibus solui preciperet,

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\(^{*}\) utique scripsi : itaque codd
\(^{1}\) cf. 4 Esdras 14:22–47.
\(^{2}\) cf. Wis. of Sol. 17:9 serpentinum sibilatione commoti
nec aliquid alicui dimittit nisi quis super hoc expressum eius optimum esse mandatum; factumque est ita. Succedere uero tempore, cum recordaretur princeps consilii Architophel, penitus eum acique suas. Decretuit autem omnibus illic ministrantibus omnia predicta computari, nil ducens facturam modici eris respectu magni honoris;* Destinavit itaque breue suum ad scaccarium ut assentientes illic ad hiis liberis essent iure perpetuo. Ab hoc igitur breui ex tunc et modo dicitur "in perdonisi per breue regis." Sicque factum est ut quod indultum est patribus, et nunc perseveret in posteris. Simile autem huic aliquid temporibus modernis nos uidisse meminimus, quod tractu temporis sub consimili uerborum tenore hiis qui absoluti meruerint computabatur. Precepit namque dominus rex Henricus secundus in termino sancti Michaelis xxiii. anni regni sui ut milites Templi et fratres Hospitalis et monachi Cisterciensis ordinis, quibus per carte sua libertatem longe ante quietantiam indulserat omnium quod ad denarios pertinent, excepta justitia mortis et membrorum, amodo quies esset de hiis omnibus quod ad denarios per singulos comitatus pertinent, adeo ut de cetero cartas suas ad scaccarium deferre non cogerentur. Hoc enim regis pietais decreuit auctoritas, ut sic semel baronum consideratione de hiis omnibus expedirentur; ne qui ad frugem uite melioris transierunt et orationibus potius uacare tenentur, ad scaccarium propter hoc cum cartis suis inutili et tediosam moram facere compellantur. Consilio igitur et consideratione baronum qui interficerunt factum est breue domini regis sub hoc tenore 'Clamo quietos milites Templi de v. marcis que exiguntur ab hominibus eorum pro defectu, et prohibeo ne amodo ab ipsis uel hominibus eorum uel terris aliudiqui exigitur uel capiatur

* honoris Codd: oneris Poole
quod ad denarios pertinent. Testibus hiis ibi. Sic et fratrimonius Hospitalis et monachis predictis. Huibus autem auctoritate mandati amodo per singulos comitatus de omnibus que ad denarios pertinent quicui erunt sic ut dicatur in annali. 'In perdonis per breue regis,' illud scilicet cuius supra neminem.

Discipulus. Satisti intellexi quod dictum est; nunc si placet quid sit scutagium, murdrum uel danegeldum aperi re non differas. Barbara quidem esse uidentur set eo magis me sollicitant quod ab hiis dicis liberos esse scaccarii ministros.


Porro murdrum proprie dicitur mors alicuius occulta cuius interfector ignoratur. Murdrum enim idem est quod absconditum uel occultum. In primitu iuque regni statu post conquestionem qui relictus fuerant de Anglia subactis, in suspectam et exosam sibi Normannorum gentem latenter ponebant insidias, et passim ipsos in nemoribus et locis remotis, octa opportunitate, clanculo iugulabant. In quorum ultione cum reges et eorum ministri per aliquot annos exquisitis tormentorum generibus in Anglicos desuereant, nec tamen sic omnino desisterent, in hoc tandem deuolutum est consilium, ut centuriae, quam hundredum dicunt, in qua sic interfector Normannus inueniebatur, quod mortis eius minister non extabat, nec per fugam quis esset patebat, in summam grandem argenti examinati fisco condemnavetur; monks. By virtue, then, of this order, they shall be quit henceforth of all amercements in money, so that the Pipe Roll will run: 'in pardons by the King's Writ,' namely, the writ which we have just mentioned.

Scholar. I understand that clearly enough. Now please, make haste to explain what are scutage, murderfine or danegeld. They seem barbarous terms, but I am the more interested in them because you say that the officials of the Exchequer are free from them.

Master. It sometimes happens that when enemies threaten or attack the kingdom, the King decrees that a payment shall be made, say a mark or a pound from every knight's fee, to provide payment or rewards for soldiers. For the prince prefers to expose mercenaries to the hazards of war, rather than his own people. This sum, being paid according to the number of shields [of the knights], is called scutage. And from it those who sit at the Exchequer are quit.

Murder, strictly speaking, is the concealed death of a man at the hands of an unknown slayer. For 'murder' means 'hidden' or 'secret.' In the period immediately following the Conquest what were left of the conquered English lay in ambush for the suspected and hated Normans and murdered them secretly in woods and unfrequented places as opportunity offered. Now when the kings and their ministers had for some years inflicted the most severe penalties on the English without effect, it was finally decided that the hundred in which a Norman was found killed, without his slayer being known or revealing his identity by flight, should be mulcted in a large sum of assayed silver, £36 or £44 according to

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1 This must not be pressed. It was exacted in 13 Henry II for a 'Fleming' (Pipe Roll p. 200).
2 There is no evidence that the fine was ever paid 'blanch.' Under Henry II it was 'by tale.'
the locality of the murder and the commonness of the crime. This is said to have been done for the security of travellers and to induce all men to make haste to punish such a crime or to deliver up to judgment the man by whose fault so great a loss incurred the whole neighbourhood. You are aware that, as we said before, those who sit at the Exchequer table are quite of these.

Scholar. Does the secret death of an Englishman, like that of a Norman, give rise to a murder-fine?

Master. It did not do so originally, as I have told you. But nowadays, when English and Normans live close together and marry and give in marriage to each other, the nations are so mixed that it can scarcely be decided (I mean in the case of the freemen) who is of English birth and who of Norman; except, of course, the villeins, who cannot alter their condition without the leave of their masters. For that reason whoever is found slain nowadays, the murder-fine is exacted, except in cases where there is definite proof of the servile condition of the victim.

Scholar. I am surprised that that uniquely great prince and brave warrior [William I] was so merciful to the conquered, and probably disloyal, English, as not only to save harmless the tillers of the soil, but to leave the nobility their lands and large possessions.

Master. Although this is no part of what I undertook, I will freely tell you what I have been told by native-born English. When, after the Conquest and the just suppression of the rebels, the King and his nobles made a progress through the new territories, strict inquiry

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1 The legal authorities put the fine at 46 marks (£30 14s 4d). From 1190 to 1207 the amount gradually declined from twenty to two marks (Pipe Rolls).
omnibus, et item hereditibus corum qui in bello occu-
buerunt, spes omnis terrarum et fundorum atque reddi-
tuum quos ante possederant preclusa est; magnum
namque reputabant frui uite beneficio sub inimicis.
Verum qui uocati ad bellum necdum conuenerant, uel
familiaribus seu quibislibet necessariis occupati negotiis
non interuerant, cum tractu temporis deuotis obsequis
gratiam dominorum possedissent, sine spe successionis,
sibi tantum, pro voluntate tamen dominorum possidere
ceperunt. Succeedente uero tempore, cum dominis suis
odiosi passim a possessionibus pellerentur, nec esset qui
ablata restitueret, communis indigenarum ad regem
peruenit querimonia, quasi sic omnibus exosi et rebus
spoliati ad alienigenas transire cogerentur. Communi-
cato tandem super hiis consilio, decretem est ut quod a
dominis suis, exigitibus meritis, interueniente pactione
legitima, poterant optinere, illis inuolabili iure con-
cederetur. Ceterum autem nomine successionis a temporil-
bus subacte gentis nihil sibi uendicaran. Quod quidem
quam discreta consideratione cautum sit, manifestum est,
presertim cum sic modis omnibus, ut sibi consulerent,
de cetero studere tenenterunt deuotis obsequis dominorum
suorum gratiam emercari. Sic igitur quisquis de gente
subacta fundos uel aliquid huissmodi possidet, non
quod ratione successionis deberi sibi uidebatur adeptus
est, set quod solummodo, meritis suis exigitibus uel
aliqua pactione interueniente, obtinuit.

Discipulus. Quid sit centuriata uel hundredum non
satis noui.

Magister. Sustine modicum, scies postea loco suo
[hoc est in titulo de libro iudiciario]. Nunc prose-

\[1\] This is obviously a gloss. In any case, the chapter is that following
that on Domesday (p. 64).

was made as to the persons who had fought against the
King and saved themselves by flight. All these and the
heirs of those who had fallen in battle were deprived of
all hope of recovering their former lands, farms and
rents; for they counted it great gain to be allowed to
live in subjection to their enemies. But those who had
been summoned to battle and failed to obey, or had been
detained by domestic or other business, by loyal service
to their new masters began to acquire tenancies at the
will of their lords, without hope of succession, but only
for themselves. But in course of time, when they were
everywhere being expelled from their holdings as
enemies of their lords, nor was there anybody to give
them back what had been taken away, there was a
general complaint by the native English, which came
to the King’s ears, that since they were hated by everyone
and robbed by everyone, they would be forced to take
service abroad. At last, after discussion in council, it
was decreed that they should be given an inviolable title
to whatever they had acquired from their lords by their
own deserts and by a lawful bargain. But they did not
succeed in establishing a title to inherit pre-Conquest
property. This was obviously a wise decision, since
they were thus obliged, in their own interest, to purchase
the favour of their lords by devoted service. Thus, who-
ever of the conquered race possesses lands or anything
of the sort, has acquired not what he considered due to
him by right of succession but only what he has earned
by his services or got by some kind of contract.

Scholar. I am not quite sure what a century or
‘hundred’ is.

Master. Have a little patience. You shall know later,
in its proper place [That is in the chapter about Domes-

\[1\] Let us now proceed to Danegeld; and
you must give me your attention while I briefly explain the reason of the name:

Our island, self-supporting, has no need
Of foreign luxuries. It is indeed
A store of riches and a home of joys,
As said our fathers.

That is why it has suffered from countless foreign
attacks, for it is written ‘Hoarded treasures tempt the
thief.’ For pirates from the adjacent islands made raids
on it, made its sea-coast desolate, and carried off gold,
silver and anything else of value. But when the King
and the native English, came in armed force to protect
their kinsfolk, the pirates ‘fled o’er the main.’ Chief
among these pirates, and most destructive, were the
Danes, who were not merely greedy for plunder but
had some claim, based on ancient right, to the lordship
of the kingdom; as is more fully told in the History of
the Britons. For defence against these enemies the kings
of England decreed that two shillings should be paid
ever after from each hide of land in the kingdom for the
wages of stout fellows who should patrol the coasts and
keep diligent watch to repel hostile attacks. So because
this tax was instituted mainly on account of the Danes,
it was called ‘Danegeld.’ Under the native English
kings this was, as we have said, paid yearly until the
time of William, the first sovereign of Norman nationality
and family. For in his reign both the Danes and all
other pirates refrained from raiding, knowing the
Scriptures to be true. When a strong man armed
keepeth his palace, his goods are in peace.” For they

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1 The Leges Edwardi Confessoris, cap. 11, from which this seems to be
copied, agree in the error as to annual payment, but state the rate at one
shilling. Danegeld was in fact abolished by Edward the Confessor.

2 Luke 11:21

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1 cf. Sen. Ep. 68, s. 4. Furem signata sollicitant
2 cf. Verg. Geo. 3:1249
But it is possible that the reference is to the lost source of Gaimar and of
Geoffrey of Monmouth’s Historia Reg. Brit., or even (for the Danish raids
generally, and not for the claim) to Henry of Huntingdon (Book V).
atrium suum, in pace sunt ea que possidet.' Noverant etiam quod acerrime urituris homines inpunitas non ferunt injurias. Cum ergo diu siluisset terra sub eiusdem regis imperio, noluit hoc ut annuum solui, quod fuerat urgente necessitate bellice tempestatis exactum, nec tamen omnino propter inopinatos casus dimitti. Raro igitur temporibus eius uel successorum ipsius solutus est; hoc est cum ab exteriis gentibus bella uel opiniones bello-rum insurgebant. Verum quocumque tempore solutur, ab ipso liberis sunt qui assident ad scaccarium sicut dictum est. Vicecomites quoque, licet inter barones scaccarii non computentur, ab hoc quieti sunt de dominiis suis propter laboriosam eiusdem census collectam.

Noueris autem dominia cuiuslibet hec dici que propriis sumptibus uel laboribus excoluntur, et item que ab ascriptitiis suis suo nomine possidentur. Quia enim ascriptiti de regni iure non solum ab hiis que modo possident ad alia loca a dominis suis transferri possunt, uerum etiam ipsi quoque licite uenduntur uel quomodo dolibet distrahuntur, merito tam ipsi, quam terre quas excolunt ut dominis suis seruiant, dominia reputantur. Item fertur ab hiis quibus antiqua scaccarii dignitas oculata fide pernotuit, quod barones eius ab essartis forestarum liberi sunt de dominis suis; quibus et nos consentire uidemur, adiecta determinatione ut de hiis essartis dicantur quieti, que fuerant ante diem qua rex illustrius Henricus primus rebus humanis exemptus est. Si enim de omnibus, quocumque tempore factis uel faciendis, quieti essent, liberum uideretur baronibus, propter impunitatem, nemora sua, in quibus regia foresta consistit, pro sui arbitrii voluntate succidere,

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2 cf. Mark 13:37. The Pipe Rolls do not bear out Richard's statement. In 1150 Danelaw appears as an annual payment (see the instances collected by Madox, Hist. of the Exchequer, chap. 17, s. 1 (p. 475). It was collected in

knew that men of valour do not leave wrongs unpunished. So when the land had long been quiet under his rule, he was unwilling that a tax imposed by the necessities of war should be paid annually, nor did he wish that it should be entirely remitted in case of unforeseen attacks. It was accordingly rarely paid in his time or in that of his successors; only when wars with foreign peoples or rumours of wars arose. When, however, it is paid, those who sit at the Exchequer are quit of it, as has been said. Sheriffs also, though not reckoned as Barons of the Exchequer, are quit so far as their demesne lands are concerned, on account of their trouble in collecting it. You must know that 'demesne' lands are those which are tilled at the cost, or by the labour, of the owner, and those held in his name by his villeins. For because villeins, by the law of the land, may not only be transferred by their lords from the lands which they actually till to other spots, but may even themselves be sold or otherwise disposed of; both they and the lands which they cultivate as service to their masters are rightly deemed to be demesne.

It is also reported by those who have seen with their own eyes the ancient dignity of the Exchequer, that the Barons are quit of assarts of forests for their own demesnes; and we agree with them, with the reservation that they are held quit of assarts made before the death of Henry I. For if they were quit of all assarts, at any time made or to be made, the Barons would appear to be free, being unpunishable, to cut down at their pleasure their own woods, in which the King's forest consists; a thing which they cannot do without
the previous consent of the King or of his chief forester. Furthermore, those who have their homes in the forest do not take wood from their own woods for necessary domestic use except by view of those who are appointed keepers of the forest. There are many, on the other hand, who attempt to prove that nobody is quit of these assarts by virtue of sitting at the Exchequer. For if any of those who so sit were unhappily to commit an offence against the King which rendered him liable to a pecuniary penalty, he could only be quit of it by the King's express command. Since, then, the making of an assart is an offence against the King's forest (they say), the offender, thus punished, ought not to go quit without the special command of the King. Now although this reasoning is subtle and almost convinces some; it has this objection, that there is a common and fixed penalty for such offenders, to wit a perpetual rent of one shilling for each acre sown with wheat, and sixpence for each sown with oats. These sums make up a total for which the Sheriff must answer at the Exchequer, just as he does for the total amount of the shilling or two shillings per hide throughout the county which is called a common assize. Now, as assart exactly resembles common assize in this point, it might reasonably be held that the Barons of the Exchequer are quit of it as they are of the other common assizes. There is also the objection of ancient prescription against them—a not inconsiderable authority. For not only do those with long memories say that this was the ancient practice, but I myself who now speak to you have seen Robert, Earl of Leicester, in recent times, a man of sound judgment, well educated, and practised in legal affairs. He was naturally strong

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1 This was Robert de Beaumont 'le bossu,' 2nd Earl, Justiciar, 1154-67.
minded, and came to rival his father in wisdom, and his diligence was repeatedly proved by his present majesty, Henry II. The King, who can discern both hidden wisdom and hidden folly, had such a high opinion of him, that he appointed him Justiciar, head not only of the Exchequer, but of the whole kingdom. He once, when a general survey of the woods, commonly called a 'regard,' was impending, which happens every third year, procured the King's Writ exempting him from the demands on his land for assarts, and stating the sum due from them. When this was brought in and read at the Exchequer, publicly, everyone was thunderstruck and marvelled, saying, 'Is not the Earl weakening our liberties?' As those at the table looked at one another, Nigel, late Bishop of Ely, of blessed memory, rose and said with proper modesty, 'My Lord Earl, by obtaining this writ from the King you seem to have impaired the dignity of the Exchequer, invoking the King's command to secure an exemption to which you have the right through sitting at the board; since henceforth it might be argued a fortiori that any Baron who had not obtained the King's Writ as to assarts was bound to pay.' I most humbly submit that this method of securing acquittance is a bad precedent.' Well, since opinions differed, as they generally do on doubtful points, a stronger proof was adduced, a Pipe Roll of that great King of whom we spoke above, under whom the dignity and knowledge of the Exchequer had its full flower, and something was found in it which supported the Bishop's assertion of the dignity of members of the Court. On hearing this, the Earl considered for a few moments and then said, 'I must admit that I got the writ from the King, not with any intention of weakening your rights, but in order more easily to escape the very pressing demands (unknown to

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1 Præsidens (used by Tacitus and in the Civil Law for Praeptor) was the governor of a province
tamen incognitam, Alaniorum exactionem. Abdicans ergo breue sum per libertatem sessionis preelogit absolu.

Succedente tempore cum predictus episcopus infirmitate detentus adesse non posset, me ipso supplente ad scaccarium uices ipsius in quibus poteram, contigit essarta solui. Cum ergo de domino eius exacta solveretur, questus sum in publicum allegans ius absolutionis. De communi ergo omnium consilio et consideratione, que iam soluta fuerat mihi restituta est summa; reseruans autem que de domino suo prouerant, ascriptitiiis eius, quod de quolibet exactum fuerat, cum integritate restituui, ut huius rei testis esset superstes memoria.

Discipulus. Salua reverencia non exemplis se rationibus in iis utendum est.

Magister. Ita est. Set fit interdum ut cause rerum dictorumque rationes occulte sint, et tunc sufficit de hiis exempla subicere, presentim de uiris prudentibus sumpta, quorum opera circumspecta sunt et sine ratione non fiunt. Verum quicquid super hiis dixerimus allegantes pro hac libertate uel contra eam, certum habebas quod nichil in hac parte certum dicimus nisi quod principis auctoritas decreuerit obserrandum. Sane forestarum ratio, pena quoque uel absoluto delinquentium in eas, siue pecuniaria fuerit siue corporalis, seorsum ab aliis regni judiciis secernitur et solius regis arbitrio uel cuiuslibet familiaris ad hoc specialiter deputati subicitur. Legibus quidem propriis subsitit quas non communi regni iure

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1 This episode may very well be attributed to 1167, in which year Alan de Nevill held pleas of the Forest throughout England, and the Earl of Leicester and many others had pardons per brevi regis. On the schedule of combustions attached to the Chancellor’s Roll of that year are the words, Ricardus de Nevilla est niger et malus homo. He may have been one of the Alanii of the text.

2 This presumably happened in 1167, between the Bishop’s retirement in 1164 and his death in 1169 (since Nigel could not claim exemption by virtue of his sitting, unless Richard was his deputy). Richard was, I suppose, replacing his father as a counsellor, being already Treasurer himself; while he repaid the villeins in his capacity as Archdeacon of Ely and manager of his father’s affairs.

3 cf. Arist. Eth. 6:3
set voluntaria principium institutione subnixas dicunt, adeo ut quod per legis eius factum fuerit non iustum absolute set iustum secundum legem foreste dicatur. In forestis etiam penetralia regum sunt et eorum maxime delicie. Ad has enim uenandi causa, curis quandoque depositis, accedunt ut modica quiece recreentur. Illic, seris simul et innatis curie tumultibus omisisset, in naturalibus libertatis gratiam paulisper respirant, unde fit ut delinquentes in eam soli regie subiaceant animadversioni.

Discipulus. Ab uinge primo didici quod praue pudentis est ignorantiam pati malle quam dictorum causas inquirere. Vt ergo de predictis plenius constet, aperire non differas quid foresta sit et quid essartum.

xii Magister. Foresta regis est tuta ferarum mansio, non quorumlibet set siluestrum, non quibuslibet in locis set certis et ad hoc idoneis. Vnde foresta dicitur, e mutata in o, quasi 'feresta,' hoc est ferarum statio.

Discipulus. Numquid in singulis comitatibus foresta regis est?


xiii Essarta uero uulgo dicuntur quod apud Isidorum occasiones nominantur, quando scilicet forestes nemora uel dumeta quelibet pascuis et latibulis oportuna succiduntur; quibus succisit et radicitus auulis terra subuerit et excolitur. Quod si nemora sic excisa sint

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1 Walter Map was even more severe ('De Nugi Curialium, i. 9). 'Absolute and sequium quid, 'absolute' and 'relative,' are a reminiscence of Richard's logical training.
2 cf. Verg. Aen. 2148 and Ps. 104:30
3 cf. Hor. Carm. 3, vi. 24
4 Hor. Ars Poetica 88
5 cf. Isid. Etym. xvii. ii, who however explains the word as 'harrowing.'
ut subsistens quis in uix extanti succese quercus uel
alterius arboris stipite circumspiciens v. succisas uiderit,
uastum reputant, hoc est uastatum, per sincopam sic
dictum. Excessus autem talis, etiam in propriis cuiuslibet
nemoribus factus, adeo grauis dicitur ut nunquam inde
per sessionem scaccarii liberari debet, set magis iuxta
sui status possibilitatem pecuniariter puniri. Hactenus
de dignitatis residuciun ad scaccarium quod breuitae
succincta permissit, et menti mee repente se obtulit,
ucumque figuraliter exposui. Ceterum regum munificentiae
terminum in his, quem non transgrediantur, non
constituiri. Proni enim sunt omnes propter gratiam sibi
creditam in sue dignitatis gloriam promouendam, hii
presertim qui recte sapiunt. At ille maxime mundanorum
principum maximus, illustris Anglorum rex
Henricus secundus, in augendis dignitatis sibi militantium
semper aspирat, sciens pro certo quod indulta
suis beneficia nominis sui gloriam immortalis fama
tituli emercantur. Nunc igitur ad alia currentem
calamum convertamus.

Discipulus. Consequens est, ni fallor, sicut ex pre
dictis uideo comperisse, ut de regis sigillo et libro
iudiciario prosequaris, quorum primum si bene memini
in thesauro seruat et inde non recedit.

Magister. Immo et utrumque, set et plerique alia.

xiv

Noucris autem thesaurn quandoque dici pecuniam
ipsam numeratum, uasa quoque diversi generis aurea uel
argentea ac vestimentorum mutatoria. Secundum hanc
acceptationem dicitur 'Vbi est thesaurn tuus ibi est
et cor tuum.'

Dicitur enim thesaurn locus in quo

plough] and cultivated. But if woods are so severely cut
that a man, standing on the half-buried stump of an oak
or other tree, can see five other trees cut down round
about him, that is regarded as 'waste,' which is short
for 'wasted.' Such an offence, even in a man's own
woods, is considered so serious, that he can in no way
be quit of it by his session at the Exchequer, but must
all the more suffer a money penalty proportionate to his
means.

Such is a brief and hasty outline of the privileges of
those who sit at the Exchequer. But I have not set
'bounds which they shall not pass' to the liberality
of Kings. For all men, especially sensible men, are
inclined, because of the grace committed to them, to
promote the glory of their own rank. But the greatest of
earthly princes, Henry II, is always striving to augment
the dignity of those who serve him, knowing full well
that the benefits conferred on his servants purchase glory
for his own name, by titles of undying fame. Now let
us direct our flowing pen to other subjects.

Scholar. If I am not mistaken, the next step, judging
by what has gone before, is for you to proceed to describe
the royal Seal, and Domesday Book; the former of
which I seem to remember, is kept in the Treasury and
not taken out.

Master. That applies to them both, and to other
things as well.

You must know that thesaurn (treasure) sometimes xiv
means coined money, gold and silver plate of different
kinds, and changes of raiment. In this sense it is
said, 'Where your treasure (thesauri) is, there will your
heart be also.' For the place in which treasure is
stored is also called thesaurn, wherefore that place is

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1 Ps. 103:9
2 cf. Rom. 11:13
3 cf. Isa. 3:22
4 Matt. 6:21
named the Treasury as it were *auri thesis*, i.e. placing of gold. So the question, where each of these things is, receives the incongruous answer, ‘In thesaurum est’ [it is in the Treasury], that is, in the place where the treasure is deposited. Coined money, and the other things previously mentioned, once safely put away, are not brought out again, except to be sent to the King, upon his order, to be employed for necessary purposes. But there are several things in the vaults of the Treasury, which are taken about the country, and are locked up and kept safe by the Treasurer and Chamberlains, as has been more fully explained already, such as the King’s seal, about which you ask, Domesday Book, the Roll of Demands, which is called the ‘Writ of Farms’; the great yearly Rolls of Accounts [*Pipe Rolls*], a multitude of Charters; countertallies and Rolls of Receipts, royal writs for the Issue of Treasure, and sundry other things which are needed for daily use while the Exchequer is sitting.

You may gather from what has gone before what the proper use of the royal seal should be. For with it are sealed the summonses and other royal mandates, but only such as pertain to the Exchequer. It is not brought out on other occasions, but, as has been said, is kept by the Chancellor in the person of his deputy. It has the same ‘image and superscription’ as the itinerant seal of the King’s Court in order that the two seals may be recognized as of equal authority in commanding, and those equally guilty who disobey either of them.

Domesday Book, about which you inquire, is the

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1 *Isid.* *Epigr.* 16:18  
2 *p.* 14  
3 See pp. 19, 32 sq.  
4 This may be true for the reign of Henry II. Under Henry III it was sometimes used in the King’s absence abroad as a substitute for the Great Seal of the Chancery. See *Lytte, The Great Seal*, p. 59.  
5 *Luke* 20:24  
6 The Great Seal proper, with the Chancellor, accompanied the King on his progresses; that of the Exchequer was only itinerant when the Exchequer was held away from the permanent Treasury.
inseparable companion in the Treasury of the royal seal. The reason for its compilation was told me by Henry, Bishop of Winchester, as follows:

When the famous William, ‘the Conqueror’ of xvi England, the Bishop’s near kinsman, had brought under his sway the farthest limits of the island, and had tamed the minds of the rebels by awful examples, to prevent error from having free course in future, he decided to bring the conquered people under the rule of written law. So, setting out before him the English Laws in their threefold versions, namely, Mercian law, Dane law and Wessex law, he repudiated some of them, approved others and added those Norman laws from overseas which seemed to him most effective in preserving the peace. Lastly, to give the finishing touch to all this forethought, after taking counsel he sent his most skilful councillors in circuit throughout the realm. By these a careful survey of the whole country was made, of its woods, its pastures and meadows, as well as of arable land, and was set down in common language and drawn up into a book; in order, that is, that every man may be content with his own rights, and not encroach unpunished on those of others. The survey is made by counties, hundreds and hides. The King’s name heads the list, followed by those of the nobles who hold of the

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3 Henry of Blois, younger brother of Stephen, and nephew of the Conqueror (d. 1171), can hardly have been old enough to remember the actual writing of the larger (and later) volume and the history attributed to him is largely conjectural. It seems to be derived from the Leges Eduardi Confessoris, the Leis Willeime, and the fact of the existence of Domesday Book. But it may represent the traditional account current in Winchester.

2 This is the so-called Witan of 1070, for the date of which the preface to the Leges Eduardi Confessoris is the earliest evidence. The tripartite code is mentioned in the Leis Willeime. It seems generally agreed that William’s undertaking to abide by the laws of Edward, attested by his writ in favour of the Londoners (Davis, Regesta, 15) applies merely to the common law of the land and not to any written code. The point is discussed in Stubbs’s Lectures, pp. 40–50.

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3 There seems to be no evidence that either the murder-fine or view of Frankpledge was introduced from Normandy.

4 i.e. without any attempt to invent classical equivalents for English terms.

5 The criticism of this statement, based on Round’s argument that Domesday is primarily an assessment of gold, is much weakened by Professor Galbraith’s hypothesis that it was based on Brevia embodying the claims of the Crown and its tenants in chief in each county. See E.H.R. livi, pp. 161–77.
in capite. Apponuntur autem singulis numeri secundum ordinem sic dispositis, per quos inferius in ipsa libri serie quae ad eos pertinent facilius occurrunt. Hic liber ab indigenis 'Domesdei' nuncupatur id est dies iudicii per metaphoram. Sicut enim distici et terribilis examinis illius nouissimi sententia nulla tergiversationis arte valet eludi, sic sum orta fuerit in regno contentio de hiis rebus quae illic annotantur, cum ventum fuerit ad librum, sententia eius infatvari non potest vel impune declinari. Ob hoc nos eundem librum 'iudiciarium' nominauimus, non quod in eo de propositis aliquidus dubiiis feratur sententia, set quod ab eo, sicut a predicto iudicio, non licet ulla ratione discedere.

Discipulus. Quid comitatus, quid centuriata uel quid sit hida si placet edissere. Aliquot plana non crunt quae premissa sunt.

Magister. Ruricole melius hoc norunt. Verum, sicut ab ipsis accepimus, hida a primituam institutione ex c. acris constat. 1 Hundredus uero ex hidorum aliquid centuriaris set non determinatis. Quidam enim ex pluribus, quidam ex puerioribus, hidas constat. Hinc hundredum in veteribus regum Anglorum pruilegiis centuriatam nominari frequenter inuenies. Comitatus autem eadem lege ex hundredis constant; hoc est quidam ex pluribus quidam ex puerioribus, secundum quod diuisa est terra per uiros discretos. Comitatus igitur a comite dicitur, uel comes a comitatu. Comes autem est qui tertiam portionem eorum que de placitis proveniunt in comitatu quolibet percipti. Summa namque illa, que nomine firme requiritur a uicecomite, tota non exurigit ex fundorurn redditiibus set ex magna parte de placitis

1 This is the 'long hundred.' Four virgates of thirty acres each. It must be remembered that the hide is not a unit of measurement, but of assessment. The author omits the parallel 'carucates' and 'bovates' of the Danelaw counties.
prouenit et horum tertiam partem comes percipit. Qui ideo sic dici dicitur quia fisco socius est et comes in perci- piendis. Porro uicecomes dicitur eo quod uicum comitis suppleat in placitis illis quibus comes ex sue dignitatis ratione participat.

Discipulus. Numquid ex singulis comitatibus comites ista percipiunt?

Magister. Nequaquam. Set hii tantum ista percipiunt quibus regum munificentia obsequii prestiti uel eximie probatatis intuitu comites sibi creat et ratione dignitatis illius hec conferenda decernit, quibusdam hereditarie quibusdam personaliter.1

 xviii Rotulus exactorius ille est in quo distincte satis et diligenter annotantur firme regis que ex singulis comitatibus exurgunt, cuius summa minui quidem non potest set per operosam iustitiarum * diligentiam frequenter augetur. Reliquorum ratio, scilicet annalium rotulorum, et aliorum quorum supra meminimus que in thesauro sunt et inde non recedunt, ex predictis satis liquet. Restat igitur ut ad maiores et magis necessarias institutiones scaccarii conuertamur, in quibus ut predictum est excellentior est et utilior et a pluribus remotior scaccarii scientia.

[Explicit liber primus]

* iusticiarX GR : iusticiarium X : iustitiaeorum Liebermann
[Incipitunt capitula secundi libri.]

1 Ex quibus et qualiter et ad quid sunt summonitio-nes.
2 Que sit differentia summationum utriusque termini.
3 De agendis uicecomitis multiplicer.
4 Quibus de causis absentia uicecomitis ualeat excusari.
5 Quid sit quosdam fundos dari blancos, quosdam numero.
6 Que sint uicecomiti computanda, elemosine scilicet, decime, liberationes utriusque generis, et terre date.
7 Que sint per solam consuetudinem scaccarii uicecomiti computanda, hoc est sine breui.
8 Quo ordine computanda sunt uicecomiti que in operibus missa sunt per breue regis numerum non determinans.
9 Quod non absolvitur quis a debito per breue regis numerum non habens etiam causam determinet.
10 De excidentibus et occupatis quod usitatius dicimus de purprescuris et escaetis.
11 De censu nemorum qualiter de hiis compoti fieri debeant.
12 De placitis et conventionibus quo ordine de hiis compoti fiat cum exacta soluuntur.
13 De distinctione personarum que soluendo non sunt, de quibus a uicecomite fides offertur et sub quo tenore uerborum detur.
14 Que catalla debitorum uendenda sint cum ipsi non soluunt et quis in uendendis ordo sit obseruantus.

Book II  Contents

1 From what materials, how and why the Summonses are made up
2 What is the difference between the Summonses of the two terms
3 The manifold business of the Sheriff's absence may be excused
4 The meaning of 'Blanch' and 'by Tale' as applied to farms
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6 Allowances by 'Custom of the Exchequer,' i.e. without Writ
7 How the Sheriff obtains allowance for Expenditure upon Works, when the sum is not named in the Writ
8 The King's Writ does not acquit anyone of a debt, unless it names the amount, even though it specifies the nature of the debt
9 Windfalls and Encroachments, or vulgarly, Escheats and Purprestures
10 Cess of Woods, and how it should be accounted for
11 Pleas and Covenants, how accounted for, when the sums arising from them are paid
12 The different classes of Insolvent Debtors: for which class the Sheriff pledges his faith and in what terms
13 What Chattels of Insolvent Debtors may be sold, and the rules to be observed in selling them
xv Quod uicecomes a debitoribus debitoris illius, qui regi non soluit, debitam regi summam prius suscipiat.

xvi Quod uicecomes, a fundis eius qui non soluit, quod requiritur perciptiat etiam si eosdem ex quo regi teneri ceperit quomodolibet alienauerit.

xvii Quod non licet uicecomiti debitam sibi pecuniarn a non soluentibus suscipere et quid sit agendum si forte suceperit.

xviii Qualiter uir pro uxore uel uxor pro uiro conuenienda est cum ille uel illa soluendo non est.

xix Quod non sit idem modus coercionis baronum regis et aliorum in penis pecuniaris.

xx Quid faciendum cum economus qui fidem dedit de satisfaciendo non comparet.

xxi Quid cum ueniens non satisfacit, si miles est. Quid, si non miles.

xxii Qualiter ipse dominus puniendus est qui sponte militem exposuit ut possit interim liberari.

xxiii Quid de sponte offerentibus faciendum cum et ipsi non soluunt.

xxiv Quid de releuis sponte non solutis.

xxv Quid de auibus oblatis faciendum et quo tempore summonende.

xxvi De auro regine.

xxvii Quod alter de firmis atque aliter de custodiis respondendum et sub alio tenore fides danda.

xxviii Quod fides uicecomitis semel data de legitimo compoto sufficiat per uniuersum.]
Audi me frater et auribus audiendi percipe quae loquar tibi. Non penitebit te modicum tempus ereptum otium impendere uelle negotiis. Sunt enim non nulli qui non erubescunt dicere in cordibus suis 'qui apponit scientiam apponit et dolorem.'

Hiis onerose est doctrina et iocundum desipere: propter hoc ab his longa facta est ueritas, quia metuentes iocundum discipline laborem incidunt in errorem. Siunt igitur ceci corde, uiarumque pericula non uidentes pronis gressibus in precipitium ruunt. Verum te, frater, nullus dies otiosum inueniat ne te forte uacantem pessimis quibusque subietit prorior in malum infirmitatis humane conditionis. Quod si forte tibi nulla sunt, honesta tamen finge negotia, ut semper exercitatus animus expeditior sit ad doctrinam. Hiis igitur negotiis in quos impegisisti paulisper attende; non ut ex eis magni laboris metas fructus, set tantum ne otiosus.

Discipulus. Vereor ne instantis noctis crepusculum precipitem inponat finem negotiis, et omissis pluribus necessariis acceleres, ut careas inportuntate querentis.

Magister. Immo ego magis ueritus sum, ne te post longa silentia, propter agrestem stilm, diu suppressus cachinnus succuteret, uel forte tacitus tum pertractasses qualiter sine nostra molestia ab his auelli posses ad que nos coegisti. Ob hoc fateor me finem interpustulum pene posuisse dicendis. Set tamen cum docilis sis, et in te nondum tepuerit attentionis industria cepto ferar itinere. Vt igitur disposte rationis ordini

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1. Matt. 11:15; Mark 4:9; Luke 8:8; Rev. passim
2. Bcles. 1:18
3. Hor. Carm. iv. xii. 28
4. cf. Isa. 6:10 (Vulg.); Matt. 15:14

[Here begins Book II]

Master. Listen to me, brother, and receive with 'ears to hear' what I shall say. You will not repent snatching a short time from your leisure to bestow on your business. For there are some who do not blush to say in their hearts, 'He that increaseth knowledge increaseth sorrow.' For them learning is a burden and folly a joy. Wherefore truth is far removed from them, since, fearing 'the labour we delight in,' our training, they fall into error. They become blind of heart, and not seeing the peril of the way, rush headlong to destruction. But let no day find you idle, brother, lest human weakness, prone to evil, find you 'empty' and deliver you over to the most wicked spirits. If you are unemployed, find yourself some fitting occupation, so that your mind, being always in practice, may be the better fitted to learn. Spare a little attention for the business in which you have involved us, not in hopes of a reward for strenuous toil, but merely to avoid being idle.

Scholar. I am afraid lest nightfall put a sudden end to our labours, and you, in your haste to escape my importunate questions, omit many necessary details.

Master. Nay, I was more afraid, lest you, who have so long been silent, should suddenly burst out laughing at my vulgar style or that you were silently considering how best you might break away from the task which you imposed upon us without offending me. I admit that that did nearly make me bring my words to an untimely close. But since you are anxious to be taught, and your attention has not slackened, I will proceed on my course.

To conform to the order of the argument, we must first speak of the Summonsers, from what materials, how and for what purpose they are compiled; and, to make
satisfiat, de summationibus primo loco dicendum est, ex quibus scilicet, et qualiter, et ad quid fiat; atque ut de hiis tibi plenius constet, sit trium premonstrandorum primo prius ultimum, hoc est ad quid fiat.

1 Fiunt autem summationes ut scaccarium fiat.

Precedente namque breui summationis, quod regie auctoritatis signatur imagine, conueniant ad locum nominatum qui necessarii sunt. Nec enim necesse habent accedere nisi summatione premissa. Accedunt autem quidam ut sedeant et iudicent, quidam ut soluant et iudicentur. Sedent et iudicant, ex officio uel ex principis mandato, barones quorum supra meminimus. Soluunt autem et iudicantur vicecomites et alii plures in regno quorum quidam voluntarii obligationibus, quidam necessarii solutionibus obnoxii sunt, de quibus infra plenius dicemus in agendis vicecomitis.\(^1\) 

Horum itaque cum per omnes comitatus numerosa sit multitudo, oportet in ipsa citatione emissa de singulis seriatim exprimi, quantum in instanti termino solui debet, adiccta etiam causa ut sic dicatur 'de illo habaeas hanc uel illam summam propter hanc, uel hanc causam.' Quod si a residente ad compotum vicecomite requiratur aliquid de quouis debitore qui sit in comitatu suo de quo tamen in summatione nulla fiat mentio, non tenebit respondere, set magis excusabitur quia non precessit huius rei summantio. Ad hoc ergo summationes fiunt ut firme regis et debita multiplex ratione requiranda fisco proueniant. Verum sunt aliqua que per manum vicecomitis proueniure necesse est etiam si nulla de hiis summantio fiat, set hec magis casualia sunt quam constituta uel certa, sicut ex consequentibus liquebit.\(^2\)

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1 This is a general reference to the latter part of this Book, i.e. chapters iii to xxi.

2 See pp. 98 and 101

everything the more clear to you, we will take the last of these three preliminary points first. That is, why they are compiled.

The Summonses are compiled in order that there i may be an Exchequer. For it is by the previous issue of the writ of Summons, of which the seal is authenticated by the portrait of the King, that the persons required are called together to the appointed place; since unless previously summoned they need not attend. Some come to sit and judge, some to pay and be judged. Those who sit and judge, ex officio, or by the King's command, are the Barons of whom we have spoken above. Those who pay and are judged are the Sheriffs, and many others in the kingdom, liable, some to voluntary, others to enforced payments, about whom we shall have more to say when we deal with the business of the Sheriff.\(^1\) Now since there are many such debtors in every county, the Summons for that county must contain the names of the individual debtors, how much each is required to pay in the coming term, and on what account; so that the summons reads 'have from so-and-so such-and-such a sum on this or that account.' But if, when the Sheriff is sitting at his account, any debt is demanded from any debtor who is not mentioned in the Summons, the Sheriff is not bound to answer, but is the rather excused because the Summons has not preceded the demand. The object, then, of the Summons is that the farms and the debts due to the King in different ways may accrue to the Treasury. But there are some items which come in by the hands of the Sheriff, although no Summons was issued for them. Still, these are rather casual profits than fixed and certain debts, as will appear later.\(^2\)

We must next explain, how and by what rules Summonses are drawn up, and lastly, from what
Qualiter autem uel quo ordine fiant primo dicendum est ac demum ex quibus. Nouver autem quod soluto scaccario termini illius quo fiant summonitio, excipiantur a clericis thesaurarii debita regis per singulos comitatus a magno rotulo illius anni et in breuioribus annotantur simul cum causis. Quo facto secedunt hi in partem quos maiores diximus, proposito comitatu quolibet, et de singulis debitoribus illius decernunt quantum summonerii debeat, habita consideratione secundum qualitatem persone et secundum qualitatem negotii et cause pro qua regi tenetur. Autenticus etiam annalis rotulus, a quo debita excepta sunt, tenetur a thesaurario uel eius clericos ne forte fuerit in excipiendo quomodolibet erratum. Est etiam alius clericus, qui, quod illi taxauerint, in exceptis annotat studiose, de quibus summonitio fit per hec uerba ‘H. rex Anglorum illi uel illi uicecomiti salutam. Vide sicut te ipsum et omnia tua diligis quod sis ad scaccarium ibi uel ibi in crastino sancti Michaelis uel in crastino clausi Pasche, et habeas ibi tecum quicquid debes de ueteri firma uel de noua et nominatim hec debita subscripta; de illo x. marcas pro hac causa et sic dein coeps. Annotatis autem omnibus debitis illic seriati cum causis que in maiore annali rotulo continentur, proferuntur minores quique perambulantium iudicium rotuli, ex quibus excipiantur que in singulis comitatibus domino regi debentur labore et industria ipsorum, et hiis taxatis a maioribus in summonitionibus annotantur. Quibus per ordinem digestis terminatur summonitio per hec uerba ‘et hec omnia tecum habeas in denariis et talliis et breuibus et quietantius uel capientur de firma tua. Teste illo uel illo ibi ad scaccarium.’ [Fuerunt * tamen qui crederent

* Fuerunt... continentur seclusimus

1 The Chancellor's Scribe, see p. 32

materials. You must know, then, that after the rising of the Exchequer of the term in which the Summonses are made up, the Treasurer's clerks extract from the Pipe Roll of the year, county by county, the King's debts, and write them down in shorter rolls together with the accounts on which they are due. After that the Barons, as we call them, withdraw, select one or other of the counties, and decide how much is to be summoned from each debtor, having regard to the status of the debtor, the nature of the transaction and the account on which the debt to the King is incurred. The authoritative Pipe Roll, from which the debts have been extracted, is held by the Treasurer or his Clerk, to check any possible error in copying. There is also another clerk, who carefully notes on the extracts the amounts which the Barons have settled, and from these the Summonses are made out in the following form: ‘H. King of the, to such-and-such a Sheriff, greeting. See that, as you love yourself and all that you have, you be at the Exchequer at such a place on the morrow of Michaelmas, or on the morrow of Low Sunday, and have with you whatsoever you owe of the old farm or of the new and in particular these debts underwritten: of such an one ten marks on such an account,' and so forth. But when all the debts and accounts contained in the Pipe Roll have been set down, all the smaller rolls of the Justices in Eyre are produced, from which are extracted the debts to the King in each county arising from their labour and diligence. When these have been assessed by the Barons, they are set down in the Summonses. When all this has been arranged in the Summons, it concludes with the words: ‘And have all these with you in money, tallies, writs and acquittances, or they will be deducted from your farm. Witness so-and-so, at such a place, at the
Dicendum in denariis, uel talliis, uel breuibus, uel quietantiis, non intelligentes ‘et’ quandoque subdisjunctiue poni. Superflua tamen est huiusmodi de uerbis contentio cum de eorum intellectu constiterit. Siue enim dixeris ‘in denariis uel breuibus uel quietantiis’ uel ‘in denariis et breuibus et quietantiis,’ idem est intellectus, ut scilicet in hiis omnibus uel eorum aliquibus satisfiat de hiis que in summonitione continentur.] Preterea, quia nouis morbis per noua remedia decet subueniri, additum fuit in summonitionibus hoc subscriptum ex nouella constitutione, hoc est post tempora regis Henrici primi, ‘Quod si forte de alicuius debito summonitus es qui terram uel castellam non habet* in baillia tua, et noueris in cuius baillia uel comitatu habuerit, tu ipse uicecomiti illi, uel bailliuo, per breue tuum hoc ipsum significes, deferente illud aliquo a te misso, qui ei breue tuum in comitatu, si potest, uel coram pluribus liberet.’ Hec que prediximus apponem ridiculosa satis et dispensiosa quorumdam subterfugia compulerunt. Cognita enim quibus determinatis temporibus summoniones emittebantur, antequam peruenisset ad comitatum summonsitio de debito suo, uacuatus horreis et pecuniis suis quocunque sibi distractis uel ad loca tuta translatis, uacuus* in domo sua residens uicecomitis et ceterorum officialium securus expectabat aduentum, et hac arte plurimis annis regie summonitionis auctoritas non sine dispendio uidebatur illi. Ille enim ad quem cum facultatibus suis, metus huius causa,† transierat, cum inde mandatum non habetur, in res suas manum mittere non presumebat. Hac ergo consideratione per aliquot annos in summonitionibus appositum fuit uerbam quod prae- missum est; nec postea alicui patuit locus subterfugi

* habet Madox: habent codd
† causa Madox: cause codd

1 The text has set; but the sense demands et, which I have therefore adopted.
2 cf. Juv. Sat. 10:22

Exchequer.’ [Some people, however, used to think that the words should run ‘in money or tallies or writs or acquaintances; not understanding that et1 is sometimes used subdisjunctively. But this dispute about words is otiose when their meaning is clear. For whether you say ‘in money or writs or acquaintances’ or ‘in money and writs and acquaintances,’ the meaning is the same, namely, that the demands in the Summons must be met in all or some of these.]

Moreover, since new diseases demand new remedies, the following clause has been added to the Summons by a recent decree, i.e. later than the reign of Henry I: ‘But if you happen to be summoned for the debt of a man who has no land or chattels in your bailiwick, and you know in whose bailiwick or county he has any, you shall signify this to that Sheriff or Bailiff by your writ, to be delivered to him in the county court, if possible, or at least before more witnesses than one.’ The addition of this clause was forced upon us by the laughable, but costly, expedients of some of the debtors. A man, knowing the fixed times at which the Summonses were issued, would empty his barns and dispose of his cattle, or convey them to a safe hiding-place, before the Summons for his debt could reach the county. Then, relieved of his wealth, he would stay at home, calmly awaiting the arrival of the Sheriff and his subordinates. By this means the King’s Summons was flouted for years together, and at the King’s own expense. For the Sheriff to whose jurisdiction he had, for fear of the Summons, transferred himself and his property, dared not lay hands upon any of it, having no orders to that effect. For this reason the clause in question was for some years added, and left no opportunity for a debtor to evade payment, except the excuse of extreme poverty.
But when all the Sheriffs, and debtors too, were fully assured that the subtlety of the law set a limit to these impudent devices, there was no more need for the clause to be added, nor is it now. But the method which it prescribes for the compulsion of debtors, to whatever place they remove, is still the practice of the Sheriffs, and is observed as though it were and always had been the law.

Scholar. I have often been told that the Exchequer is convened twice a year, in Easter and Michaelmas terms. You said also, if I remember right, that no Exchequer is held without the previous issue of Summons. Since, then, there are Summons for both terms, I beg you to tell me whether both are in the same form, or, if there is a difference in the language, what it is and why?

Master. It is a good proof of your progress that you know enough to raise the point. Most certainly the Exchequer is convened and held twice a year, and as we said, Summons are issued previously. And you are quite correct in your recollection of the terms of the two settings. But please to note that in Easter term it is not the 'Accounts' which are taken from the Sheriffs, but only 'Views of Account,' and consequently hardly anything which occurs at the Easter Exchequer is recorded in writing. But all is held over for the other term, so that everything may be duly set down in its place on the Pipe Roll. But certain Memoranda, which often crop up, are at that term written on a separate Roll by the Treasurer's Clerk, in order that, after the Exchequer of that term is closed, the Barons may decide the points

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1 See p. 60
2 The Sheriff's Account is divided by more modern writers into three parts; the 'proffer' made by the Sheriff on his arrival at the Exchequer (see p. 81); the 'view' or issue, inquiry described here; and the 'sum,' or final operation in Michaelmas term, when the account is, if possible cleared (pp. 84-126). At the view the Sheriff did not need to produce vouchers, but stated the sums due and paid. A balance was struck and a memorandum made for production at Michaelmas. These, if the account were not cleared then, might be sewed to the Chancellor's Roll; but under Henry III they were enrolled on the Memoranda Rolls, of which they became a definite section.
numerosam sui multitidinem nisi scripto commendarentur occurrerent.\footnote{This record by the Treasurer’s Clerk is probably the germ of the Lord Treasurer’s Remembrancer’s Memoranda Roll. The earliest surviving Roll of this series, that of 1 John, has been printed by the Pipe Roll Society (N.S. 21, 1943).} Insper quicquid uicceses in thesauro solverit de firma, ac deinde, si satisfecit, in eadem linea scribitur ‘Et quietus est.’ Si non, debitum eius in inferiori linea distincte ponitur, ut sciatur quantum de summa illius termini desit, et statim satisfaciat ad arbitrium presidentium. Quilibet enim uicceses meditatem firme illius que de suo comitatu per annum exurgit in termino illo soluturus est.\footnote{This quittance is only for the half due in Easter term, and is entered on the Memorandum, not on the Pipe Roll. The Memorandum of the Easter view, together with the schedules of combustion for both terms, is attached to the Chancellor’s Roll of 8 Richard I (Pipe Roll Soc. N.S. 7, PP. 1–3).} Noureris autem quod in his summationibus tenor urborum non mutatur nisi quod ad terminum pertinet uel locum, si scilicet decreuerint maiores alias tenendum scaccarium Pasche et alias sancti Michaelis. Sed, eadem virtute urborum in utrisque summationibus seruata, dissimiliis est debitorum exceptorum annotatio. In summatione namque contra terminum Pasche facta, quia tunc annus ille dicitur iniciari, simpliciter dicitur, ‘de illo habeas x.’ Et de hac summatione non nisi soluendo tunc uel satisfaciendo de x. absolvetur. At cum facienda est summatione de termino sancti Michaelis, in quo clauditur et terminatur idem annus et fit annalis rotulus, addentur predictis x. alia x. uel plura, sicut presidentibus taxantibus uisum fuerit, et dicitur, ‘de illo habeas xx.’ qui tamen in termino Pasche de hac ipsa summa x. soluerat, set soluens x. in denaris nunc, et proferens taleam de x. iamdudum solutis absolvi merebitur a summatione. Dictum est enim in summatione ‘hec omnia habeas in denaris et breuibus in question, which are so numerous that it would be difficult to recall them if they were not written down.\footnote{You must know also that in these Summonses the wording is not altered except for the term, and the place, if the Barons have decided that the Michaelmas and Easter Exchequers are to be held in different places. But, although the words in the two Summonses are to the same effect; there is a difference in the statement of the debts estreated. For in the Summons for Easter term, because the Exchequer year is said to begin with that term, the single demand is made: ‘Have ten [pounds or marks] from such an one.’ And the Sheriff will not be quit of the demand unless he pays or accounts for the ‘ten.’ But when the Summons for Michaelmas term is to be drawn up, the term in which the year closes and ends, and in which the Pipe Roll is made up, there will be added to the ‘ten’ other ten, or more, as the Barons assessing the sums due may have settled, and the Summons will run: ‘Have twenty from such an one,’ although he has already paid ten out of the total in Easter term. But he will get his quittance from the Summons by paying ten in cash and producing a tally for the ten previously paid. For the Summons says: ‘Have all these in money, writs and tallies.’}
et tales.' Nouris preterea quod, facta summonitione, si düm corrigitur inuentus fuerit error, non debet subducta linea cancellari set nec abraderi, quia patens scriptum est, immo potius in quo erratum fuerit debet penitus obliteratori, ut quod scriptum fuerat, nulli pateat. Cuius rei causa, si tecum super hiis actitaueris, facile tibi ualet occurrere. ¹

Discipulus. Cum, sicut commemoras, patens sit illud scriptum, et sic uicecomiti destinetur, et per longa tempora penes ipsum susque resideat, soli fidei eius summonitionis indemnitatis committitur. Posset enim, quod uellet, impune delere, mutare uel minuerre, cum non exest aliquod penes barones eius rescriptum.

Magister. Posset forte si uellet, set forct hoc insani capitis argumentum,² si tantis se spente periculis opponeret, presertim cum non auferre sic regis debita posset set uix differre: omnia namque debita de quibus summonitones fiunt, alias diligenter annotata seruantur, unde non posset quis a debito suo, etiam procurante uicecomite, hac arte liberari; uerum ad maiorem huius rei cautelam, uidimus a Pictauense archidiacono, nunq Wintonense episcope, omnium summonitionum rescripta fieri nec aliquatenus originales emitti, nisi factis et diligenter correctis earum rescriptis. Cum autem, sedente uicecomite ad computum, legeretur summuntio a clerico cancellarii, inspiciens clericus archidiaconi ³ rescriptum observabat cum, ex eoribus. Procedente uero tempore, cum numerus debitorum cresceret in immensum, adeo ut uni summitioni uix unius

¹ The Summons, being delivered open, was more liable to be tampered with. The blacking-out was to prevent the debtor from knowing whether the amount had been raised or reduced by the assessors.
² cf. Hor. Ars Poética 300 'tribus Anticyri caput insanabile.'
³ This is the only mention of the Archdeacon's clerk. It looks as though he was introduced with the duplicate Summons and superseded when it went out of use.

Note, moreover, that when the Summons has been written, if some mistake is found in it while it is being checked, the error must not be underlined for cancellation, nor yet erased, because the Summons is an open letter; but it must be completely blacked out, so that nobody can read what had been written. The reason for this will easily occur to you, if you consider the point.²

Scholar. Since, as you say, the Summons is an open letter and sent open to the Sheriff, and is a long time in his custody and that of his staff, its integrity depends solely on the Sheriff's honour. He could, if he would, delete, alter or reduce any charge, since the Barons have no copy.

Master. He could, perhaps, if he would; but it would be a proof of madness to expose himself wilfully to such grave risks, especially as he could not thus annul the debts to the King, but only defer their payment. For all the debts included in the Summonses have been previously noted and are kept on record; so that even with the Sheriff's connivance, nobody could be freed from them by this method. But to make assurance doubly sure, the Archdeacon of Poitiers, now Bishop of Winchester, to my own knowledge had copies of all the Summonses made, and would not allow the originals to go out until the copies had been made and checked. So, when the Sheriff was sitting at his account and the Chancellor's Clerk was reading the Summons, the Archdeacon's clerk,² with his eye on the copy, watched him to see that he made no mistake. But as time went on, and the number of debtors enormously increased so that a whole skin of parchment was scarcely long enough for a single Summons the number of names and the labour involved proved overpowering, and the Barons were
membrane longitudo sufficeret, cessum est multitudini et laborioso operi, et sola originali summonitione, sicut antiquitus, contenti sunt. Sic habes ut credo, quantum breuitas permisit, qualiter et ad quid summonitiones fiat; nunc ex quibus fieri debeant libet intueri, licet ex premisis hoc ipsum magna pro parte iam constet.

Illustris Anglorum rex, Henricus, hoc nomine participantium regum secundus dictus est, set nulli modernorum fuisse creditur in rebus componendis animi uirtutae secundus. Ab ipso enim sequenturis exordio, totum in hoc directum animum ut paci rebellantes et discolos multiplici subuerse consiteret, et pacis ac fidei bonum in cordibus hominum modis omnibus consignaret. Huies igitur insignia cum iam in omnes gentes celeberrima fama uulgauerit, adeo ut hiis exponendis insistere superuacuum uideatur, numun tamen est quod cum silentio preterire non ualeo ex quo solo singularis eius probitas et pietas inaudita firmatur.

'Non tamen hoc hominis fuit immo dei misericors quod sibi quod toti cum paucis restitit orbi.'

Discipulus. Qualiter sibi resistere dici possit opus insigne, nisi planum feceris, non uideo.

Magister. Licet hec ad opus ceptum ul propositum non attineant, memor tamen regis illius magnanimi cum pace mee mentis hiis supersedere non ualui. Videas ergo quam miraculose uir ille sibi restitit in suis.† Filios quidem, sue carnis immo et anime sue spem post deum unicam et gloriam singularem, dum paruuli essent et ratione etatis cerei supra modum et in omnem animi

* contenti Stubbs: contempti codi
† sui scripsum: suo C, suo NR

For this panegyric compare the introduction to Glanvill. The reference in both cases is to the events of 1179–75. Mr H. G. Richardson has suggested (B.H.R. xliii, pp. 339–40) that this whole passage, down to bonus socium iustitiae quod (p. 77) is an interpolation by the author, added as late (possibly) as 1189.

satisfied, as of old, with the original Summons. I think this is enough, though I could say more, to explain how and why Summons are drawn up. It remains to consider from what sources they are compiled; though that is apparent for the most part from what has gone before.

The noble King of the English, Henry is styled the second of that name, but is considered to have been 'second to none' in dealing with a crisis. For from the very beginning of his rule he gave his whole mind to crushing by all possible means those who rebelled against peace and were 'froward,' and sealing up in men's hearts the treasure of peace and good faith. And though Fane has trumpeted his noble deeds throughout all nations, so that it appears superfluous to dwell upon them, there is one which I cannot pass over in silence, one enough by itself to establish his singular uprightness and unheard of sense of duty:

Twas heavenly mercy, more than human might,
Himself, and all the world, with few to fight.

Scholar. How 'fighting himself' can be called a noble deed, I fail to see, unless you will explain.

Master. Although it is no part of the task we began and mean to finish; I cannot, when I mention that great-hearted king, with a good conscience pass over these actions. Behold how wonderfully he fought against himself in the persons of his children. For while his sons, after God the sole hope and singular glory of his body and soul, were yet young, and by reason of their age 'wax to receive' and easily swayed by any emotion,

* cf. i Pet. 2:8
* cf. Hor. A.P. 161–3
motum proni, uulpecule pertinaces consilliis prauris demolite sunt; et tandem in patrem tanquam in hostem sua uiscera conuerterunt. Facti sunt etiam ‘inimici hominis domestici eius’ et qui custodiebant latus eius consilium inuerunt aduersus eum, dicentes filii et hostibus, ‘persequimini et comprehendite eum quia non est qui eripiat.’ Diceres in his completem uerbum prophethe filios enutriui et exaltau, ipsi autem spreuerunt me.

Cum igitur uxor in uirum, filii in patrem suum, domestici sine causa desuccerit in dominum, nonne satis optime sibi rebellantem uirum diceres? Verum contra numerosam hostium multitudinem solius diviniae gratiae magnitudine subuenit et, quasi pugnante pro se domino, sic in breui pene rebelles omnes optimuit ut longe fortius quam prius ex eo quo infirmari debuit, confirmaretur in regno. Norunt enim propter hoc potentissimi qui conspirauerant aduersus eum in omni uirtute sua, clauam a manu Herculis nisi uix extorqueri non posse. Comprehensis insuper hostibus, tam enormis sceleris inceptoribus inaudita pepercita misericordia, ut eorum pauci rerum suarum, nulli uero status sui uel corporum dispensa sustinerent. Si legeres ultionem quam exercuit David in suuerosores Absalonis, filii sui, diceres huncillo longemitius egisse: cum tamen de illo scriptum sit ‘iuneci uirum secundum cor meum.’ Licet autem rex insignis pluribus habundaret exemplis et posset in eos iustissimam exercere undictam, maluit tamen expugnatis parcere, quam

certain ‘little foxes’ corrupted them with bad advice; so that at last his ‘own bowels’ turned against their father as their enemy. ‘A man’s enemies are the men of his own house.’ His ‘familiers’ took counsel against him, saying to his sons and his enemies, ‘Persecute him and take him, for there is none to deliver him.’ You might say that herein was fulfilled the word of the Prophet, ‘I have nourished and brought up children, and they have rebelled against me.’ Since without cause a wife was angry with her husband, sons with their father, menials with their lord, might you not well say that a man was in rebellion against himself? But against his many enemies, the greatness of God’s grace alone helped him, and as though the Lord himself were fighting for him, in a short time he so overcame almost all his enemies, that his position in the kingdom was immensely strengthened by the very thing which was to have weakened it. For this has shown the powerful ones who conspired against him in all their strength that it is no joke to snatch the club from Hercules. His clemency too, after capturing his enemies, to the abettors of so heinous a crime was so unheard of that few of them lost their property, none their civil rights or life or limb. If you were to read of the revenge which David took on the destroyers of his son Absalom, you would say that King Henry acted much more gently than he; though it is written of David, ‘I have found . . . a man after mine own heart.’ But though our King had no lack of precedents, and might most justly have taken vengeance on them, he preferred to spare his conquered foes rather

1 Song Sol. 2:15. The ‘little foxes’ were Queen Eleanor and Louis VII.
2 Psal. 12; Ovid. Meta. 6:551
3 Matt. 10:16; Micah. 7:6
4 cf. Jer. 20:10
5 Matt. 27:1
6 Ps. 70:11
7 Isa. 1:2
8 Jer. 3:5; 1 Macc. 8:5
9 cf. Donatus, Vita Vergili. 1. 191, ‘facilities esse Herculi clamam quam Homero versum surripere’; and Macr. Sat. 5:3. 16.

10 There seems to be some confusion here. If subverter is taken literally, Joab may be meant, if in the sense of ‘corrupter,’ Ahithophel. But David took no revenge on Ahithophel and a very tardy one on Joab.
11 Acts 15:22
than punish them, in order that they might, however unwillingly, watch his kingdom grow. So long live our happy and glorious King and

For his grace shown be God's grace his reward!

Long live also his noble offspring, subject to their father and not unlike him, and may they learn by their own example how glorious it is

To spare the conquered and beat down the proud.1

Now let us return to our task. But if you wish to learn more of these and of other mighty deeds of King Henry, you may, if you please, consult the little book which we mentioned above.3

Well then, when the kingdom was saved from shipwreck and peace restored, the King once more essayed to renew the 'golden days' of his grandfather; and, making choice of prudent men, he divided the kingdom into six parts, so that the justices chosen, whom we call 'Justices in Eyre'10 might go on circuit through them and restore the rights which had lapsed. They, giving audience in each county, and doing full justice to those who considered themselves wronged, saved the poor both money and labour.4 But, as it happens, in these proceedings different offences are punished in different ways, according to their nature, some by corporal and others by pecuniary penalties. These latter are carefully set down in the Eyre Rolls and, when the Exchequer sits, are handed to the Treasurer in full court. But let the justices see to it that they hand over their rolls to the Treasurer correct and in order! For, once they have been handed over, not even the justices themselves may alter one jot,5 though all should agree to it,
Discipulus. Hoc mirabile est quod, cum scriptorum suorum auctores sint, et non nisi de ipsorum industria uel labore proueniant, etiam in unum alicuius consentientes scriptum proprium mutare non possunt.

Magister. Cum indulta sint correctionis tempora et legem nouerint constitutam, sibi imputent. Oblatorum enim summa uel ab ipsis debitoribus, si in hac condempnati sunt, uel ab ipsis iudicibus requiratur. Vt si in rotulo suo condemnum alium eum in solutione xx. descriperint et, tradita iam cautione, thesaurario, recordati fuerint quod non teneatur ille nisi in x. ipsis iudices de residuo satisfacient, quia scriptum suum cum deliberatione factum et correctum post traditionem revocare non possunt. Susceptorum uero rotulorum debita thesaurarius in magni annali rotulo diligenter et distincte per singulos comitatus annotari facit simul cum causis, prenotatis, ut iam dictum est, nominibus iudicium, ut per hoc exactorum fiat discretio. Ex his igitur summonitones fiant sic: De placitis illorum N. de illo hoc et de illo illud secundum quod presidentes prius debita taxauerunt.

Habes ex predictis, ut credimus, quantum necesse est, ex quibus et qualiter et ad quid summonitones fiant: nunc ad agenda vicecomes transeamus. Decet autem te dicendis sollicitam adhibere diligentiam, quia in his excellenter scaccario scientia consistit sicut dictum est ab initio.

iii Omnes igitur vicecomes et balliui, ad quos summonitones diriguntur, eadem necessitate legis constringuntur, hoc est auctoritate regii mandati, ut scilicet die nominato designatoque loco conueniant et de debitis

Scholar. That is astounding. What they have written is their own, and results solely from their own diligence and pains; and yet, even when unanimous, they have no power to alter their own writing!

Master. They have been allowed time for correction, and they know the law: they have only themselves to blame. For the sum of the payments will be demanded from the debtors themselves, if they have been condemned to pay them, and if not, from the justices. So that if they have set down anybody in their rolls as condemned to pay ‘twenty,’ and after giving their bond to the Treasurer, recollect that he is only bound to pay ‘ten’; the judges themselves must account for the remainder, because they cannot, after delivery, revoke their own writing, made of set purpose and corrected. But after receiving the Rolls, the Treasurer has the debts contained in them carefully set out in the Pipe Roll, county by county, with the cases to which they relate; placing at the head of the list, as has been mentioned, the names of the justices so that the particular debts can be distinguished. From these lists the Summons are compiled: ‘Of the Pleas of so-and-so (giving the names). From such-and-such a person, so much,’ according to the previous assessment by the Barons.

That completes, I think, so far as is needed, the account of the sources, the manner and the purpose of the Summons. Let us now proceed to the business of the Sheriff. But you must give your careful attention; since in this, as I said at the beginning, consists the more profound learning of the Exchequer.

All the Sheriffs and Bailiffs, then, to whom the Summons are addressed, are bound by the same legal compulsion (that is by the authority of the King’s order), to wit that they must assemble on the day named, at the
satisfacient; quod ut manifesto fiat ipsius summotionis tenorem diligentius intuere. Ait enim, "Vide, sicut te ipsum et omnia tua diligis, ut sis ad scaccarium ibi tunc et habeas tecum quicquid debes de uesteri firma et noua et hec debita subscripta." Attende igitur, quia duo dicuntur que duobus sequentibus coaptantur, hoc enim "uide sicut te ipsum diligis" referitur ad "sis ibi tunc," illud uero "et sicut omnia tua diligis" referri uidetur ad hoc "et habeas ibi tecum hec debita subscripta," ac si aperte dicitur "Absentia tua, tu, quicunque suscipis summationem, nisi necessariis et lege diffinitis causis possit excusari, in capitis tui periculum redundabit;" uideris enim sic regium spreuisse mandatum et in contemptum regis maestatis irreuerenter egisse, si citatus super regis, quibus addictus es, negotios, nec ueneris nec excusatorem miseris. Verum si per te steterit quominus debita subscripta soluantur, tunc de firma, quam soluturus es, aliena debita de quibus summationis est, capientur; firma uero de catallis tuis et fundorum tuorum redditibus perficierit, te interim, si barones decreuerint, in loco tuto sub libera custodia collocato. Cum ergo premisa fuerit et a uicecomite suscepta summationis, ipsa die nominata ueniat et ostendat se presidenti, si adesse eum contigerit, uel thesaurario, si presidens illi presens non fuerit. Deinde, salutatis maioribus, ipsa die sibi uacet, in crastino et deinceps die qualibet ad scaccarium rediturus. Quod si forte nec uenerit nec iustam place appointed, and answer for their debts. To make this clearer, consider the wording of the Summons. For it says, "See, as you love yourself, and all that you have, that you be at the Exchequer there and then, and have with you whatever you owe of the old farm and the new, and these debts underwritten." Take heed then, for there are two clauses in the Summons corresponding with the two following clauses. "See, as you love yourself" relates to "that you be . . . there and then," and "as you love all that you have" appears to refer to "have there with you these debts underwritten." As though it were plainly said, "Your absence, whoever you are who receive the Summons, unless it can be excused by necessary causes within the legal definition, will endanger your head;" for in so doing you have clearly despised the King’s order and acted insolently in contempt of his Majesty, if when called up on the King’s business, which is your official duty, you neither come nor send anyone to excuse you. But if by your fault the debts underwritten remain unpaid, then those debts of others for which you are summoned will be taken out of your farm, which you must pay, and the farm will be made up from your chattels and the rents of your property; while you, if the Barons so decide, will be lodged in a safe place in "free custody."

When the Summons has been sent out, and received by the Sheriff, he must come on the day named and shew himself to the President, if present, and if not, to the Treasurer. He may then, after greeting the Barons, have the rest of the day to himself, returning to the Exchequer the next day and every day after. But if he neither comes nor sends a valid excuse, he will be condemned to pay the King one hundred shillings on the
first day for each of his counties, and on the day after ten pounds of silver [again one hundred]. On the third, as our predecessors have told us, whatever moveable property he possesses will be forfeited to the King. But on the fourth, because from thenceforward his contempt of the King's Majesty is proved, he will be at the King's mercy, not only as regards his goods, but in his own person. Some people, however, hold that the money penalty alone is enough, namely, for the first day a hundred shillings, for the second likewise a hundred and so on day by day, at the rate of a hundred shillings a day, as the penalty for absence. I have no objection to this, provided that the King, who is the offended party, consents. And it is very probable that the King will permit this moderation of the penalty, such is his gracious nature.

To punish slow, but eager to reward.

Scholar. It argues imprudence as well as impudence in the hearer to interrupt the pen of a ready writer before the appointed end of his discourse: I have therefore waited patiently turning over in my mind a point which somewhat troubles me. You said that if it is the fault of the Sheriff that the debts underwritten are not paid, they will be deducted from the farm which he is about to pay. What will happen, then, if the Sheriff have spent by order of the King's writs, or on works, or otherwise, all that he was due to pay in?

Master. When he has spent the farm of the county by the King's order, or in payments into the privy Chamber, or on works or other expenses; if he fails in his duty of paying the debts, he will be detained on

1 A Sheriff usually had two, e.g. Norfolk and Suffolk, and might have, as in 1130, a larger number.
2 These words, which we have bracketed as an interpolation, represent what seems, from the Pipe Rolls, to have been the actual practice. After three days the fine was at the King's discretion.
3 cf. Ovid, Ex. Po. 1, 2, 128
Deceruerint, detinebitur donec de hiis satisfiat, sicut de firma satisfacturus fuerat.

Discipulus. Cum citatum uicecomitem et non uenientem uel excusantem tum rerum mobilium tum immo-
bilium tum etiam proprii corporis grauis iactura sequatur nisi suam non uoluntariam sed necessariam absentiam excusauerit; rogo te, si placet, ut quas citatus pretendere possit absente suae sufficientiae causas, aperire non differas.

iv Magister. Plures sunt excusationum modi, quibus uicecomitis absentia seruatur indemniss; sic tamen ut occasione uel excusacione postposita die nominata per legittimos uiros pecuniam regis antea collectam pre-
mittat, qui porrigeant presidenti litteras excusationis, et absente domini sui causas necessarrias allegantes, etiam sacrament corporaliter 1 prestito, si presidenti placuerit, easdem confirmant. Quod si uicecomes uel alius seruiens citatus, infirmitate detentus adesse non poterit, addat in litteris excusationis que ad scaccarium diriguntur 'Et quia uenire non possum, mitto uobis hos seruientes meos N. et N. ut loco meo sint et quod ad me pertinet faciant, ratum habiturus quod ipsi fecerint.' Prudiae autem qui excusat ut alter uel uteque missorum miles sit uel laicus alius ratione sanguinis uel aliter coniunctus: hoc est cuius fidei uel discretionis se et sua commissiere non diffidat: solos enim clericos ad hoc suspici non oportet, quia si secus egerint non decet eos pro pecunia uel ratioinii comprehendi. Si uero citatum uicecomitem abesse contigerit, non infirmitate quidem, sed qualibet alia causa prepeditum, sic forsitan a pena constituta poterit liberari; umer ad explendum com-
potum suum nullus pro eo suspicietur nec primogenitus

parole, wheresoever the Barons appoint, until the debts are satisfied, just as though he had been in debt for the farm.

Scholar. Since the Sheriff suffers serious loss of both moveable and immoveable property, and even of personal liberty, if he fail to appear when summoned or to send an excuse, unless he can show that his absence was involuntary and enforced; pray make haste to tell me what sufficient reasons he can allege to account for his absence when summoned.

Master. There are several methods of excuse which iv will exempt him from penalties for absence; provided always that without fail he send on the day named the King's money already collected by the hands of lawful men, who shall present to the President his letter of excuse, and state the unavoidable reasons for his absence, confirming their statement, if the President so please, by their corporal oath. But if the Sheriff or other officer summoned be too ill to appear, he must add, in his letter of excuse directed to the Exchequer, 'And because I cannot come, I send you these my servants (naming them) to be in my place and do what is my duty; and I will ratify what they shall have done.' But the sender of an excuse should take care that one or both of his messengers should be a knight, or other layman, related to him by kindred or otherwise; one, that is, to whose honour and prudence he does not hesitate to confide himself and his goods. For clerks alone should not be selected for such a mission; since, if they misbehave, it is improper that they should be arrested for matters of money or account. But if the Sheriff summoned is not absent through sickness, but for some other reason, he may still escape the penalty in the same fashion; but nobody can be received in his place to render his account;

1 The essence of a corporal oath is the touching of the object sworn upon.
*Take the book in your hand,' etc.
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filius; nec * generalis eius procurator, etiam si breue suum direxerit se ratum habiturum quod ille uel ille pro se fecerit. Solius uero mandati regii, uel etiam presidentis auctoritate, si rex absens fuerit, ad compotum suum expleendum alien poterit substituere; si tamen alius a domino rege negotium sibi gerat assignatum, ipse ad scaccarium in propria persona presentem nominet qui, iuxta quod supradictum est, possit et debat uicecomitis absentis negotia procurare. Ilud autem breue regis uel presidentis uel uicecomitis excusantis in foru marescalli 2 cuius supra meminimus in testimonium huius rei reseruabatur. Quod si uicecomes alias regi necessarius ab ipso uocatus fuerit extra regnum, uel, accepta licencia, pro familiaribus negotiis exire disposuerit, prius presidentem adeat et uia uoce uices suas ad scaccarium delect poursue uiro legittimo; quo facto, cum absens fuerit, nec breue mittere nec absentiam suam excusare cogetur. Excusante uero se uicecomite causa infirmitatis, cum uentum fuerit ad scribendum eius compotum in annali rotulo, dicitur ' Willelmus, uicecomes Londonie, Robertus filius eius pro eo, reddit compotum de firma de Londonia.' At si per regis mandatum alius sibi substituitur, uel ipse uia uoce sicut predictum est aliquem pro se designauerit presidenti, sic per omnia dicendum est ac si ipse in propria persona ad compotum resideret. 3

* nec C, R; nisi N probante Poole

1 cf. generalis oeconomus (p. 116 below) which is equated with servicescallus. The rule is (1) To make the proffer it is only necessary to send two persons, one of whom must be a layman. (2) To pass the account (a) in case of sickness, the eldest son may represent this father; (b) if he is engaged on the King's business, he must get a writ from the King (or the Justiciar) nominating someone to act for him at the Exchequer, or certifying that he has presented his attorney avem rege; (c) if he is summoned abroad on the King's service or has leave to go home, he must personally present his attorney at the Exchequer.

neither his eldest son nor his steward, even though he may have sent his writ undertaking to ratify whatever such-and-such a person shall have done in his name. Only by virtue of the King's command, or in the King's absence by the authority of the President, will he be able to substitute another to make his account. If, however, he has been appointed by the King to some other business, he must in his own person nominate someone present at the Exchequer, who, as has been explained, can or ought to manage his affairs at the Exchequer in his absence. But the writ of excuse, whether from the King, the President or the Sheriff himself, shall be kept in the Marshal's forel, already mentioned, as evidence. But if the Sheriff, being wanted by the King for other duties, is summoned out of the realm, or has received licence to quit the Exchequer on his private affairs, he must first approach the President and by word of mouth depute his business at the Exchequer to any lawful man whom he may choose. After this, though absent, he will not be compelled to send a writ or a letter of excuse. But if the Sheriff excuse himself on the score of illness, when his account comes to be written in the Pipe Roll, it will run: ' William, Sheriff of London, Robert, his son, for him, renders account of the farm of London.' But if another is substituted for him at the King's command, or he himself by word of mouth before the President appoint a deputy as aforesaid, the wording will be exactly the same as if he were sitting at his account in person. 3

2 See p. 21 above
3 The formula for sickness was used later in the other cases also, including those in which a Sheriff in Fee was represented by his under-Sheriff.
Discipulus. Numquid infirmitas sola sufficiens est excusatio per quam citatus absens seruetur indemnis?

Magister. Absit: sunt enim plures ad scaccarium, set hec tam in litibus quam in aliis negotiis ecclesiasticis et forensibus est usitatio. Porro decet te esse memorem predictorum ut intelligas niamm excusationem hoc effeceris ut regis pecunia de comitatu collecta penes eum dein autur impune uel ad scaccarium die nominata non mittatur. Premissa ergo pecunia, poterit excusari per infirmatam sicut dictum est. Item, si filius eius primogenitus quem declaravit heredem post se futurum, morti proximus iudicetur, excusabit; item, si uxor eius dolore partus pericilibari cepirit uel quasuis alia de causa morti proxima decubuerit, quia portio sue carnis est, excusari poterit. Item si dominus eius qui uulgo ligius dicitur, hic est, cui soli ratione dominii sic tenetur ut contra ipsum nichil aliis debat, rege dumtaxat excepto, uocauerit ipsum, ut adsit sibi tracto in ius de toto feodo suo uel eius maxima parte, uel super alia causa que in status uel corporis sui detrimentum redundare uideatur excusari poterit; sic tamen si dominus ille nec amplius excusare nec aliter item declinare ualuerit. Quod si idem dominus alium super huiusmodi sollicitauerit, et liberum sit ei absque enormi damno diem prorogare, si uocauerit domini regis uicecomitem, hominem quidem suum, uenire non tenebitur quia nec sic ad scaccarium posset excusari. Item si idem dominus eius infirmatissim pondere pressus testamentum coram suis condere uoluerit et ad hoc cum aliis fideliibus suis ipsum uocauerit, excusabitur. Item, si dominus eius, uel uxor uel filius, debita carnis solverit, et hic debita funeris obsequia procurauerit, excusari merebitur. Sunt

Scholar. Is sickness the only valid excuse for the absence of a person summoned?

Master. God forbid! There are several ‘essoins’ at the Exchequer, but sickness is the commonest, both in lawsuits and in other ecclesiastical and civil business. Besides, you must remember what I have told you, and understand that no excuse will protect the Sheriff from punishment, if he keeps the King’s money which he has collected in the county in his own hands, or fails to send it to the Exchequer on the appointed day. But if he has sent the money, sickness will excuse him as has been said. He will also be excused if his first-born son, whom he has declared to be his heir, is considered to be at death’s door; or if his wife is in labour, or in danger of dying for some other reason, he may be excused, since she is ‘flesh of his flesh.’ Again he may be excused if his liege lord, as he is commonly called, (that is, the one to whom alone he is so closely bound, by reason of his lordship, that he cannot owe any service to another lord, the King excepted, to that lord’s prejudice), have called him for his support in a lawsuit involving the whole or the greater part of his fee, or any other cause threatening damage to his estate or person; provided always that his liege lord can neither essoin himself further, nor otherwise avoid the suit. But if his liege lord have impleaded another in like manner, and is free, without grave damage, to adjourn the day of trial, and if he call upon the Sheriff as being his man; the Sheriff will not be bound to come, because that would not be a good essoin at the Exchequer. Again, if his liege lord, feeling his health failing, desires to make his will in the presence of his men and summons the Sheriff among his other tenants for the purpose, he will be excused. Also, if his lord, or his lord’s wife or son, have gone the way of all
et alie plures excusationes absentie uiciocomitis, necessarie quidem et legibus determinate, quas non abdicamus uel excludimus, immo cum suficientes uise fuerint, a maioribus liberenter susceptimus. Sed has que menti mee se ad presens optulerunt quasi frequentiores, exempli causa, subiecinimus.

Discipulus. Videor ex predictis perpendere quod miles, uel quilibet alius discretus, possit a rege uicecomes, uel alius baili uus creari, etiam si nil ab ipso possideat sed solum ab aliis.

Magister. Debetur hec prerogatiua dignitatis publice potestati, ut cuiuscunque sit, cuiuscunque uir aliquis in regno militet uel ministret, si regi necessarius uisus fuerit, libere possit assumi et regis obsequius deputari.

Discipulus. Ex hoc etiam cerno uerum esse quod dicitur

'An nescis longas regibus esse manus?' 1

Sed iam nunc, si placet, ad agenda uicecomesi num mittere non differas. Ad hec enim, te monente, totam attentionis industriae iam collegi 2 sciens ex hiis excellentem scacciari scientiam, sicut predictum est, debere requiri.

Magister. Gratulor te memorem premi sororum; unde fatores languenti pene calamo te stimulus addidisse; noueris autem quod uicecomes, nisi facto prius examine, debitis quisque quibussummonitus est solutis, residere non debet ad compotum. Cum autem accesserit et iam residerit, aliis uicecomites excludantur, et resideat solus cum suis ad interrogata responsurus. Prouideat autem ut ipsa die uel precedente debitoribus sui comitatus innotuerit, qua die sit ad compotum sessurus, uel etiam

1 Ovid, Her. 17:166
2 supra, p. 15

flesh, and he has had to conduct the funeral; he will have earned his excuse. There are many other essoins for the Sheriff's absence, valid and defined by law, which I do not reject or exclude. Indeed, since they were adequate, I have been glad to receive them from my predecessors. But I have instanced those which occurred to my mind as the most usual.

Scholar. I seem to gather from what you have said, that any knight or other sensible man may be appointed by the King as Sheriff or Bailiff, even though he holds nothing of him immediately.

Master. It is the King's prerogative as chief of the executive that any man in the kingdom, if the King need him, may be freely taken and assigned to the King's service, whose man soever he be, and whomsoever he serves in war or in peace.

Scholar. I see the poet's words are true:

Have you forgotten that kings' arms are long? 1

But now, pray, make haste to take up the business of the Sheriff. For on your advice I have mustered all my attention, 2 knowing that the subject demands, as you said, 'the highest skill at the Exchequer.'

Master. I am delighted that you remember my words; a thing which I own has revived my flagging pen. Take note then that the Sheriff may not sit at his account until the assay has been made and the debts for which he is summoned paid. But when he appears and has taken his seat, the other Sheriffs must be shut out, and he must sit alone, except for his staff, to answer the questions put to him. He must see, too, that on the day of his account or the day before, he give notice to the debtors of his county on what day he is to sit at his
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circum domum scaccarii, uel uicum uel uillum, uoce preconia ipsis denuntiet se tunc uel tunc sessurum. Tunc, sedentibus et auditentibus omnibus, thesaurarius, qui, sicut dictum est, ratione officii sibi uidetur aduersari, querat si paratus est reddere comptum suum; quo respondentem, 'Presto sum,' inferat thesaurarius, 'Dic igitur, in primis, si eleemosine, si decime, si liberaiones constitute, si terre date, sic se habent hoc anno sicut in preteritio?' Quod si similiter se habere responderit, tunc scriptor thesaurarii preteritum annalem rotulum diligenter in his constitutis scribendis sequatur, con- tuente simul thesaurario, 'ne forte manus scriptoris aberret'; et quia satis in titolo officio scriptoris thesaurarii de ordine scripture dixisse me memini, hiis ad presens supersedeo.

Discipulus. Dic ergo, si placet, de hiis quae iam dudum usque ad agenda uicecomitis distulisti, quid scilicet sit quasdam terras a rege dari blancas quasdam numero. Hoc enim me sollicitauit ab initio.

Magister. Satis, ut credo, tibi constat ex predictis quid sit quasdam firmas solui blancas quasdam numero. Firma quidem blanca soluitur cum ipsa, facto examine, v dealbatur. Quis insuper fuerit huius institutionis auctor et que instituendi ratio satis innotuit: porro firmam numero solui diximus cum tantum numerando non examinandos de ipsa satisfit. Cum ergo rex fundum aliquem alicui contulerit simul cum hundredo, uel placitis que ex hoc proueniunt, dicunt fundum illum illi blanncum collatum; at cum, retento sibi hundredo, per quod firma dealbari dicitur, simpliciter fundum dederit non determinans 'cum hundredo' uel 'blanncum,' account, or even send round the crier to proclaim outside the Exchequer building, in the street, or in the town, that he will sit at such-and-such a time. Then, when all are seated, and listening, the Treasurer, who as we have said, appears by virtue of his office as his opponent, will ask whether he is prepared to render his account. He answers, 'I am ready,' and the Treasurer proceeds, 'Tell me first whether the alms, tithes, fixed payments and lands granted out, are the same this year as last?' If he replies that they are, the Treasurer's Scribe will carefully follow the Pipe Roll of the preceding year in writing the fixed items, while the Treasurer watches him 'lest he stray.' And as I remember that I explained the writing of the Roll sufficiently in the chapter on the duties of the Treasurer's Scribe, I will omit the description here.

Scholar. Tell me then, please, what you put off until the 'Sheriff's business,' namely, what it means that some lands are given by the King 'blanch' and some 'by tale.' For that puzzled me in the first instance.

Master. I think it is pretty clear from what has gone before what is meant by some farms being paid 'blanch' and some 'by tale.' A farm is paid 'blanch' when it is 'blanch'd' by the taking of an assay. You also know who made this arrangement, and why. We said also that a farm is paid 'by tale' when it is met by merely counting the coins without an assay. So, when the King confers an estate upon anybody 'with the hundred' (or the pleas which arise in the hundred court), that estate is said to be granted 'blanch.' But when the King retains the hundred court (by which the farm is said to be 'blanch'd'), and merely grants the estate without specifying 'with the hundred' or 'blanch,' it is

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1 supra, p. 7  
2 supra, p. 34  
3 supra, pp. 29-32  
4 supra, p. 30  
5 supra, pp. 40-3
numero datus dicitur. Oportet autem ut de fundo collato breue regis, uel cartam eius, in termino sancti Michaelis is, cui collatus est, ad scaccarium deferat, ut uicecomiti computetur; aliasquin in magno annali rotulo non scribetur nec uicecomiti computabitur. Scribetur autem sic, post elenosinas et decimas et liberationes utriusque generis constitutas, in capite linee 'In terris datis illi N. xx. libras bl. ibi et illi N. xx. libras numero ibi.' Adueret etiam quod si forte inter terras datas inueneris 'illi uel illi x. libras bl.' uel 'numero ibi de prestito regis,' cum is, qui commodati uel prestiti beneficio gausius est, fatis debita solucerit, nisi per gratiam regis, non uxori, non liberis non alciui nomine eius propter prestitum reclamandi locus relinquitur. Similiter, si dictum fuerit, 'illi x. quamdiu regi placuerit.'

vi Discipulus. Quid est quod dixisti 'liberationes utriusque generis'? Magister. Liberationum quaedam sunt indigentium cum ex solo caritatis intuiti ad uictam et uestitum alicui a rege denarius diurnus, uel duo, uel plures constituantur. Quedam uero sunt seruientium ut hec pro stipendiis suscipiant, quales sunt editi regii, tibi-cines, luporum comprehensores et huiusmodi. Hee sunt igitur diuersi generis liberationes, quia diuersis ex causis soluntur, inter constituta tamen computantur. [Et nota quod, licet liberum sit regi quibuslibet indigentibus

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1 cf. Leges Henrici primi, c. 19. The king has jurisdiction in every demise manor (including the hundred court if the manor is the chief manor of the hundred), and can grant the manor out either with or without its jurisdiction. The profits of the court are regarded as being roughly equivalent to the loss consequent on the assay.
2 Examples of both these entries will be found in Pipe Roll, 7 Henry II, p. 22. The allowance was not technically an 'imprest' (in spite of the commodati of the text) and therefore to be accounted for by the recipient, but a grant for life, or during pleasure.

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3 The sense seems to demand this rendering, and it may be derived from the use of the word in Ezech. 44:11. The keeper of the palace of Westminster was paid 7d a day from the farm of London (Pipe Roll, 2-4 Henry II, pp. 3, 111. See also C. T. Clay's article in E.H.R. lxx, pp. 1-21).
has liberationes conferre, ex antiqua tamen institutione
solent hiis assignari qui in curia ministrantes, cum
redditus non habeant, in corpore suorum inautili-
dinem decidunt et laboribus inutiles fiunt.] 1 Hiis omni-
bus per ordinem annotatis, querit thesaurarius a uice-
comite, 'si quid expeberit de firma comitatus per breuia
regis preter constituta.' Tunc seriatim missa sibi regis
breuia tradit clerico cancellarii, qui lecta in publicum
eadem liberat thesaurario ut ipse, secundum formam
in breuibus conceptam, in scripturam rotuli sui oppor-
tuna uerba ministret. 2 Ipsa namque, sicut dictum est,
prescribit et alii conscribentes ad eodem excipiunt. Hoc
facto, ostendit uicecomes si quid expeberit non per
breuia sed per constitutam scaccarii legem sibi com-
putanda, qualia sunt liberationes probatorum regis et
item ea que mittuntur in iustitiis et iudiciis explendis.

Aduer te autem iustitias hic usualiter nuncupari pro-
lati in aliquos iuris executiones, judicia uero leges can-
dentis ferri uel aquae. 3 Liberationes igitur probatorum
hac ratione fiunt: propter innumeris regni huius diui-
tias et item propter innatam indigenis crupulam, quam
semper comes libido sequitur, contingit in ipso fre-
quenfiuus furta fieri manifesta 4 uel occulta, necnon et
homicidia ac diuersorium generum scelera, addentibus
stimulos mechis ut nichil non auident uel non attemp-
tent, qui suis se consiliiis subiecerunt. Cum autem a
regis ministris regni pacem excubantibus reus horum
famosus aliquis comprehenditur, propter numerosam
sceleratorum multitudinem, ut uel sic peruersus terra

1 This statement is not borne out by the Pipe Rolls, and may be an
interpolation by one of the salaried officers.
2 cf. p. 28 above
3 Hence the Scots 'justified in the Grassmarket.' JUdICium is of course
also applicable to trial by battle and by jury. Glavill xiv. i, regards the
hot iron as appropriate to freemen, and the water to villeins.

who performed some service at court, but have no lands or
rents, and fall into ill health and become incapable of
their work.] 1

When all these have been set down, the Treasurer
asks the Sheriff 'if he has spent anything beyond the
fixed payments, by the King's Writs, out of the farm of
the county?' The Sheriff then hands to the Chancellor's
Clerk, in order, the royal writs sent to him. The Clerk
reads them aloud and hands them to the Treasurer so
that he may dictate the correct wording 2 for the writing
of the Pipe Roll according to the form of the writs. For,
as I said before, he dictates and the others copy from him.
After this the Sheriff shows what he has paid without
writ and is to be allowed to him by the custom of the
Exchequer, such as are the liveries of the King's approvers,
and the expenses of justice and trial.

Now observe that acts of 'justice' is the usual name vii
for the execution of sentences pronounced against in-
dividuals, while 'trial' is that for the ordeals of the hot
iron and of water. 3 The liveries of approvers have this
origin. The untold riches of the kingdom and the
natural drunkenness of its inhabitants, with its invariable
concomitant, lust, bring about a multiplicity of thefts,
robberies as well as larcenies, 4 besides manslaughter and
other crimes; and the evildoers are so urged on by their
women, that there is nothing they will not venture under
their influence. But when some notorious criminal is
apprehended by the King's officers of the peace, crime
being so rife, the justices sometimes consent, as an
extreme measure to purge the country of criminals, that
if such a man confesses and turns King's evidence against

4 For manifestus is technically the thief taken 'with the manner,' i.e.
before he can dispose of his booty (cf. Just. Inst. r. r. 1. 9), but it seems probable
that the author was thinking of open robbery as opposed to larceny.
his associates, and succeeds in proving by battle a charge against one or more of them, he may escape the death he has deserved, and save his skin by losing his civil rights and abjuring the realm. Some, however, by the terms of their bargain, do not get off scot free, even though they prove their charges. They escape the hanging or other shameful death which they confess they have deserved, but are punished by mutilation, and become a public spectacle and a terrible example to discourage the rash attempts of other offenders. Since, then, a man can save his life by accusing and convicting others of guilt like his own, and also because whatever contributes to the peace of the realm is undoubtedly to the King’s advantage, he is called the King’s approver. But from the day on which he is admitted to make his proof to that on which he either fulfils his promise or fails to do so, he receives from the Treasury a penny a day for his victuals, which is allowed to the Sheriff by the custom of the Exchequer without further warrant. But if the approver be ordered to be moved to another place where the judges are assembled, that he may more conveniently fulfil his promise, or failing to do so, receive the due penalty of his crimes; the expense of vehicles and provisions will only be credited to the Sheriff by custom of the Exchequer so far as the penny a day will meet it. Any thing beyond that needs the King’s Writ.

There are, besides, in certain counties sundry persons who, by reason of the lands which they hold, lay avenging hands on condemned criminals, and punish them according to the degree of their crimes,¹ some by hanging, others by mutilation or otherwise. There are

¹ It is difficult to find any serjeanties for the execution of criminals in the Book of Fees or in Peudal Aids. Sherfield-upon-Loddon was however held by a service of this kind. The reference may be to the various lords who had ‘gallows and tumbril’ and could hang ‘their own thieves.’ Examples of payments for ordeals and executions will be found in Madox, Hist. of the Exchequer, chap. 16, s. 12 (p. 255) n. x.
tatus in quibus sic condemnandi non nisi numerata de
fisco pecunia puniantur. Quicquid igitur ad hec iudicia
ul iustitias effectui mancipandas detestabilis auaritie
hominibus, qui hec pro sanguinis effusione suscipiunt, a
uicecomite numeratur, per consuetudinem scaccarii sibi
computatur, hoc est non per breue regis. Est et alii
quod per consuetudinem solam uicecomiti debet computari.
Cum regis thesaurus de loco in locum maiorum
consideratione deferendus uelicius et huiusmodi minori-
bus indiguerit, precipiente thesaurario uel camerarii
uel seruientibus corum ad hec missis, uicecomes de
firma sua quod oportuerit inuenit et hoc ipsum uice-
comiti sine breui computatur, perhibente tamen super
hoc testimonium coram maioribus ipso thesaurario uel
quolibet predictorum qui hec fieri mandauerit; et tunc
dicitur in rotulo 'in his uel illis necessariis thesauri hoc
uel illud per hunc uel illum.' Item si piscis regius,
rumbus uel cetus uel alius huiusmodi comprehenditur,
quod in hiis salientis et alis necessariis ministrandis a
uicecomite mittitur, sine breui computatur. Item quod
in excelsis dominici uines regis et his uindiciandis
uel uasis et alis necessariis ministrandis expendititur, sine
breui per fidem uicecomitis computatur. De qua fide,
si semel aut sepius et qualiter fiat, infra dictetur.¹
Hec sunt igitur que ad presens nobis occurrunt uicecomiti per
solam consuetudinem computanda: nunc de ceteris
que ad computum de corpore comitatus pertinent
prosequamur.

viii  Fit interdum ut precipiat rex uicecomiti per breue
suum quod in castris firmandis, uel in edificiis et huius-
modi instruendis, de firma sua necessaria ministret, per
uisum duorum uel trium uirorum, quorum nomina in
ipso breui exprimuntur, et addat in fine uerbum breue
¹ pp. 106–7 below

also counties in which money must be paid out from the
Treasury for their punishment. Whatever, then, is
paid by the Sheriff to the greedy wretches who receive
it for the shedding of blood is credited to him by the
custom of the Exchequer, that is, without the King’s
Writ. There is also another expense which ought to be
credited to the Sheriff by the custom alone. When the
transport of the King’s treasure from one place to
another by order of the Barons demands carriages and
other minor expenses, on the order of the Treasurer and
Chamberlains or their servants sent for the purpose, the
Sheriff finds what is required, and it is allowed him
without writ, on the evidence given before the Barons
by the Treasurer or other actual giver of the order. Then
the entry in the Roll will be: ‘in such-and-such neces-
saries for the treasure, so much, by such a person.’
Again, if a royal fish, a turbot or a whale, or the like is
cought, the necessary materials for salting it and what
else is needed are sent by the Sheriff and credited to him
without writ. What is spent also in cultivating the King’s
vineyards and gathering the vintage, and on vats or other
necessaries, is credited without writ, on the Sheriff’s
affidavit. Whether one of these is enough or more are
needed, and how it is given, I will tell you later.¹ This is
all that occurs to me at present which is credited to the
Sheriff without writ. Let us now proceed to the other
points relating to the corpus comitatus account.

The King sometimes orders the Sheriff by writ to viii
provide from his farm what is needful for fortifying
castles, or erecting buildings, and the like, by the view
of two or three men, whose names are given in the writ;
adding at the end a clause, brief but needed by account-
tants, ‘and it will be allowed you at the Exchequer.’ So,
when the Sheriff’s account is reached, those who
set computantibus necessarium, ‘et computabitur tibi ad scaccarium.’ Cum igitur uercum fucrit ad com-
putum uicecomitis, ueniant simul qui electi sunt cus-
todes operum et, fide in publica ab ipsis prestita quod
secundum conscientiam suam ad regis utilitatem in ipso
opere nominata summam prouenerit, fiat inde breue regis ad scaccarium. sub testimonio presidentis et alerius
quem preceperit in quo summam illa de qua testati sunt
et item nomina custodum exprimantur ; et tunc demum
uicecomiti computabitur. Quod si per hec missa con-
summatum regis opus fuerit, primum illud breue de
necessariis ministrandis, quod uicecomiti directum est,
et huc ultimum, quod ad scaccarium fit, in forulo
marescalli de compotis factis recluduntur. Si quid
autem restat de ipso opere faciendum, uicecomes quod
sibi directum est breue usque ad idem opus completum
penes se reseruabit, ut hinc sit ei auctoritas operi per-
ificiendo necessaria ministrae. Reliquum uero in forulo
de quo dictum est, recluditur. Cum enim scribatur in
annali ‘in operatione illa c. libras’ oportet consequenter
apponi ‘per breue regis et per usum horum N.’ Quod
si non extaret breue regis numerum ipsum et nomina
custodum continens falsa uideri posset scriptura rotuli
dicentis ‘per breue regis.’

Discipulus. In hoc uerbo sic mihi satisfactum est ut
hiis ad que requirenda iam ora laxaueram sponte super-
sedeam. Cum enim uicecomiti delatum sit breue regis
de necessariis ad hoc uel ad illud opus inueniendis, et
sit adiectum ‘et computabitur tibi ad scaccarium’ uel
hoc ‘Inueni de firma tua’ quod eiusdem pene est
auctoritatis, superflum uidebatur ut super alio breui

1 cf. p. 92 above
2 There is a marked inconsistency between this dictum and the account
of allowances to Barons of the Exchequer on pp. 49-51, although the credit
of the Pipe Roll is saved in both. The difference is presumably due to the

were chosen ‘Keepers of the Works’ should come with
him, and when they have publicly made oath upon their
conscience that the sum has been spent on the work
named for the King’s service, a writ must be made3 for
it at the Exchequer, witnessed by the President and
another whom he may assign, specifying the sum certified
and the names of the keepers. The allowance will then,
at last, be made to the Sheriff. Now, if the King’s works
are completed by this expenditure, both the first writ
ordering the necessaries to be supplied and this last writ
made at the Exchequer are put away in the Marshal’s
forels of closed accounts. But if any work remains to be
done, the Sheriff will keep the writ addressed to himself
until the work is completed, so as to retain his authority
for supplying what is needed to complete the work. The
other writ will be put away in the forel we spoke of. For
when there is written in the Pipe Roll ‘In such a work
a hundred pounds,’ there ought to follow ‘by the King’s
Writ and by the view of the following:—’ But if there
were no writ containing the sum and the names of the
keepers, the words of the Roll ‘by the King’s Writ’
might be considered false.6

Scholar. You have so completely satisfied me on this
point that I will omit the question which I had opened
my mouth to ask. For when the King’s Writ for the
provision of necessaries for such-and-such a work had
been brought to the Sheriff, and there was added ‘and
it will be allowed you at the Exchequer,’ or ‘Find out
of your farm,’ which is practically the same; it seemed
to me unnecessary for him to trouble to get another writ.

necessity of giving the names of the Keepers of the Works and the varying
amounts allowed in the several cases.
sollicitus esset. Nec enim intelligebam quod in ipso breui numerus esset exprimendus ut sic in eodem uerborum tenore autentico respondeat annali.

ix Magister. Intellige similiter quod in scaccarii negotii secularis est quam in aliis. Dicitur enim in plerisque quod ‘expressa nocent non expressa non nocent’; uerum

‘hic expressa iuuant et non expressa fatigant.’

Verbi gratia; si tenetur quis regi in c. et breue eius deferat ad scaccarium ut quietus sit de debito quod ei debet, addat etiam toto, et causam simul exprimat set non numerum, non propter hoc absolvetur, set magis per hoc dilationem usque ad aliam summonitionem pro-merebitur. Oportet enim scribi in rotulo ‘in perdonis per breue regis illi N. c. libras,’ set quia non uidetur omnino dimissum quod nondum est in breui expressum, cogeter is multo labore querere per quod mereatur absoli. Ergo in his ‘non expressa fatigant.’

Discipulus. Salua sit reuerentia presidentis et assiduum, hic non uidetur per omnia regis mandato satisfactum. Nec enim quietus est quem quietum esse mandavit, addens etiam causam pro qua sibi tenebatur.

Magister. Immo salua sit in hisi scrupulose mentis tue subtilitas: nosse quidem debueras quod ei qui legis plurimum indiget eius ignorantia non subuenit. Is ergo qui regi tenetur qualifier ab hoc absolui plene possit, hoc est secundum legem de hisi constitutam, diligenter inquirat. Quod si non fecerit, non presidenti set sibi imputet. Nec enim licet presidenti ab eo, quod detulit in breui, iota

1 Dig. L. xvi. 195
2 This seems to be a reminiscence of the Civil Law, possibly Dig. xxix. vi. 7 or 9. The latter, though with less verbal resemblance, seems to state the same principle.
3 cf. Matt. 5:18

For I had not understood that the amount must be specified in the writ, so that its wording should tally with that of the authoritative Pipe Roll.

Master. You must likewise grasp that Exchequer ix business has its own rules. For it is commonly said that ‘Precision does harm; vagueness does not.’ Here, however, the reverse is the case: Precision aids, the lack of it impedes. For example, if anyone is a hundred pounds in debt to the King, and brings a writ to the Exchequer acquitting him of his debt, even though it add ‘in full’ and specify the cause but not the amount; the debtor shall not thereby be freed from his debt, but shall rather obtain a respite until the next Summons. For the entry in the Pipe Roll ought to read, ‘Pardoned by the King’s Writ to N. a hundred pounds.’ But as what is not specified in the writ is not regarded as remitted, the debtor will have all the trouble of suing out a valid acquittance. Here, then, the ‘lack of’ precision ‘impedes.’

Scholar. With all respect to the President and his colleagues, this does not seem completely to satisfy the King’s command. For the man is not quit whom the King has ordered to be acquitted, though he has specified the cause of the debt.

Master. With all respect to your ingenuity in splitting hairs, you should have known that ignorance of the law is of no avail to the man who most needs its help. So, let every man who is in he King’s debt inquire carefully in what manner he can be fully quit, that is, according to the law in that case made and provided. If he does not, he must blame himself and not the President. For even the President has no power to alter one jot of what he has presented in his writ. Since, then, it does not
mutare. Cum ergo per hoc quiets non sit, festinet quod expedit impetrare.

Discipulus. Cerno quod hoc maxime propter hoc obseruantur ut scripture rotuli non obloquantur. Set iam nunc prosequere de ceteris.

Magister. Cum igitur omnia fuerint annotata que uel constituta sunt, uel per brevia regis uel per consuetudinem scaccarii computanda, sic compotus uelut infectus relinquitur et ad alia concertantur. Nec enim ‘et quiets est’ uel ‘et debet’ in annali scribetur, per que scilicet compotus consummatus dicitur, donec de omnibus que in summonitione continentur satisfecerit. Cuius rei causa satis ex consequentibus liquere poterit. Post compotum de corpore comitatus, hoc est de principali firma, qui sicut predictum est usque in finem infectus relinquitur, post modicum interstitium ponitur compotus de ueteri firma comitatus: hoc est que casu aliquo de anno pretorio remanerat, ita tamen si uicecomes qui tunc ministrauit mutus fuerit. Quod si idem perseverat etiam hoc anno, de ueteri firma ante inchoatum compotum de noua satisfaciet; et diligentier ac distincte scribetur ‘de ueteri’ in principio et consequenter ‘de noua.’ Ad hec noueris mutatum uicecomitem de firma ueteri summonendum sicut quemlibet aliorum debitorum, non de parte eius set de universo quia firma est cuius solutioni differri non debet; set debitorum firmae ueteris, quo tenetur is qui adhuc ministrat, sufficit sub hoc pretextu uerorum summonuisse ‘quicquid debes de ueteri firma et noua’ de quo satis superdictum est x [in titulo de summonitionibus]. Post hoc autem, facto

suffice to acquit him, let him hasten to sue out the writ he needs.

Scholar. I perceive that the main reason for this practice, is to protect the wording of the Pipe Roll from criticism. But now proceed with the rest of the story.

Master. Well, when all the allowances have been set down, which are either fixed, or authorized by the King’s Writs or the custom of the Exchequer; the account of the farm is left unfinished, and attention is given to other debts. For neither ‘and he is quit’ nor ‘and he owes . . .,’ by which phrases the account is said to be closed, will be written in the Pipe Roll, until every item in the Summons has been answered. The reason for this will sufficiently appear from what follows.

After the account of the corpus comitatus, that is of the chief farm, which, as we have said, is left unfinished, a short space is left before the account of the ‘old farm’ of the county: that is, of whatever may happen to have been left unpaid of that of the last year. But this only applies if there has been a change of Sheriffs. For if the Sheriff is the same as in the last year, he must meet the old farm before he begins to account for the new one; and ‘for the old farm’ will be plainly and carefully written at the beginning, and ‘for the new farm’ afterwards. You must know, furthermore, that the superseded Sheriff must be summoned for the old farm like any of the other debtors, not for a part of it, but for the whole; because it is farm, and its payment must not be deferred. But the debt of the old farm, if due from the present Sheriff, has been sufficiently summoned by being included in the formula ‘whatever you owe of the old farm or of the new,’ about which we have said enough already [in the chapter on Summons].

Next, after a blank space of about six lines, follows x
interuallo quasi vi. linearum, sequitur compotus de
excidentibus et occupatis quod nos usitatius dicimus de
propresturis et escaetis. In medio quidem linee fit
prenotatio litteris capitalibus, DE PROPRESTURIS ET
ESCAETIS; in capite uero inferioris sic scribitur, ‘Idem
uicecomes reddid comptum de firma propresturarum et
escaetarum, slicicet de x libris de hoc et xx. libris de
illo,’ et ita deinceps sicut ex rotulo perlustrantium iudici-
num ante conceptum est in annali, ‘summa c. libre.’
Dehinc in fine eiusdem linee, ubi summa est, scribitur
‘In thesaurio xx. libras in tot tales et debet quater xx.
libras’ uel ‘In thesaurio liberat et quietus est.’ Ho-
rum autem scribendorum ordinem magis oculata fide
quam uerorum quantalibet argumentosa descriptione
cognoscere.

Discipulus. Que sint hec excidentia uel occupata et
qua ratione fisco proueniant nisi plenius aperueris non
videor.

Magister. Fit interdum per negligentiam uicecomitis
uel eius ministrorum, uel etiam per continuatam in longa
tempora bellicam tempesstatem, ut habitantes prope
fundos qui corone annominantur aliquam eorum por-
tionem sibi usurpent et suis possessionibus ascribant.
Cum autem perlustrantes iudices per sacramentum
legittimorum uiorum hec deprehenderint, seorum a
firma comitatus appreciandur et uicecomitibus traduntur
ut de eisdem seorsum respondeant; et hec dicimus
‘propresturas’ uel ‘occupata.’ Que quidem cum
deprehenduntur, a possessoribus, sicut predictum est,
tolluntur, et abhinc fisco cedunt. Verum si is a quo
 tollitur occupatum, auctor est facti, simul etiam, nisi
rex ci pepercerit, pecuniariter grauissime punietur.
Quod si non aucto set heres auctoris fuerit, ad penam
sufficit fundi eiusdem sola reucatio. Ex quo sane, sicut

the account of casualties and encroachments, which
we more usually call purprestures and escheats. A
heading is written in the middle of the line in capital
letters: ‘CONCERNING PURPRESTURES AND ESCHEATS.’
At the beginning of the line below is written: ‘The
same Sheriff renders account of the farm of purprestures
and escheats, viz. ten pounds from one and twenty from
another,’ and so on, as it was previously drafted in the
Pipe Roll from the Rolls of the Justices in Eyre, ending
‘Sum. £100.’ Then, at the end of the same line in
which the sum is written, ‘In the Treasury £20, in
so many tallies. And he owes £80,’ or ‘He has paid
it in the Treasury and is quit.’ But you will know the
order of entering these payments better from seeing
them than from ever so elaborate a verbal description.

Scholar. You must explain more fully what these
casualties and encroachments are, and how they come
into the Treasury, if I am to see what you mean.

Master. It sometimes happens owing to the care-
lessness of the Sheriff and his staff, or even through the
Persistence of war conditions, that those who live next
to crown lands occupy some portions of them and treat
them as their own. Now when the Justices in Eyre,
through the verdict of lawful men, have detected these
encroachments; they are valued separately from the
farm of the county, and made over to the Sheriffs to be
answered for by themselves. These are what we call
‘purprestures’ or ‘encroachments.’ When these are
detected, they are taken away from their possessors, as
aforesaid, and thenceforward accrue to the Treasury.
But if the possessor, so evicted, is the original squatter,
he will be heavily mulcted as well, unless the King is
merciful to him. But if he is not the actual wrongdoer
but his heir; the forfeiture of the property is considered
ex alis pluribus, regis misericordia comprobatur, dum patris tam enormis excessus non punitur in filio, qui usque ad factam inquisitionem publice postestatis iuctura ditaabatur. Porro eschaeae uelgo dicuntur que, decedentibus hiis qui de rege tenent in capite, cum non extet ratione sanguinis heres, ad fiscum relabuntur. De hiis autem simul cum propreturis compoti fiunt sub una scripture serie, sic tamen ut singulorum nomina per ordinem exprimantur. At cum paterfamilias miles, uel seruiens, de rege tenens in capite fati debita solucr, relictis tamen liberis quorum primogenitrus minor est annis, redditus quidem eius ad fiscum redeunt; sed huiusmodi non simpliciter 'escaeta' dicitur set 'escaeta cum herede.'

Vnde nec heres ab hereditate, nec ab ipso hereditas tollitur, set simul cum hereditate sub regis custodia constitutus, tempore pupillaris etatis de ipso hereditate per regios officiales tam ipse quam ceteri liberi necessaria percipiunt; cetera uero, que de ipso proveniunt, regis usibus cedunt. De hiis autem seorsum compoti fiunt, quia non perpetuo set quodam temporali iure fisco debentur. Cum enim heres, nunc minor, legittime etatis^2 adeptus beneficia sibi suisque disponere nouerit, quod iure sibi paterno debetur, a regia munificentia suscipiet, quidam gratis, per solam silicet gratiam principis, quidam promissa summa aliqua, de qua cum compotus fiet, dicetur in annali 'Ille uel ille reddit compotum de c. libris de releudo terre patris sui. In thesauro hoc et debet hoc.'

De hoc autem ultra in annali compotus non fiet cum ad fiscum post hoc non

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^1 This expression seems peculiar to the *Dialogus*. The usual word is *custodia* (a wardship). In this connection it seems odd that there should be no mention of *Marriages*, but they are probably classed with the *obleta* on p. 109 below.

^2 Lawful age^1 for a tenant by knight-service is at the end of his twenty-first year; for a sokeman, of his fifteenth; of a burgess, when he can count money, measure cloth, etc. (Glanvill, vi. ix).
redeat. Verum dum in manu regis est de hoc sic scribetur in annali. ‘Ille uicecomes reddit comptum de firma illius honoris; si scilicet baronia est, ‘In thesauro hoc: Et in procuracione liberorum illius hoc per breue regis’, quod ibi ad scaccarium per consuetudinem fiet. ‘Et debet hoc’ uel ‘Et quietus est.’ Quod si minor est possessio hoc, ut sit fundus unus uel duo uel tres, sic dictetur. ‘Ille uicecomes,’ uel ‘ille N.’ cui forte rex eiusdem rei custodiam deputavit, ‘reddit comptum de firma terre illius N. que fuit illius N. quam rex habet in manu sua’ uel ‘que est in manu regis cum herede. In thesauro hoc: Et debet hoc’ uel ‘Et quietus est.’ Attendere preterea quod honor ille uel fundus,\(^1\) dum in manu regis cum herede fuerit, omnes elemosine et liberationes indigentiam a prioribus dominis solo caritatis intuitu constitute, hiis, quibus debentur, cum integritate solvuntur et ad scaccarium custodi computantur. Liberationes uero seruientium, qui dominis suis ad explenda quelibet obseaquia necessarii uisi sunt, et ob hoc constituuntur, dum rex possidet, voluntariam habent solutionem. Cum autem in manu heredis deauluta fuerit hereditas, oportet eum patris inherere uestigiis, ut scilicet quo adubusque uixerint hii quibus hsec a patre suo constituta sunt, uita comite percipienda illis satisfaciat; et post hsec, si uoluerit, eorum utatur uel non utatur obsequis.

*Discipulus.* Dixisti, si bene memini, quod si quelibet de rege tenens in capite decedens minorem annis heredem reliquerit, tandem idem relictus, post legitime etatis tempora, quidam gratis, quidam promissa pecunia, quod sibi debetur a rege suscipit: quod autem sic soluitur

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\(^1\) The *Dialogus* makes no clear distinction between an honour and a group of manors, though it equates honour and barony. But even the tenant of a single knight's fee must be regarded as *baro minor*, since the distinction in the rate of relief depends on the immediacy or otherwise of the tenure.
releium' dicis. Dic ergo si cuiuslibet fundi, qui de rege est in capite, releium sub consimili summa debet exigi, uel si sub dissimili quare sic.

Magister. In propriam te uideo armasse perniciem; ex predictis enim alia coniciens armatis me uexas questionibus. Nueris autem quod releuorum que regi debentur, secundum dissimiles possidentium status, dissimilis summa consurgit. Quidam enim de rege tenent in capite que ad coronam pertinent, baronias scilicet maiores seu minores. Si ergo pater possessor huiusmodi mortuus fuerit, relictus herede qui iam adultus sit, non secundum constitutam de his summam regi satisfaciet set secundum quod a rege poterit optinere. Quod si minor etate fuerit heres in custodia constitutus legitimam etatem prestolabitur; tunc autem uel gratis, sicut dictum est, uel secundum beneplacitum regis, sicut adultus hereditatem paternam nanciscetur. Si uero decesserit quis tenens tunc de rege feodum militis, non quidem ratione corone regie, set potius ratione baronie cuiuslibet, que quouis casu in manum regis delapsa est, sicut est episcopus uacante sede, heres iam defuncti, si adultus est, pro feodo militis c. solidos numerabit, pro duobus x. libras, et ita deinceps, iuxta numerum militum, quos domino debuerat antequam ad fiscum deuoluta foret hereditas. Quod si minor annis heres relictus fuerit, que de hereditate eius proponiuent, ratione custodie tempore pupillaris etatis fisco prouenient, sicut dictum est. Relictus autem a patre iam adultus pro singulis feodis militum c. solidos soluet, uel etiam infra; hoc est i. solidos si dimidii militis feodum possederit et sic deinceps. Nec te lateat quod eius quem in custodia per aliquot

whether the same relief is payable for every manor held of the King in chief, and if not why not?

Master. I seem to have supplied you with the weapon for my own destruction; for you draw conclusions from what I have said and use them to riddle me with questions. You must know, then, that the sums arising from reliefs due to the King vary according to the varying conditions of the possessors. For some of them hold crown lands of the King in chief, to wit, greater and lesser baronies. If the holder of one of these die, a father, leaving an heir of full age, there is no fixed amount which the heir must pay to the King; he must make his own terms. But if the heir is a minor; he is held in wardship to await his lawful majority. Then he will obtain his paternal inheritance, either freely, as we have said, or like an heir of full age, at the King's pleasure. But if the tenant at his death held a knight's fee, not part of the crown lands, but of a barony which has accidentally fallen into the King's hands, a bishopric, for instance, on the voidance of the see; his heir shall pay, if of age, £5 for one knight's fee, £10 for two and so forth, according to the number of knights whom he owed to his lord, before the inheritance escheated to the crown. But if the heir is a minor, the issues of his inheritance during his wardship will accrue to the Treasury, as we said before. The heir of full age shall pay on his father's death a hundred shillings for each knight's fee, or less in proportion, i.e. fifty shillings for half a knight's fee and so on. You must not forget that
you cannot exact a relief when a ward comes of age, who has been an appreciable time in your wardship, and the issues of whose property you have received.

**Scholar.** In this matter the law judges the fatherless and decides as a good conscience would approve.

**Master.** True. But revenons à nos moutons. There is also a third class of casualties or escheats which fall into the Treasury for good. When a tenant-in-chief, conscious of having committed a crime, whether or not he has been charged with it, abandons his property and runs for his life; or is charged and either confesses or is convicted, he is held unworthy both of land and of life. All that he possessed is at once confiscated; his rents are ever after collected annually by the Sheriff and paid into the Treasury; and the proceeds of the sale of his personal property go to the King. Likewise, if a man of any condition, whether serf to any lord or free, leaves his abode for fear of the more severe assize [of Northampton] which the King has appointed to repress crime, and fails to surrender himself to justice within the lawful term, or make his excuse; or if being notoriously suspect in his own neighbourhood, he is arrested and convicted by the lawful assize of any crime; all his moveables accrue to the Treasury, while the real property falls to his lords. The price of the chattels is brought to the Exchequer by the Sheriff, and entered thus in the Roll: ‘Such a Sheriff renders account of the chattels of fugitives or of men mutilated by assize. From such a place, to wit, from one ten and from another five’ and so forth, man by man, setting down their names and the sums

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1 cf. Isa. 1:17
2 The classes are (1) honours or manors held in chief by deceased tenants (including sees or abbeys during voidance); (2) lands held indirectly of the crown, i.e. as of honours, etc. (3) chattels of felons and fugitives; (4) treasure trove, and goods of intestate usurers.
3 The *Dialogou* makes no mention of the ‘year, day and waste’ of the land which fell to the crown, cf. Glanvill, vii. xvii.
autem in fine summa omnium, et circa finem eiusdem linee, in qua summa est, scribetur 'In thesauro xl. libre in tot vel tot taleis et debet x. libras' vel 'Et quietus est.' Hec sunt, frater, quorum supra meminimus,1 que ad scaccarium a vicicome deferenda et soluenda sunt, etiam si summonitio nulla precesserit. Sic et thesaurus, effossa tellure uel aliter inuentus. Item cum quis laicum fundum habens uel ciuis * ei etiam publicis inseruit usuris, si hic intestatus decesserit, uel etiam hiis quos defraudavit non satisfacentis testamentum de praue adquisitis usus est condidisse, set eadem non distribuit immo penes se reservauit, quia sic perquisitis incumbens animum possidendi deseruisse non creditur, pecunia eius et omnia mobilia mox infiscantur et non summonita per officiales ad scaccarium deferuntur. Heres autem iam defuncti fundo paterno et eius immobilius sibi uix relictis gaudeat.

Discipulus. Ex premissis que de feneratoribus dicta sunt quos omnis etiam pulsat quam uellem, si placet, plenius expediri. Dixisti enim 'cum quis laicum fundum habens uel etiam ciuis publicis inseruit usuris' et cetera. Ex quibus uerbis personarum quaedam distinctio inter sic delinquentes fieri posse uidetur, ut alia sit clericorum, alia laicorum, condicio, cum pares sint in delicto. Item ex eo quod additur 'publicis inseruit usuris' credi potest, esse quasdam non publicas quibus si quis adheserit, an legi publicarum subiacet prorsus ignoro.

Magister. Frustra credidi breuibus et communibus tibi satisfaciendum, cum ex huiusmodi questionem arising from each man's chattels. These are all added together, and at the end of the line in which the sum is written the entry is made: 'In the Treasury forty pounds in so many tallies. And he owes ten pounds,' or 'And he is quit.' These are the receipts, brother, which I mentioned above1 which must be brought and paid into the Treasury though no Summons has been issued for them. The same rule applies to Treasure Trove, whether found by digging or otherwise. Also, when any holder of a lay fee, or even citizen [i.e. burgess], is an open usurer and dies intestine, or disposes by his testament of his ill-gotten gains without making restitution to those whom he has wronged, not therefore distributing the mammon, but keeping it in his own hands; because by clinging to his possessions he is considered not to have given up the will to keep them, his money and all his chattels are at once confiscated, and brought into the Exchequer by the proper officers without Summons. The heir of the deceased must content himself with his father's land and other real property, and be thankful not to have lost them.

Scholar. What you said about usurers has raised an important question in my mind, which I should like you to explain more fully. You said 'When any holder of a lay fee, or even citizen is an open usurer,' etc. This seems to imply the drawing of a distinction between such offenders, so that clerks and laymen might be on different footings though equally guilty. Then you added 'is an open usurer'; so that it might be supposed that there was some usury not 'open'; but I do not know whether anyone practising it would come under the same law as the 'open' usurer.

Master. It was useless to try and satisfy you with a brief and commonplace statement; since that only

* ciuis Madox: quis CNR
1 See p. 69 above
elicias cuius absulutio peritoris quosdam hucusque latuit. Vercum quod dicis, 'ex uerbis tuis clericorum et laicorum sic delinquentium uidetur esse dispar condicio, cum pares sint in delicto,' non approbo. Sicut enim in gradibus, sic et in culpis dissident, iuxta uerbum illud 'quanto gradus altior, tanto casus grauior.' ¹ In bonis etiam et meritoris operibus, ut quibusdam uisum est, disparas sunt. Laici enim, qui uoti necessitas minus tenentur, ampliorem gratiam promereri uidentur, sicut in peruersis actibus hii, qui uoto religionis inseruient, grauius offendunt. Set de hiis hastenus. Habes autem ex precedentibus unde tue questionis pars prima ualeat absolu. Ex eo enim quod clericus usuris inseruens dignitatis sue privilegium demeretur,² parem laico sic delinquenti penam sibi mercatur, ut, ipso uidelicet de medio sublato, omnia eius mobilia fisco debcantur. Ceterum sicut a prudentibus acceplimus, in sic delinquentem clericum uel laicum Christianum, regia potestas actionem non habet, dum uita comes fucrit, superest enim penitentie tempus; set magis ecclesiastico iudicio rerumator pro sui status qualitate condemnandus. Cum autem fati minuus expleuerit, sua omnia, ecclesia non reclamante, regi cedunt, nisi, sicut dictum est, uita comite digne penituerit et, testamento condito, quae legare decreuerit, a se prorsus alienauerit.³ Restat itaque ut quas 'publicas' dicamus 'usuras' et quas 'non publicas' expediamus, deinde, si pari lege teneantur qui in usrisque delinquunt. Publicas igitur et usitatias usuras dicimus quando, more Iudeorum,⁴ in eadem

¹ This is also quoted by 'Benedict of Peterborough,' (Rolls Series) n. 214.
³ Glanville (vln. xvi) says that the lands of a deceased usurer reverted to their lords, and the vis of the Dialogus points in the same direction. Otherwise the two accounts agree. ecclesia non reclamante suggests that the bishop had not yet got the right to administer the goods of intestates.

suggests to you a question which has so far puzzled some of the experts. But I do not agree that my 'words imply the drawing of a distinction' so that 'clerks and laymen might be on different footings though equally guilty.' For the degree of guilt corresponds with that of dignity. As the proverb has it: 'The higher standing, the lower fall.' ¹ And some people think the same applies in good works and desert. For laymen, not being under vows, are thought to earn fuller grace; just as in evil actions those who are bound by their religious vows are more grievous offenders. But we will not discuss that. What I have said answers the first part of your question. For just because a clerk who practises usury loses the privilege of his cloth,² he becomes liable to the same penalty as a lay offender, namely, that at his death all his chattels are confiscated. But, as we are told by those learned in the law, the crown has no ground of action against a Christian usurer, clerk or layman, so long as he is alive; for he may have time to repent. He is left, rather, to the judgment of an ecclesiastical court, to be sentenced as his condition demands. But when he dies, all he had falls to the King and the Church makes no claim on it; unless, as we have said, he has honestly repented before his death, and in making his testament has completely alienated all his property.³

It remains, then, to explain what is meant by 'open usury' and its reverse, and whether both classes of offenders are in the same legal position. 'Open,' or customary usury is the name we have for receiving, like the Jews,⁴ more than we have lent of the same substance,
by virtue of a contract, for instance, a pound for a mark, or twopence a week for a silver pound in addition to the principal. 'Concealed usury,' though equally blameworthy, is when a man takes a manor or church in exchange for what he has lent, and without abating the principal, takes the issues of it until the principal is repaid. This kind, on account of the labour and expense involved in cultivation, has been regarded as more permissible; but it is undoubtedly an unclean thing, and deserves to be reckoned as usury. But if the greedy creditor, rushing to his soul's destruction, has put his contract into writing, in this form: 'Be it known unto all men that I N owe to N a hundred marks of silver, and for those hundred marks have pledged that land to him for £10, until I or my heir pay him or his heir the aforesaid hundred marks;’ when, after the creditor's death, the tenor of this disgraceful charter comes to the knowledge of the King or his chief justiciar, the first result will be the condemnation of the foul practice of usury, and the creditor, convicted of usury by his own writing, will be judged to have forfeited his chattels. But if the proprietor shall have in some way obtained from the King the restitution of the land thus alienated, he will be in debt to the King for the whole of the principal, notwithstanding that the creditor may have had possession for two years or more. 

But the King, with his usual liberality, is accustomed to abate the amount of the principal, in the first place of his special grace, which he is bound to show to his faithful subjects in virtue of his exalted station, and secondly, because as head of the executive he is to receive all the goods of the creditor, or rather usurer, who has enriched himself by ruining one of them.

There are many other items which severally accrue

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1 The more venial kind of mortgage was condemned by the council of Tours in 1163. In the example quoted, it is not clear whether the £10 represents the annual interest, though the mortgage to Jews of 1183 in Ancient Charters (P. R. Soc. 10), No. 51, at a rate of £39 per hundred marks, suggests that it does, in which case it is clearly usurious and therefore results in forfeiture. See Glanvill x. viii.
ad fiscum pertinent, que non facile sub una scripture serie redigi possunt, quia non constituta set casualia sunt. De hii tamen excidentibus huius tertii generis non supra post firmas, set infra post omnia placita, componi sunt ante catalla fugitivorum, ut ipsa quoque locorum positione uideantur pro enormibus culpis delinquentium ad fiscum pertinentia.\(^1\)

**Discipulus.** Miror super hii que dixisti. Nec enim cum prioribus stare possit uidentur. Cum enim ascriptiorum dominis liberum sit, non solum illos transferre uerum etiam quibuscunque modis distrahere, sicut supra dictum est,\(^2\) et non tantum catallorum set et corporum merito domini reputentur, mirandum est cum dominus rerum et hominis rei nil delinquat in legem quare possessione sua priuetur. Videri enim iustum posset ut regis constitutio in personam delinquentis puniret excessum, mobilia uero cum ipsis fundis in usus dominorum cedercnt.

**Magister.** Mouet te quod me mouit. Verum in hii longam fieri moram superfium credo, cum ab inceptis negotiis aliena sint. Vt tamen tibi satisfiat propter solam regis assiam sic esse cognoscas. Nec enim est qui regie constitutioni, que pro bono pacis fit, obuiare presumat. Quod si dominis catalla suorum per assiam condemnatorum provenirent, forte (quia cupiditas humane fervida sit in medio posita est) propter modicum questum quidam in necem suorum etiam innocentium grasseur.

Eapropter rex ipse cui generalis est et a deo credita cura subditorum, hec ita decreuit ut sic rei legi satisfacientes corpore puniantur et retentis sibi ipsi mobilibus, domesticiis his turbibus, hec est dominis suis, non exponantur.

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1. The fact that these casualties are not accounted for as 'excheats' shows that their classification is arbitrary and not official.
2. Above, p. 56
Verum, sicut iam diximus, sola regis constitutio, urgete necessitate, pro bono pacis facta huius questionis principalis solutio est.

Discipulus. Video quod non sine causa sit: nunc si placet prosequare. Verum restat in precedentibus quidam quod uellem altius, si placet, expediri. Dixisti enim quod fugitivorum et mutilatorum per assisam mobilia non summonata ad scaccarium deferuntur et in annali suo loco scribuntur. Quid autem de predonum uel furum catallis fieri debeant non dixisti, si scilicet ad regem pertineant uel cui de iure cedere debeant.

Magister. Predonum, qui et fures manifesti dicuntur, et latenter furantium, condicio dissimilis est. Porro tam horum quam illorum duo sunt genera ex quorum singulis catalla ducersis diversos modo proueniunt. Predonum quidem, sicut et furum, quidam exleges sunt quos usitatius uthlagatos dicimus, quidam non. Vthlagati uero exleges fiunt quando legittime citi non comparent et per legittimos et constitutos terminos expectantur, et etiam requiruntur, nec iuri se offerunt. Horum itaque catalla, sicut et uita, in manibus comprehendentium ipso esse noscuntur, nec ad regem pertinere qualibet ratione possunt. Predonum autem bona qui nondum in hanc miseric summan delapsi sunt, si comprehenduntur, ad fiscum proueniunt; furum autem ad uicecomitem sub quo deprehensi et puniti sunt. Quod si uicecomes furis causam ad curiam deduci dignam duxerit, ut iibi iudicetur, nil ipsi set totum regi debetur quod fur ille possederit. Si uero furem proprium quis insecutus fuerit et in prima curia domini regis uel etiam...

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as I have said, the main answer to your question is simply the King’s ordinance made in the interests of peace.

Scholar. I see that there is indeed a good reason. Now pray proceed. But there is still something into which I should like you to go more deeply. For you said that the chattels of fugitives and persons mutilated by the Assize are brought into the Exchequer without Summons and written in their proper place in the Pipe Roll. You did not say what happens to the chattels of robbers and thieves, whether they belong to the King, or to whom they ought rightfully to go.

Master. Robbers or open thieves and pilfers are on different footings. Besides, in both classes there are two varieties whose chattels go by different processes to different persons. Robbers, and thieves too, are either without the law, or outlawed as we commonly say, or not. They become outlaws, or without the law, when after being lawfully cited, they fail to appear, are awaited for the terms which the law appoints, 'put in exigent' and do not offer themselves to stand their trial. The chattels of these, like their lives, belong to those who capture them, and can nowise belong to the King. But the goods of robbers who have not yet descended so low, if they are caught, go to the Treasury; those of thieves to the Sheriff under whom they have been caught and punished. But if the Sheriff considers that the case of a thief should be sent up to the King’s court for trial, nothing belonging to the thief comes to him, all goes to the King. But if anybody chases the thief who has stolen his goods and secures his conviction for theft after ordeal awarded, in the first possible court of the King, or even in the County Court, will have his loss made a penalty which could only be inflicted in the County Court. (G. H. Fowler, Rolls from the Office of the Sheriff of Beds. and Buck., 1332-34, s. 39).
in comitatu ipsum comprehenderit et reum furti, adjudicata lege, probauerit, de catallis furis, si ad id suffecerint, ablatu uero primum leso restituentur, precedente, si placet domini regis iustitiario, de summam ablatorium sive eius qui petit, uel sacramento; postmodum autem, ex prouida studiosorum pacis institutione, idem de bonis furis tantundem accepturus est in laboris et sumptus sui solutum quantum prius dolo furis amiserat. Hec autem duplex et prudenter procurata solutio ab antiquis solta et persolta, uel pro solisola, non inerito dicta est. Primo enim, quod ablatum fuerat, ei soluitur et ob hoc solta dicitur. Deinceps pro laboris et sumptus impendio quod addicitur, pro uel persolta nuncupatur. His in hunc modum expletis, quod fuerit in bonis rei residuum, fisco proueniet.


Post compotum propresturariam et escaetarum sequitur compotus de censu nemorum, breuis sati et expeditus, sub hoc tenore uerborum Idem uicecomes uel ille alius N. reddit compotum de xx. libris de censu illius nemoris uel foreste de Norhantescira. In thesauro liberati et quietus est. Sunt tamen quedam foreste de quibus decime constitutorum censum ecclesie maioribus soluuntur, sicut de Wiltescira et de Hantescira ecclesie Saresberiensis, de Norhantescira uero.

good from the thief's chattels, if sufficient, on making affidavit or oath, if the Justiciar so require, as to the amount of the robbery; and after this, by the wise regulation of the lovers of peace, shall receive as much again from the goods of the thief in compensation for his trouble and expense as he had originally lost by the theft. This twofold restitution, wisely ordained, was called by the ancients not without reason solta et persolta, or prosolta [paid and doubly paid]. For in the first place what was taken is paid him, and therefore called solta. Then what is added for his trouble and expense is called pro- or persolta. When these payments have been made, the rest of the criminal's property falls to the Treasury.

Scholar. This explanation appeared necessary. But now, as you promised, please go on to the 'cess' of woods.

Master. I congratulate you on your memory, which, I see, retains both the gist of what has been said and the plan of what remains to be said. All I have to do is to meet your wishes to the best of my ability.

After the account of purprestures and escheats follows xi the account of the 'cess' of woods, which is short and simple in this form: 'The same Sheriff, or 'Some other person N. renders account of the cess of such a wood,' or 1 of the forest of Northamptonshire. He has paid it into the Treasury. And he is quit.' There are, however, forests, from which tithes of the cesses are paid to cathedral churches; as from those of Wiltshire and Hampshire to Salisbury, and of Northampton to Lincoln. 2 The reason, I was told, is as follows. Almost all, or at any

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3 The author has forgotten the farms of manors not included in the corpus comitatus, and of cities and boroughs. See p. 90 above.

4 Note that the tithes of the New Forest did not go to Winchester.
Lincolniensi, cuius solutionis causam sic accipi; quod enim de forestis solutur pene totum, uel eius maxima pars, ex placitis et exactionibus provenit; sic igitur per datas decimas illiciti questus utcumque redini possi usi sunt. De hiis autem sic compoti fiunt. 'Ille uel ille reddit compotum de xx. libris de censu forestae illius. In thesaeo xviij. libras' et in capite proxime lineae inferioris sic 'Et in decimis constitutis illi ecclesiae xl. solidos.' Deinde in fine eiusdem lineae paulo scorsum ab alia scriptura sic 'Et quietus est.' Intellige etiam semel ubi dictum quod omnia debita, et item ea, que in thesaeo soluta fuerint, scorsum ab alia scriptura collocanda sunt ut utanti animo et discurrenti oculo facilius occurrant; quoniam ex solutis summonitones, et ex iam solutis absolutiones fiunt.

Post diligentem firme principalis ueteris suae noue compotum et item post compotum propresturarum et escaetarum et census nemorum, que omnia, sicut dictum est, annuo iure soluntur, sequitur compotus de placitis et conentionibus, in quo primum post modicum interallum in medio lineae prenotatio fit, quorum scilicet iudicem huc sint.

xii Placita autem dicimus penas pecuniarias in quas incidunt delinquentes, conentiones uero oblata spontanea. Cum ergo de hiis instat exactio, tunc primum clericos cancellarii traditur summotionio, qui seriatim de singulis urget uicecomitem, dicens 'Redde de illo x. pro hac causa'; quod si in thesaeo soluerit quod requiritur, sic scribetur in annali 'N. reddit compotum

rate the greater part of, the revenue from forests arises from judicial proceedings and imposts, and it was considered that such unlawful gains might be compounded for by the payment of tithe. But the accounts are in this form. 'So-and-so renders account of £20 from the cess of such a forest. In the Treasury £18; and at the beginning of the next line, 'And in the appointed tithes to that church, forty shillings.' Then, at the end of the same line, at a distance from the other writing, 'And he is quit.' You may take it as true, once for all, that all debts, including those which have been paid into the Treasury, must be separated from any other writing, so that they may more easily strike the wandering mind and the straying eye [i.e. That he who runs may read]. For the Summonses are compiled from what remains to be paid, and the acquittances [or quietuses] from what has been paid.

After the careful account of the principal farm, old and new, and after the accounts of purprestures and escheats and of the cess of woods—all which, as has been said, are paid annually—follows the account of profits of justice and covenants; for which, after leaving a space, a title is written in the middle of the line, showing from what judges they issue. Profits of justice [or 'pleas'] is xii the name for the pecuniary penalties into which delinquent falls: 'covenants' for what is voluntarily offered.

When the demand for these comes on, the Summons is for the first time handed to the Chancellor's Clerk, who charges the Sheriff with each of the debts in order, saying, 'Render ten (pounds) from such a man for such a cause.' If he has paid it into the Treasury, there will be written on the Pipe Roll, 'N. renders account of £10 for such a cause.' All this will be included in one entry: 'He has paid it into the Treasury. And he is quit.'
de x. libris pro hac causa et ex ordine tota redigatur in scriptum 'In thesauro liberavit et quietus est.' Si uero per breue regis quietus est, ut, sicut diximus, numerus exprimatur in breui, dicetur 'N. reddit comptum de x. libris' et addat causam: deinde paulo inferius in ipsa linea 'In perdonis per breue regis ipsi N. x. libre. Et quietus est.' Quod si de c. summonitus sit, cum tamen summa debiti sit in annali x. libre, et c. soluerit in denariis, uel de c. breue regis impetraverit, dicetur 'N. reddit comptum de x. libris. In thesauro c. solidos et debet c. solidos' uel 'In perdonis per breue regis ipsi N. c. solidos et debet c. solidos.' Et nota quod in omnibus compotis de placitis et coniunctionibus singuli pro se respondebunt, ut scilicet onus debiti, si non satisfecerit, uel absolutionem, si uniuersum soluerit, suo nomine suscipiant, exceptis communibus assis et danegeldis et murdris. De hiis enim uicercomes comptum reddit et super hiis ipse uel quietus in annali scribitur uel in debito. Quod si mutatus fuerit uicercomes, nichilominus is, qui succedit ei, de eisdem respondebit et de illis summonebitur, et, nisi satisfecerit, per firmam, quam soluturas est, coercendus est. Quis quis enim in onus eiusdem officii mutato succedit uicercomes, ab ipso suscipit rescripta debitorum regis in ipso comitatu, ut per hec nosse ualeat a quibus que debant requiri, cum summonitionem ad se delatam susceperit. Ad uicercomes ergo spectat comptus communium ad quem solum pertinet cohercio singulorum; et, qui uicercomes fuerit dum comptus fit, uel quietus uel in debito hac ratione scribetur.

Discipulus. Teneo memoriter quid fieri debeat cum quis super aliquo debito summonitus breue regis detulerit quod numerum qui requiritur exprimat. Quod si regis

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But if he is quit by the King's Writ, provided, as has been said, that the figure is stated in the Writ, the entry will be: 'Pardoned to N. by the King's Writ £10. And he is quit.' But if he is summoned for 100 shillings, although the sum of the debt in the Pipe Roll is £10, and he has paid 100 shillings, or obtained the King's Writ for that amount, the entry will run: 'N. renders account of £10. In the Treasury 100 shillings. And he owes 100 shillings,' or 'Pardoned to N. by the King's Writ 100 shillings. And he owes 100 shillings.' And note that in all accounts of pleas and covenants each debtor shall answer for himself, so that he receives in his own name the charge, if he has not paid, or the quittance, if he has paid in full, except in the case of Common Assizes, Danegelds and Murder-Fines. For of these the Sheriff renders account, and is either acquitted or written down in debt in the Pipe Roll. But if the Sheriff is changed, his successor shall answer for the same debts and be summoned for them, and if he fails to meet them is to be compelled by means of the farm which he is due to pay. For whoever succeeds to the charge of Sheriff, receives from the previous Sheriff the schedules of the King's debts in the county, so that he can tell what ought to be demanded and from whom, when he receives the Summons brought to him. It is the Sheriff, then, who must account for the public debts, since he alone has the power to distrain on individuals; and for that reason the Sheriff in office at the time of the account will be written down as quit or in debt, as the case may be.

Scholar. I have clearly in my mind what is the proper course when anyone summoned for a debt brings up the

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1 See pp. 91-2 above

2 cf. p. 70 above

3 rescripta suggests a royal writ, and may refer to the old summons
King’s Writ with express statement of the amount. But what if he brings up a charter of general acquittance of things of the same kind, such as ‘I will, therefore, that he hold all the premises free and quit of pleas, murdres, etc., etc.’? Will he be pardoned?

Master. He will, undoubtedly. But the entry will not read ‘Pardoned by the King’s Charter,’ or ‘by the liberty of the charter this or that,’ but ‘by the King’s Writ.’1 But if the charter is not specific, but reads: ‘to hold free and quit of all impost and secular service,’ the holder will not therefore be quit or be written as pardoned. For the court does not permit a special debt to be cancelled by a general acquittance.

Scholar. That is a most unfair quibble; for whoever is free from a class of individual debts ought to be acquitted of the individual debts composing the class.

Master. That is true, and I entirely agree. But I am telling you what the practice is, not what it ought perhaps to be.

Well, when all the items contained in the Summons have been answered, either in cash or in the King’s Writs, the form previously stated is to be used. But when any person has not paid the whole of what was demanded from him, but part or perhaps nothing, the Sheriff must at once be asked the reason, why he did not pay. But if the Sheriff answers that he has made diligent search for chattels belonging to the person in question and has not found any; the Treasurer will put in 2: ‘Be careful, for you will have to confirm your affirmation that you have made search and found nothing by your corporal faith.’ If the Sheriff replies, ‘I am prepared to do so,’

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1 cf. p. 49 sqq. above, though the circumstances are different here from either of the cases cited above. The allowance is not covered either by the general privilege of Exchequer officials or by the exemption to certain classes of privileged persons from the need to produce their charters. On the other hand breve may be taken as covering carta. It would obviously be unreasonable to compel a religious house to get a separate writ specifying the amount of each payment for which exemption was claimed, but the principle is the same. Only specific exemptions are valid.

2 Note that the examination by the Chancellor’s Clerk is interrupted.
the taking of the affidavit will be deferred till the end of his account so that one affidavit may suffice for a number of similar cases. I have said something about this affidavit in the earlier part of this work, and shall have more to say later in its proper place.¹

But we must first draw a distinction in the matter of xiii debts and debtors, that you may know in which cases an affidavit lies and in which not. For if a knight or freeman, or a villein, or any person of whatever condition or sex, is indebted to the King as penalty for a trespass, and not as a voluntary offering, the Treasurer will be contented if the Sheriff offers his faith, to be formally pledged at the end of his account; and the man or woman against whom process has failed through his or her poverty will once more be written down in the Pipe Roll as a debtor. But the case is altered if the debtor in question is a citizen or burgess, either by birth, or because under pressure of circumstances he has voluntarily submitted himself to the laws of the citizens among whom he dwells. In this case it is not enough for the Sheriff to pay in such men’s chattels, if they fail to meet the demand, or to offer his faith that he has sought them and found none, and so clear himself at the Exchequer. He must confiscate their houses and lands and town rents and let them out to others, so as to raise the money due to the King. And if no-one will take them (for ‘dog don’t eat dog’), he must lock up their houses and get their land into cultivation. But if in the meantime they pay what is demanded, their lawful property will be handed back to them by the Sheriff, without causing any further annoyance.

Scholar. I cannot wonder enough why (the offence being the same in both cases)

The townsman’s penalty’s the heavier one.
Master. The bulk of the possessions of those who have land and live by husbandry consists in sheep, cattle and grain, and in such things as can hardly escape the notice of their neighbours. But those who condescend to trade, and who save and scrape with all their might to augment their wealth, are more concerned with coined money. For money is the tool of the trader, and can easily be hidden safely away; which is the reason why rich men, whose wealth is concealed, are often thought to be poor. The law is more severe upon them, because it is difficult for an overflowing well of riches to appear dried up.¹

Scholar. What a Common Assize is, and who answers for it, and at what point in the account, is mainly clear from what has been said.² Tell me next about Aids or Gifts of cities or boroughs, how they are accounted for, and who are in the first instance to be summoned or distrained upon for them. For the process of distraint is apparent from what you have just said.

Master. I am glad that you keep in mind what has gone before; I must admit that it encourages me all the more. You must know, then, that it makes all the difference whether the 'gift' or 'aid' of a city is assessed on the individual citizens by the Justices at so much a head, or the citizens themselves offer the Justices a sum worthy of a prince, and the Justices accept it.³ For the method of distraint is not the same in each case. For if the 'gift' is assessed on the individual citizens by the Justices, and anyone of them fails to pay it; the rule already laid down as to insolvent citizens will apply, i.e. that he will be deprived of his houses and the county or a tallage on the royal demesnes, the towns were allowed to compound.

¹ Material wealth, unlike money, is hard to hide. The link between 'cattle' and 'chattels' may have dictated the use of pecuniarum.
² cf. pp. 47–8 above
³ The instances given by Madox (Hist. of the Exchequer, chap. 17, s. 3 [p. 485] notes a and b) suggest that when either an assize was levied on
soluentibus seruatur, ut scilicet domibus et redditibus usque ad solutionem priuetur. At si dictum est a ciuibus 'Dabimus regi mille' et hec summa digna susci pi judicetur, ut statutis terminis eadem exurgat, ipsi prouideant. Quod si forte excusare ceperiint, allegantes quorundam inopiam, qui in aliqua parte summe huius tenebantur, tunca diligentere, hoc est per fidem uice comitiis, inquirendum est, si a tempore consti tuiti per cosdem ciues doni uel auxilii hii tales extiterint ut soluere non ualerent. Quod si inuentum fuerit, prouideant aliis ex quibus summa prior exurgat, uel per commune distribuantur quod restat; uerum, si tempore constitutionis abundabant set lege fortune natura mobilis nunc egeant, sustinendum est de hiis quouque per dei gratiam ditentur.

Discipulus. Cerno quod in omnibus modum seruantes semper regiiis commodi inheretis.

Magister. Memoriter tenes quid de ciuibus uel burgensibus non soluentibus sit agendum. Quod si forte miles aliiquis uel liber alius a sui status dignitate, quod abit, degenerans multiplicandis denariis per publica mercimonia, uel per turpissimum genus questus, quod est per fenus, institerit et exacta sponte non soluerit, non per fidem tantum de non inuenitis uicecomes absolvetur, uerum, cum hec presidenti suggererit, distinctum ab ipso mandatum suscipiet ut de summa, que ab illo requiritur, statutis terminis soluenda fideiussores inueniat; quod si noluerit, omnes eius redditus infusionter, ut in hac parte merito fiat

'hiis similis qui multiplicant quocunque modo rem.'

Discipulus. Dignum re uera est ut a statu suo pro turpi questu recedens, degener miles uel liber alius

1 Hor. Epp. i. i. 66

rents until he pays. But if the citizens have said 'We will give the King a thousand (pounds or marks),' and the sum be adjudged worthy of acceptance, they must see that it is forthcoming at the appointed terms. But if they make excuses, alleging the poverty of some of those who were liable for part of the sum; diligent inquiry must be made, that is the Sheriff must pledge his faith, whether these persons were insolvent at the date when the citizens made the 'gift' or 'aid.' If they are found to have been so, the citizens must either find new contributors to make up the amount, or assess the balance on the citizens in general. But if these persons were affluent, but through the fickleness of fortune are now in want, they must be borne with until by God's grace they are rich again.

Scholar. I observe that with all your moderation you never lose sight of the King's interests.

Master. You remember the course to be pursued with insolvent citizens or burgesses. But if a knight or other freeman should so far demean himself (which God forbid) as to acquire money by engaging in trade, or what is worse, practising usury, and does not pay on demand; the Sheriff will not be cleared by pledging his word that no effects were found, but, if he make this excuse to the President, will be given strict orders that the debtor find securities for the payment of the sum in question at the appointed terms, and that if he refuses, all his rents shall be confiscated; so that he shall, as he deserves, share the fate of those who 'make money . . . which way they can.'

Scholar. It is certainly proper that a knight or freeman who derogates from his rank for filthy lucre's sake should be punished more severely than other freemen. But now pray tell me what are to be reckoned 'chattels'
of a crown debtor, and whether the Sheriff must take away everything from everybody without distinction until the amount of the demand is met; when the original debtor, that is, does not pay of his own mere motion.

**Master.** You thrust me into ‘a sea’ of questions, xiv and Heaven knows how I shall get ashore. Here again there is a distinction of persons, as will appear from what follows. But I would rather you did not press the question, because the answer will make me very unpopular.

**Scholar.** So long as you keep the track of what is by law appointed, you cannot reasonably give offence to any sensible man. If anyone thinks the law’s provisions unfair, he must be angry with the legislator and not with you.

**Master.** The promise I made to you at the beginning holds me in your debt. So:

Willy-nilly, ’tis my task
To solve the questions you may ask

The chattels, then, of insolvent debtors which may lawfully be sold are his moveable or locomotive possessions. Such are gold, silver and plate of either metal, precious stones, changes of raiment and the like; also horses of both kinds, broken and unbroken, herds of oxen, flocks of sheep and other animals. Grain, too, and certain other victuals are moveables, and therefore saleable, except the necessary food of the debtor, excluding luxuries, and limiting it to what is needed for life but not for dissipation. Necessaries are also provided from the same stock for his wife, children and household whom he maintained when he was his own master.

**Scholar.** Why ‘certain’ other victuals?
Master. Victuals prepared for everyday use, and requiring no more alteration to be eaten, such as bread and drink, may on no account be sold. Only those victuals may be sold which had been set aside for sale beyond what was needed for use by their masters; such as salt meat, cheese, honey, wine and the like. And note that if the insolvent debtor has ever been knighted, when the other chattels are sold, a horse shall be kept for him, and it must be a made horse, lest a man who is entitled by his rank to ride, should be compelled to go on foot. But if he is the kind of knight who keeps his armour bright and loves to use it and who has earned the right to be considered a 'mighty man of valour;' the whole of his personal armour and the necessary horses shall be exempt from distraint, so that when need arises he can be employed on the business of the King and the realm, fully equipped with arms and horses.

But if, the soldier's privilege enjoying when he knows that 'his King and his country need him,' he deserts and hides, or if he fails to attend when summoned (always supposing he is not to serve at his own cost, but the King's), and can give no good excuse for his absence; the broker's men will not refrain from selling his equipment, but he must share the common lot and be thankful to keep the single horse due to his station.

But the Sheriff must take care to instruct the brokers to observe the following order of sale. First, the man's own moveables must be sold; but they must except, so far as possible, the plough-oxen used for tillage, lest the debtor being unable to farm, be reduced to penury. But if the sum required cannot be raised otherwise, even the
plough-oxen are not to be spared. So when all the saleable personal property has been sold; if the amount has not yet been raised, they must enter on the lands of his villeins, and lawfully sell their chattels, observing the same order and rules as before. For these chattels are notoriously the lord's property, as has been said. After this, whether the sum required has been raised or not, our law requires the brokers to stop selling, unless the demand on the lord is for scutage. For if the chief lord, who is responsible to the King, fails to pay, not only his chattels but those of his knights and villeins are sold indiscriminately. For the principle on which scutages are raised mainly affects the knights; since they are only due to the King from knights and by reason of their service. Yet I myself, though not yet hoary-headed, have seen not only the lord's chattels lawfully sold for his personal debts, but also those of his knights and villeins. But the King's ordinance has restricted this practice to scutage alone, retaining the same order, so that the debtor's chattels are sold first, then those of others. But if the knights have paid to their lord the scutage due from their fines, and can produce pledges that they will prove it, the law forbids the sale of their chattels for their lord's debts.

The Sheriff must also be admonished to inquire as carefully and anxiously as he can if anyone in the county owes the debtor money which the debtor has lent to or deposited with him. If this be found to be so, the sum due to his creditor (and the King's debtor) must be exacted from him and he must be prohibited by the crown from answering his creditor for it.

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1 Here the same principle is applied as in the case of the professional soldier. This is the earliest statement of the law of distress. The principles are the same as those laid down by Bracton nearly a century later in dealing with distress in private cases. The villeins, however, come before their lord in the order of sale; which seems to imply a fall in legal status.
Item si debitor a tempore, quo regi teneri cepit, fundum suum uel reddatum alii locauerit, uel pignus pro pecunia dederit, uel etiam, quod absurdum tibi forte uidebitur, dominium eius per uenditionem a se transtulerit, si alias inventa non sunt per que regi satisfiat, quocunque persona fuerit, quocunque titulo possessionem nactus fuerit, nichilominus ex eadem quo ad regem pertinet accipietur, salua domino proprietate, qui iusto eam titulo ceprit possidere, nisi forte debitor ille fundi uenditi pretium ab initio sponte regi soluerit. Tunc enim tuta erit penes emptorem possessio. Huius autem rei causam, licet distorta modicum et regie tantum utilitati seruiens uideat, evidentem tamen et satis iustam secundum patrias leges comprobabitis. Quisquis enim in regiam maicestatem deliquisse deprehenditur, uno trium modorum iuxta qualitatem delicti sui regi condepermatur, aut enim in uniuerso mobili suo reus iudicatur pro minoribus culpibus, aut in omnibus immobilibus, fundis scilicet et redditibus, ut eis exhe redetur, quod fit pro maioribus culpibus, aut pro maximis quibuscunque uel enormibus delictis, in uiam suam uel membra. Cum igitur aliquid de mobilibus in bene placito regis iudicatur, lata in eum a iudicibus sententia per hec uerba, 'Iste est in misericordia regis de pecunia sua,' idem est ac si 'de tota' dixissent; laicorum enim indefinite non his, pro quibus tutius est eas accipi, hoc est particularibus, sed semper uniuersalsibus equipollent. Cum igitur fundi illius catalla, quem debitor post distrazit, in beneplacito principis adiudicata fuissent et ipse de requisita summa non satisceret, uideri potest iniustum ut rem non suam in fisci facturam alienauerit.

Item admonendus est uicecomes propter fidei religione, que ab ipso de non soluentibus exigitur, immo quam ipse sponte uisus est optulisse ut sic a summone-
tione sibi factura libera ualeat, ne a debitore quolibet, qui regi non soluit, interim aliqua, que sibi iustae debebantur, susciat. Non enim rerum similae est non posse uicecomitem de catallis eius iuuenisse, per que regi debita summa soluatur, qui ipsi uicecomiti, sponte uel inuitus, quod requirebatur, exsoluit. Si tamen ante datam fidem per se uel per alium recordatus fuerit uicecomes de his aliqua se suscipisse, uel etiam post datam, nondum tamen soluto scaccario diei illius, hoc est, dum comptus eius recens est, et ueniens in publicum querula uoce se suspetit tunc inmemorem exstitisse, fide de his oblata, confirmare ulterior, susceptam summam nomine debitoris persoluens liberabitur. Si uero, quod absit, post fidem datam, post solutum scaccariuin, per alium hoc innotuerit, non iam sucepta tantum soluens absoluetur set pro excessu suo in regis beneplacito iudicandus pecuniariter puniatur.

Postremo uicecomitem communisse sufficiat ut post susceptam summonsionem diligenter inquirat per uiciam, si uir qui soluendo non est uxarem ducens, uel mulier ditori nubens, uel quouis alio modo ditescat, quatenus de requisitis satisfaceri ualeat; quod si inuentum fuerit, propter fidem uicecomitis soluere compellatur. Quod si nichil horum inuentum fuerit, poterit tunc purgata conscientia de his rebus fidem dare et iminentem rerum suarum iacturam declinare.

Discipulus. Numquid uir pro uxore, que regi tenebatur et fatis debita iam soluit uel pro uiro suo mulier ei superstites conueniri debet?

Magister. Satis audivisti quod 'qui adheret' mulieri, 'unum corpus efficit,' sic tamen ut caput eius sit.¹

¹ The King subsequently acquired priority over all creditors. See Madox, Hist. of the Exchequer, chap. 23, s. 7 (p. 662 sq.).

² 1 Cor. 6:16

³ See Eph. 5:23

be acquitted of the Summons, that he do not accept any sum lawfully due to himself from any debtor who has not paid the King. For it is improbable that the Sheriff should have failed to find chattels sufficient to pay the debt to the King in possession of a man who, willingly or not, has paid the Sheriff his personal demands.² But if, before making his oath, the Sheriff recollects that he has received in person or by his agent any such payment (or even after his affidavit, if the Exchequer of that day is still sitting, i.e. while his account if still fresh in their memory), and comes forward and apologizes for having forgotten, confirming his statement by affidavit; on paying in the sum received in the name of the debtor, he will be acquitted. But if (which Heaven forbid) after he has made his affidavit and the Exchequer has risen, the omission is revealed by somebody else, he will not get off by paying in what he has received, but will be adjudged at the King's pleasure for an amercement in money.

Finally let the Sheriff be warned to inquire diligently throughout the neighbourhood whether any insolvent debtor has married a wife or husband, or otherwise grown rich enough to be able to pay. If that is found to be the case, for the sake of the Sheriff's oath, he must be made to pay. But if nothing of the kind is found, the Sheriff can make his affidavit with a clear conscience, and avoid the threatened loss of his property.

Scholar. If a man's wife dies in debt to the King, is he xviii to be summoned for her debt or vice versa?

Master. I need not tell you 'that he which is joined to', a woman 'is one body,' so however that he is its head.³ He is therefore deservedly to be summoned for her, because 'The wife hath not power of her own
Merito ergo pro ea conueniendus est, quia 'mulier sui potestatem non habet set uir.'\textsuperscript{1} Quod si uir ex ea prolem susceperit, cui ratione uxoris debeatur hereditas, et, mortua iam uxor, nondum soluta regi debita pecunia fuerit, uir ille nomine heredis conueniendus et cohercendus est, alias autem non. Porro mulier uiro suo superstes, prolem habens et in uiduitate cum ipsa permanens, ratione prolis cui debetur hereditas, conuenienda et cohercenda est, sic tamen ut doti eius parcatur, quia premium pudoris est.\textsuperscript{2} Quod si, relictis liberis, aliuii uiro mulier adheserit, legittimus heres pro debito patris conueniendus est. Verum si mulier que deligit et regi tenet, priore uiro sine liberis mortuus, ad alium se cum sua hereditate transtuleritdebitum eius a uiro requirendum est. Hoc est igitur quod petisti et sic uir causa uxoris et uxor causa uiri conuenienda est. Certum autem habeas quod semper legittimus heres, qui debitori succedat, pro illo conueniendus est ut, sicut in emolumentum, sic in onus subeat.\textsuperscript{3} Solus autem ascriptius et is, qui sine hereditate decedit, uenditis catallis suis, per extremam mortis aleam a debito liberantur. Non tamen ab annali in quo debita hec annotatur, nisi per breue regis, auferentur, cum scilicet de his a thesaurario regi suggestum fuerit quod inutiliter in rotulo scribantur\textsuperscript{4} cum nullo facto fieri possit ut ab his debita pecunia proueniat.*

\* C. aliter non contentius
\textsuperscript{1} 1 Cor. 7:4
\textsuperscript{2} cf. Exod. 21:10. The widow is not the natural guardian of the heir or his property, but only the first person the Exchequer can easily reach.
\textsuperscript{3} cf. Inst. 11:7 'quia plerumque ubi successiones est emolumentum, ibi et tutelae onus esse debet.'

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body, but the husband.\textsuperscript{1} But if the husband has had children by her, who inherit her property, and the money due to the King has not been paid at the wife's death, the husband must be summoned and distrained upon as representing the heir, but not otherwise. Again, a wife who survives her husband, if she has children and stays with them during her widowhood, is to be summoned and distrained upon as representing her children who inherit, saving her dower, because it is the price of her modesty.\textsuperscript{5} But if she leaves her children and takes another husband, the lawful heir must be summoned for his father's debt. But if a woman in debt to the King for a penalty incurred, on the death of her first husband without children marries again and takes her fortune to her new husband, he is to be summoned for her debt. This answers your question, and these are the cases in which the husband is to be summoned on his wife's account and vice versa. But you may take it for granted that the lawful heir, who stands in the debtor's shoes, is to be summoned for him, and must accept the liabilities as well as the assets.\textsuperscript{5} It is only the villein and the man who leaves no inheritance behind him, who, after the sale of their chattels, are freed from debt by death, 'the last hazard.' But the debts will not be removed from the Pipe Roll where they are set down without authority from the King's Writ, that is, when the Treasurer submits to the King that it is useless to write them in the Roll\textsuperscript{4} since there is no possibility of the money being recovered.

You must also know that in the matter of exacting the King's debts and distraining on debtors the King's

\textsuperscript{4} See p. 74 above. Some debts were cleared in this way in the Roll of 29 Hen. II, e.g. that of Richard de Rue in Yorkshire. For the means taken in later reigns to meet this difficulty, see Madox Hist. of the Exchequer, chap. 25, s. 2 (p. 654 sqq.).
Barons are treated differently from other offenders who pay money penalties for their misdemeanours. The rules we have laid down apply to those who hold nothing in chief from the King. But if the holder of a barony from the King, after hearing the Summons pledges his faith to the Sheriff, either in person or by the hand of his general agent or 'steward' as he is commonly called, to the effect that he shall have the warrant of the Barons of the Exchequer for the Sum and the Summons on the day of account; that shall satisfy the Sheriff.

But if the lord does not appear on the day of account xx when summoned by the crier of the court, or satisfy the debt either in person or by his agent; the Sheriff will be held to have done his part. But the case will be noted carefully by order of the Treasurer among the Memoranda, and kept back till the close of the session, in order that then, after due consultation, the offender may be severely punished. But if he comes after the conclusion of the Sheriff's account and meets the debt; he may be acquitted by the favour of the court and the indulgence of the law. However it is necessary that the Sheriff receive his faith in full County Court, before the eyes of all; because, if the giver of the pledge should be mean enough to deny it, the record of the County Court will be sufficient proof. But if the Sheriff admit that the pledge was given on some other occasion, he will be held to have no case, and the sum required will be taken from his farm, to make good the threat of the Summons 'or it will be taken from your farm.'

But if the person who admits that he has given the xx1 pledge comes on the appointed day and does not meet the debt, he will, if he be a lord, be detained during the session of the Exchequer, having given his parole to the Marshal, as explained already, that he will not quit

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1 Several cases of neglect to appear will be found on the Memoranda Roll, 1 John [P. R. Soc., N.S. 21]. Mr H. G. Richardson refers to this passage in his Introduction (p. xvi).

2 p. 21 above
nisi baronum licentia, non recedet. Soluto uero scaccario illius termini, si nondum satisfecerit, in loco tuto sub libera custodia collocabitur, quoque rex ipse, si presens fuerit, uel presidens cum aliis assidentibus, quid de ipso agendum fuerit, decernat, qui, fidem se dedisse de satisfaciendo confessus, nullo modo satisfecit. Quod si miles uel alius eius economus uenerit, nec satisfecerit, pro fide lea comprehendetur et marescallo custodiendus tradetur, post solutum scaccarium licite uinculandus et in carcerem mittendus siue miles fuerit siue non. Miles uero super debito proprio non satisfaciens, cum tamen de satisfaciendo fidem dederit, post solutum scaccarium non in carcere set infra septa domus carceralis libere custodietur, fide corporaliter prestita, quod inde nisi regis uel presidens licentia non recedet. Decretum enim memorande nobilitatis rex illustris ut quisquis militie dignitate prefalget pro debito proprio, cum pauper a uicecomite simul et a uicinia reputetur, in carcerem non mittatur; set seorsum infra septa domus carceralis libere custodiat tur. Verum quisquis mandato domini fidem dederit, sicut predictum est, uicecomiti et ueniens non soluit, hunc comprehendi et in carcerem, soluto scaccario, mitti, siue miles sit siue non, lex statuit. Et quoniam liberum est cuilibet baroni pro debito, quod ab ipso requiritur, fidem officialis opponere, ut sic interim uicecomitis importunitate careat et de rebus suis oportunitus ipse disponat, ne sic in immensus regii mandati uideatur auctoritas eludi, decretum est ut,

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1 This privilege of knighthood is reflected in the ‘Knights’ Ward’ of Newgate (see Peveril of the Peak). It is not clear what would happen to the tenant-in-chief who was not a knight, but from p. 21 it seems that he would be imprisoned, but not chained or put in a dungeon, and so would be better off than the defaulting steward. Madoc (Hist. of the Exchequer, chap. 23, s. 22 [p. 69g]) quotes one case of a debtor who had pledged his faith and could not pay being imprisoned and let out on bail; and another
comprehendo illo qui lese fidei reum se non satisfaciens iudicaut, statim a uicecomite seruientes dirigantur, qui fundos principalis domini perstruantur, uendiis quasi cumque modo catallis, summam requisitam ad scaccarii eiusdem termini deferant, et tandem ille comprehensus pro fide lesa iuxta possibilitatem suam pecuniariae penam luat et amplius super eodem debito, etiam si dominus preceperit, ad fidelem dandam non admittatur.

Principalis etiam dominus ne hec impune presumpisse uideatur, non per fidelem suprascriptum, sed solum per propria, dilationis beneficium promeretitur, si forte super eodem ipsum iterato summoneret contigerit. Sunt tamen qui credant ut de cetero super eodem debito nec etiam per fidelem propria usque ad scaccarien a uicecomite dilationem obtineat. Quod quidem beneficium dilationis magnum dicunt, qui fisco tenentur; possunt enim interim de rebus suis mitius disponere et dilate per aliud tempus solutioni necessaria preparare. Quin potius dicunt quod, suscepfa summonitione, licent uicecomiti iuxta communem aliorem legem statim in catalla ipsius manum mittere. His, fateor, ego prorsus non dissentio, si tamen multis indiciis et testimoniis uerisimile uideatur procurasse dominum ut miles suus his casibus exponeretur, quatinus posset ipse uel sic interim liberari. Huius autem rei validissimum est contra dominum argumentum, si copiosus, si rebus habundans, si solutioni sufficiens a uicecomite simul at a uiciniam iudicetur.

Discipulus. Dignum re vera est ut is indultam sibi gratiam demereatur, qui in datoris eius perniciem eadem abusus est.

Magister. Habes ex precedentibus utcumque distinctum, que catalla uendi debeant et que non; et evasion of the King's authority, that on the arrest of the person who has proved himself guilty of breach of faith by failing to pay, the Sheriff shall at once send his officers to enter on the lands of the principal lord, sell his chattels as best they can, and bring the sum required to the Exchequer of that term. The person guilty of breach of faith will then pay such a money penalty as he can afford, and shall not be admitted to pledge his faith again, even though his lord order it.

And lest the chief lord should seem to go unpunished xxii for his presumption, he shall not get the benefit of a delay on the faith of his deputy, but only on his own, if he chance to be summoned again for the same debt. Indeed some hold that he cannot obtain a respite for the same debt till the next Exchequer from the Sheriff even by his own personal pledge. [This respite is highly appreciated by those indebted to the Treasury; for they can arrange their affairs more comfortably, and prepare to meet the demand if the payment is delayed.] They say, on the contrary, that the Sheriff on receipt of the Summons may at once seize his chattels just as he may those of any debtor. I must say I agree; if, that is, it appears probable from the evidence that the lord willfully placed his knight in this predicament, in order, even in this way, to be free himself. The most convincing proof against the lord is if the Sheriff and his neighbours consider him well off and well able to pay.

Scholar. It is only fair that a man who abuses the indulgence given him, and injures the giver, should have it taken from him.

Master. The last few paragraphs have more or less defined what chattels ought to be sold and what not; and in what cases respect of persons is obligatory and
item in quibus personarum discretio tenenda est et in quibus non; tunc scilicet cum debitores, qui in pecuniariis penis regi tenentur, soluendo non fuerint. Restat ut quid de oblatis spontaneis fieri debeat, cum item non solvereint, ostendamus.

xxiii Noveris igitur quod oblatorum regi, quedam in rem, quedam in spem, offeruntur.* In rem quidem offerri dicimus, cum oblatum a rege suscipitur, et offerens consequenter, pro quo obtulit, a rege suscipit, ut si quis pro libertate aliqua, pro fundo uel pro firma, uel pro custodia cuiusque, qui minor est annis, usque ad annos legitimos habenda, uel pro quous alio quod ad suam utilitatem uel honorem accedere uideatur, sponte regi c. libras uel c. marcas offerat, et, assentiente rege, statim post oblatum suscipiat optatum. De his igitur, qui sponte se obligant, et qui, conventione cum principi facta, possidere iam ceperint, lex nostra decernit ut, quandiu soluendo fuerint, indultis sibi beneficis gaudent et utantur. Quod si de regis debito summominari solvere desierint, statim careant impetratis, sic tamen ut si, manente scaccario, super eodem satisfecerint, ablata omnia sine molestia sibi restituantur. Et nota quod qualiscunque persona, cuiuscumque etiam conditionis aut sexus fuerit, huic observantie de sponte oblatis semper erit obnoxia, ut scilicet summominitioni satisfaciat uel impetrato careat, nisi rex ipse obsequii prestiti uel pauperis intituit aliquis sibi preter communem legem indulgeat, uelut si de oblatorum † grandi summa ad quodlibet scaccarium modicum quid ab ipso solui constituet et hoc per breue suum baronibus innotescat.1

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* offeruntur Madox: offerentur N; am. R
† oblatorum scriptinus: oblatore NR

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1 On this rule and on ‘attemption’ see Madox, Hist. of the Exch., chap. 11, s. 2; and chap. 29, s. 18 (p. 273 and 678 sq.).
In spernum dicuntur offerri cum quis, exhibente sibi iustitie causas, super fundo uel reddito aliquo, regi summan aliquam offert; non tamen ut fiat, ne in nos excandescas et urnalem penes cum iustitiam dicas\textsuperscript{1} immo ut sine dilatione fiat. Noveris tamen non quecumque sic offeruntur, a principe suscipi, etiam si modum uideatuer excedere. Gratias enim quibusdam iustitie plenitudinem exhibet obsequii prestiti uel solo caritatee intuitor; quibusdam autem, lege condicionis humane, nec prece nec pretio uult adquiescere, obstantibus interdum corum meritis, qui possidere noscuntur, uel forte proprisi postulantim meritis nequaquam hoc exigentibus, quia uel in regnum, uel in regem ipsum, aliquid deliquisse cupuntur. De his autem sic constituit rex insignis ut antequam rectum habuerint, hoc est, antequam per sententiam obtinuerint, uel re sibi penitus abuudicata, ab omni spe ceciderint, de oblatis nil solvant, set sufficat de huissmodi viceminentem respondere, "rectum nondum habuerunt." Prouideat tamen uicecomes ne per ipsum debitoorem stet quominus causa eius executioni mandetur si scilicet iuri se nolit offerre, ut hac arte promissa sibi pecunia rex fraudetur. Cum enim hoc compertum fuerit dolus ei non subueniet, set per omnia sic coercetit ac si per sententiam obtinisset; huius autem spontaneae dilationis est signum cum breue regis penes se detinens eo non utitur. Solet tamen cum his, miserente princepe, mitius agi qui post promissam pecuniam a causa cadunt, ne spe sua frustrati, rebus etiam sine emolumento spoliati, duplici contritione conterantur.\textsuperscript{2}

\textsuperscript{1} cf. Cic. \textit{Verr.} II, 119

\textsuperscript{2} This defence may well appear sophistical, and at its best justifies \textit{Magna Carta} cap. 49. But it must be remembered that the \textit{Carta Regis} was not the only source of justice, and that the literal interpretation of \textit{Magna Carta} would exclude the imposition of any court fees.

But offerings are said to be made \textit{in spem}, or for future advantage, when a man offers a sum to the King to obtain justice about some farm or rent; not, of course, to ensure justice being done—so you must not lose your temper with us and say the King sells justice\textsuperscript{3}—but to have it done without delay. Note also that the King does not accept all such offers, even though you may think him to overstep his limit. To some he does full justice for nothing, in consideration of their past services or out of mere goodness of heart; but to others (and it is only human nature) he will not give way either for love or for money; sometimes owing to the deserts of the actual tenants; sometimes because the demandants have done nothing to deserve it, being charged with offences against the realm or the King in person. But in cases of this kind the King has ordained that the applicants shall not pay any portion of what they have offered until they have had justice; that is to say, have either had sentence in their favour or definite judgment against them; and that a sufficient answer is the Sheriff's assertion that 'They have not yet had right.' But the Sheriff must see that it is not the debtor's fault that his case does not come to execution; if he neglect to appear, for instance, in order to cheat the King of the sum offered him. If that be proved, the trick will not serve him, but he will be distrained upon just as if he had won his case. A mark of this willful delay is neglect to serve the writ. But owing to the King's kindness, those who lose their cases after promising money are usually more gently treated, lest they should suffer twice over, both by disappointment of their hope, and by spending their wealth to no advantage.\textsuperscript{4}

\textsuperscript{3} Sunt item tertii generis obuentiones, que non uidentur

\textsuperscript{4} There are also receipts of a third kind which do not seem rightly to be reckoned as 'offerings,' but are
prorsus inter oblata computande, set magis 'Fines' ad scaccarium dicuntur. Cum scilicet de rege tenens in capite baroniam, relictu hercede, decesserit, et idem heres cum rege in quam potest summam composit, ut paterni iuris mereatur ingressum, quem finem 'releium' uulgo dicimus; quod si baroniam est, in regis est benefacito que debeat esse summa releuii. Si uero de eschaeta fuerit, que in manu regis, deficiente herede, uel aliter, inciderit, pro feodo militis unius hoc tantum regi, nomine releuii, soluet, quod esset suo domino soluturus, hoc est centum solidos. Sunt autem qui credant eos, qui in releuiis regi tenentur nec summoniti soluunt, spontaneorum oblatorum legibus obnoxios ut, cum soluendo non fuerint, carcant impetratis. At ueriis dici potest ut, sicut de pecuniaris penis fit, sic fiat de releuiis. Debita namque filiiis ratione successionis here-ditas eos a lege sponte oblatorum uidetur excludere.  

Item fit interdum ut aues regie regi qualibet ex causa promittantur; accipitres scilicet uel falcones. Quod si promittens determinans dixerit, 'accipitrem instantis anni' uel 'mutatum,' uel locum etiam exprimat dicens, 'Hibernensem, Hispanensem, Norrensem dabo,' sic satisfaciat. Si uero nec qui promittit, nec cui promittitur, determinauerit, in arbitrio promittentis erit si mutatum, uel non, sit soluturus. Set si integer et sanus a regis austrucariis iudicetur, quacunque exclusus fuerit, suscipietur. Porro si summonitus dignum suscipi ad scaccarium detulerit nec sit tum qui suscipiat, etiam si post hoc in annum uel biennium uel amplius differatur summonitio, nisi quem maluerit, mutatum scilicet uel

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1 The point is that the lord is bound to accept the homage of the heir and can exact his relief by distress. On the other hand, 'Queen's Gold' was payable on reliefs, as well as on Fines.

rather called Fines at the Exchequer. When, that is, the tenant in chief of a barony dies leaving an heir, and the heir makes the best bargain he can with the King for leave to enter upon his father's rights, and this fine we call a Relief. If the holding is a barony, the amount of the relief is at the King's pleasure. But if it is part of an escheat, which has fallen into the King's hands for want of an heir or otherwise, the inheritor will only pay the King as relief what he would have had to pay to his own lord, namely, a hundred shillings for each knight's fee. Some people think that those who owe reliefs to the King and fail to pay on Summons come under the rule applying to voluntary offerings, namely, that unless they pay they shall not receive their grants. But the truth of the matter is that reliefs are treated as though they were pecuniary penalties. For the right of the children to succeed by inheritance seems to take reliefs out of the class of voluntary offerings.  

Sometimes royal birds are promised to the King for xxv various reasons; that is, hawks or falcons. But if the person promising specifies 'a hawk of this year' [a 'sore' hawk] or 'mewed,' or names the place of origin, 'I will give an Irish, Spanish or Norway' hawk, he must make his promise good. But if neither the giver nor the receiver of the promise has settled the point, the giver may please himself whether he is to pay a mewed hawk or not. But if it is passed by the King's ostringers as perfect and sound, it will be accepted, wherever hatched. Again, if the debtor, being summoned, brings an acceptable hawk to the Exchequer, and there is nobody there to receive it, even though the Summons be put off for a year or two, he need only pay which he prefers, a mewed hawk or a 'sore' one. But if the payment is deferred at the request of the person summoned, he must pay according to the
ornum, soluere non cogetur. Quod si summonitus solutionem differri quomodolibet procurauerit, iuxta numerum annorum quibus indulta sibi est dilatio, bimum scilicet vel trimum vel deinceps mutatum soluet. De his autem contra terminum Pasche summonitio non fit quia earum aestuio tempore rarus est usus. Tunc enim caearum antris inclusa diligenter custodiuntur ut redeat deposita uetustate pennarum decor et earum ut aquile iuventus renouetur.1 Verum contra terminum sancti Michaelis, que regi debentur, summonentur, ut instante tunc hieme regis aptentur obsequiis. In coherendis autem his, qui sic se sponte obligant, nec soluunt, lex predicta de sponte oblatis seruatur.

xxvi Ad hec nouerint hii, qui in pecunia numerata regi sponte se obligant, quod regine similiter tenentur, licet expressum non fuerit. Quamuis enim non sit expressum, est tamen promisso compromissum, ut cum regi centum uel ducentas marcas promiserit, regine pariter teneatur pro centum marcis argenti regi promissis in una marca auri, pro ducentis, in duas marcas aurorum, et sic deinceps. In his autem perquirendis cadem lege uicemones per omnia utetur, qua in regis usus est, non tamen ante set post. Cum ergo de regis debitis summonitiones fiunt, adest clericus regine ad hec constitutus et addit in summonitione, ‘de illo habenas centum marcas pro causa illa,’ ‘et ad opus regine unam marcam auri.’ Summonita autem ad scaccarium ab eius officialibus ad hec constitutis seorsum susciuentur. Noueris etiam quod, licet rex de promissa sibi summa mediare partem dimiserit vel uniuersum vel etiam summonere distulerit, de his tamen, que ad reginam pertinent, secundum quod sibi uisum fuerit, per omnia fiet, ut, ea noleant, neque dimittantur neque differantur que sibi debentur, set

1 Ps. 102:5

number of years during which it is put off, a mewed hawk two years or three years old, and so on. But hawks are never summoned for the Easter term, because there is so little use for them in summer. For they are then carefully shut up in mews, that they may moult their old feathers and recover their beauty, and their ‘youth’ may be ‘renewed like the eagle’s.’ But the hawks owing to the King are summoned for Michaelmas term, to be fit for the King’s service in the coming winter. And in compelling those who promise but do not pay, the same rule is to be followed as for voluntary offerings.

Furthermore, those who voluntarily engage to pay xxvi coined money to the King, must know that they are likewise bound to the Queen, although that was not stated. For although not expressed it is nevertheless implied in the promise, that whoever promises a hundred or two hundred marks to the King is thereby indebted to the Queen in one mark of gold for one hundred marks of silver, two for two hundred, and so on. But in exacting these the Sheriff must apply the same rules throughout as with the debts to the King, but after them, and not before. So when the Summonses are drawn up for the King’s debts, the Queen’s clerk appointed for the purpose is present, and adds to ‘have from such a one 100 marks for such a cause’ in the summons ‘and for the Queen’s use one mark of gold.’ But the sums summoned are received at the Exchequer separately by the Queen’s specially appointed officers. Observe too that though the King may remit the half or the whole of the sum promised him, or even respite the Summons; it will be for the Queen to decide about her share, and without her consent nothing owing to her can be remitted or respite; but the debts in the Summons must be paid, and those not paying forced to do so.
summonita solvantur et non solentes predicto modo coherceantur.

Discipulus. Numquid de promissis regi sit centum marcas aliqua regine debetur?

Magister. Quibusdam sic uidetur, ut usque ad decem marcas teneatur, ut scilicet is, qui decem regi promiserit, in una uncia auri regine teneatur: aliiis, non, nisi de centum et supra ab initio promissis. De his igitur ad presens cum modestia sustine, quia, re nondum terminata, suspensa solutio est. Litigat sane de his pars regine cum debitoribus et 'adhuc sub iudice lis est.' De misericordia autem Judeorum et de redemptione monetariorum, sicut de sponte oblatis dictum est, sua portio secundum formam predictam regine debetur.²

Discipulus. Numquid in (penis) * pecuniariis et sponte oblatis clericos et laicos sine differentia lex una cohercet?

Magister. In sponte oblatis apud omnes lex una seruatur ut, siue clericus sit siue laicus, qui solvendo non fuerit, donec satisfecerit careat impetrato. Observeatur etiam idem in omnibus alis que quousque pacto regi debentur a clericis, cum scilicet sue dignitatis et libere possessionis priulugium allegare neglexerint.² De allevianibus autem quid fieri debet, a discretis et deum timentibus laicis, si placet, rescito. His enim ad presens ex industria supersedexo ne dicar mee conditionis hominibus ultroneas leges et mitiora iura dictassee.


Magister. Cum in manum regis baronias uel magnum

Scholar. Is anything due to the Queen on sums lower than 100 marks promised to the King?

Master. Some think that it is, as low as ten marks; that is, that whoever has promised ten marks to the King, owes an ounce of gold to the Queen. Others say No, but only on 100 marks or more originally promised. You must be content to wait humbly because the question is still in debate, and the answer is in suspense. The Queen's party is at law with the debtors and the case is still in doubt.¹ But of the amercements of the Jews and the ransom of the moneyeys the Queen has her share on the same scale as of voluntary offerings.²

Scholar. Is the law exactly the same for clergy and for laymen as to money penalties and voluntary offerings?

Master. As to voluntary offerings the same law is observed. A clerk or a layman who fails to pay loses his grant until he pays. The same rule applies to all other debts owed to the King by clerks on any account, so long as they refrain from claiming the privilege of their order and freedom of possession.³ But if they do, you must ask wise and God-fearing laymen what ought to be done. I purposely abstain from giving an opinion, lest I should be accused of making unauthorized rules and favouring those of my own cloth.

Scholar. You said, if I remember right, that baronies and manors often escheat to the King. I should be glad if you would explain just how the rents of escheats come into the Treasury, whether all in the same way or not?

Master. When a barony or any large property falls xxvii

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¹ See Madox, Hist. of the Exchequer, chap. 14, s. 3 (p. 375) n. c. But cf. p. 106 above.
aliquid excidit, mandato eius uel presidentis ad hec discreti utriusque ordinis uiri diriguntur; qui singula perlustrantes redditus earundem in summam redigunt et de hac ad scaccarium teneri uiecomitem uel quemlibet alium constitueunt. Satisfaciens iigitur de hac summa is, qui ad hec constitutus est, in denariis uel breuibus uel taleis, subsequente fide de legittimo commotu, meretur absolui; et de ea sic scribatur in annali, 'Ille uel ille redditi compotum de firma honoris illius. In thesauro hoc, Et quietus est' uel 'Et debet.' Verum cum rex escactae sue custodiam fidei alicuius commiserit, ut uidelicet quod inde prouenerit ad scaccarium soluatur, post factum compotum fides illa sub predicto uerborum tenore non dabitur, immo quod quantum inde uel in denariis uel alia quibuscunque rebus suscepit, tantum, secundum suam conscientiam, ad scaccarium soluuit; exceptis his dumtaxat uictualibus que ipso nomine exniorum non procurante sibi collata sunt.  

Discipulus. Numquid custos ille de his redditiibus uictui necessaria percipit?

Magister. Licet scriptum sit 'non alligabis os boui trituratum,' a tamen nisi expresso regis mandato de his nil percipiet. Propriis enim stipendiiis, quisquis ille fuerit, in his regi militabit. De huiusmodi autem sic in annali scribatur: 'Ille uel ille redditi compotum de exitu illius honoris per uerum dictum suum.' a

1 'Procurations' are the expenses of entertainment of a visiting official (e.g. an Archdeacon) and his suite, or a pecuniary commutation for them.

2 'Exenvia' is here, I think, merely a classical equivalent for the same thing; though the word is used by Walter Map for the allowances to resident courtiers described in the Constitutio Domus Regis. It was also the name of the customary entertainment given by the prior and convent of Rochester to the Bishop (as Abbot) on St. Andrew's day.

3 The meaning of scaccarium, see Madox, H.E. 23, s. 6 (p. 662). He considers it to be 'rather a Voire dire, or a declaration on their faith and allegiance, than an oath.' I have usually equated the 'pledging of faith' with the modern 'affidavit,' which is, of course, upon oath, though in a

into the King's hands; by his order or that of the President experienced men, clerks and laymen, are sent out to it. They visit each part of it, add up the rents, and make the Sheriff or some other person responsible for it at the Exchequer. If that person accounts satisfactorily for the appointed sum, in cash, writs or tallies, and pledges his faith that he has made his lawful account, he earns his acquittance; and the entry on the Roll is 'So-and-so renders account of the farm of such an honour. In the Treasury so much. And he is quit,' or 'And he owes.' But when the King has entrusted the keeping of an escheat to anyone on the terms that he shall pay into the Exchequer all that arises from it; his affidavit after making his account will not be in the same form, but will run that whatever he has received, from the estate in money or other profits, he has to the best of his knowledge and belief paid into the Exchequer, those victuals excepted which have been allowed him, and not claimed by him as procurations.

Scholar. Does such a keeper receive his necessary victuals out of the rents?

Master. Although it is written, 'Thou shalt not muzzle the mouth of the ox that treadeth out the corn,' he will not receive anything from them but by the King's express command. For, whoever he may be, he shall serve the King in these matters at his own expense. But of him and those like him it will be written in the Roll, 'So-and-so renders account of the issues of such an honour as by him solemnly declared.'

less impressive form than that of a witness in open court. The correspondence between the phrases sacramento corporali pristo (p. 122) and facere corporali pristo (p. 143) suggests that an oath was taken in both cases; but corporali is equally applicable to the claspimg of the hand in pledging faith and the touching of the object sworn upon in an oath. The instances of affidavit given by Madox (H.E. 23, s. 22 [p. 699]) are not conclusive as to the form used.
Cum igitur de omnibus predictis, constitutis uel casualibus, satisfactum fuerit, et fuerint singula per ordinem autentice rotuli scripture deputata, conuocatis omnibus assidentibus, ad principalis firme comptum consummandum, qui in summo rotuli annotatus est, reditur et hoc ordine perficitur.\textsuperscript{1} Soluta hoc termino a uicecomite firma, de qua examen factum est, in primis a calculatore per numerales aceruos in distantium urgarum spatiosis distribuitur. Deinde, facta detractio per combustionem, sicut supradictum est,\textsuperscript{2} eadem dealbatur et, appensa sibi taleola combustionis, que tamen uicecomiti non computatur, summa que relinquitur in taleam redigitur; similiter et quod solutum fuerat in termino Pasche et dealbatum, in eadem talea, sic et combustio de eodem termino cum combustione finalis termini, mittitur; ut una sit utriusque solutionis talea et, similiter, una combustionis. Quo facto thesaurarius rotulum exactorium, cuius supra meminimus,\textsuperscript{3} proferens, summam, que de comitatu illo (debetur)\textsuperscript{*} per aceruos supra et seriatim disponi facit. Ab hac igitur inprimis, quod solutum est in thesauro et dealbatum, detractitur, deinde quod rex de firma comitatus cantuit aliquibus blancum, post hec iterum que alias soluta sunt per brevia regis, uel aliter, per aceruos disponuntur, et hec per subtractionem duodecim denarios e singularis libris dealbatur, sicut que in thesauro soluunter dealbata per combustionem. Tunc ergo fit inferioris expense a superiore summa detractio et, si penitus absolu meretur, in fine compoti eiusdem litteris patentibus scribitur \textsuperscript{4} Et quietus est ' uel infra in capite lineae inferioris ' Et debet.' Et tunc demum, consummato compoto, numeros solu-

\textsuperscript{*} debetur uel simile quid supplendum duximus

\textsuperscript{1} The author here resumes the account which he left unfinished on p. 92.

\textsuperscript{2} pp. 93 and 98

\textsuperscript{3} p. 95 above

When, therefore, all the aforesaid revenues, fixed or casual, have been duly accounted for, and enrolled authoritatively in due order on the Pipe Roll; all the members of the court are assembled, and the account of the main farm entered at the head of the Roll is resumed and completed as follows.\textsuperscript{1} First of all the farm for the current term, of which the assay has been made, is set out in heaps of counters in the spaces between the vertical lines of the chequer-board. This is 'blanched' as explained above\textsuperscript{2} by deducting the loss on combustion, and the remainder is cut on a new tally, to which is attached the combustion-tally with which the Sheriff is not credited. Likewise what was paid in at Easter is recorded on the same tally, and the Easter combustion on the combustion-tally. So that there is one tally for the two payments and one likewise for the two combustions. After this the Treasurer produces the Roll of Farms already mentioned,\textsuperscript{3} and has the sum due from the county set out in groups of counters above the sum paid in. From it is deducted, first, the sum paid in the Treasury and blanched, then the rents granted 'blanch' to sundry persons. After this, the other payments made by the King's Writ or otherwise are set out in heaps and blanched by a deduction of a shilling in the pound, just as what was paid into the Treasury was blanched by the combustion. Then the expenses set out below are deducted from the sum in the top line, and if the Sheriff is absolutely clear, there is written at the end of the account in an engrossing hand, 'And he is quit'; or else on the line below, 'And he owes.' Then, last of all, on the completion of the account, the
torum in thesauro apponitur ei, quod iamdudum diximus scriptum, 'In thesauro,' et quod fuerat hucusque sic ex industria relicturn, ne forte cogatur abradere qui scribit, quod maxime circa numeros et nomina et causas iamdudum uitandum diximus.¹

xxviii Consummatu † uero, sicut dictum est, de corpore comitatus compoto, a marescallo fides uicecomitis sub forma predicta ‡ semel suspitatur et sic absolutus dimittitur. Fuerunt tamen, qui credicent de singulis per fidem firmandis singillatim fi dem a uicecomite dandam ut, quotiens dicercet sic esse aliquid, quod sola posset fidei confirmari, totiens fi dem dare. Sert a prudentibus et legis diuine peritas perinsiosa satís uisa est subtilitas, cum semel fides dederit se legitimum per omnia compotum, salua conscientia, fécisse. Ea propter huc sententia post modicum meruit cum suo auctore contempti et una fide, hoc est semel data, contenti sunt, quia in unius fidei confessione unum sunt.³

Discipulus. Sentio iam languente stilo quod dicendorum finis adesse festinat. Verum, licet instantis noctis crepusculum et productionis operis labor prolixior ad alia nos eucent et pauillum respirare compellat, uellem tamen, si fieri posset, ut suspensam, et hactenus fluctuantem in uerbo tuo, discipuli tu mentem confirmares, ostendens quid sit, quod ab initio dixisse te recolit,⁴ totam scilicet scaccarii discriptionem quedem esse sacramentorum latibula que reuelanda sunt cum omnium libri aperti erunt et Ianuæ clausa.

Magister. Magnum est quod queris et alterius egens inquisitionis, nec his exponendis ex promissio debitor tibi factus sum. His igitur ad presens supersedeo in alterius

¹ relictum Madox: relactum codr
† Consummatu NR: corr. Madox
‡ p. 31 above
³ pp. 106–7 above
⁴ Eph. 4:5

amount of the payments into the Treasury is added to the 'In the Treasury' already written, for which the space was purposely left blank lest the scribe should be forced to make an erasure; a thing, as we said,¹ to be especially avoided in numbers, names and accounts.

Now, when the account is concluded, the Sheriff's xxviii affidavit is taken once for all by the Marshal, in the form already described,² and he is dismissed quit. Some people used to think that each point on which the Sheriff pledged his faith should be sworn to separately, so that for each unsupported statement he would have to make a separate affirmation. But this straining of a point was judged unfair by discreet persons familiar with God's law, seeing that the Sheriff once for all gave his word that he had to the best of his knowledge and belief made his lawful account. So it was not long before this opinion and its author were scouted, and one faith (or one pledging of it) satisfied those who are one in its confession.³

Scholar. I can tell by the flagging of your pen that we are approaching the end of our discourse. But, though the evening twilight and the fatigue of what has proved rather a long piece of work summon us to a little diversion and refreshment; I should like you, if you could, to set my mind at rest, swayed from side to side as it has been in the tide of your words, and show me, as I remember you said at the outset,⁴ that the whole anatomy of the Exchequer concealed mysteries which shall be revealed when all men's 'books are open' and 'the door shut.'

Master. That is a large question and demands a separate discussion; nor did I actually promise to explain these matters. So I will leave them to be discussed some other day. I fear you might faint under the
burden of a fresh load on top of all you have taken up already. Besides, if I were to tack on fresh matter to what I have already said, and you have to remember; I should disgust you with old and new alike. So you must rest content with what you have extracted from me. For in it you have all the more important points of the learning of the Exchequer, in sketch at all events, so far as my weak memory serves. But to explain completely everything which may in course of time seem needful, neither one man’s strength, nor perhaps even his lifetime would suffice. For no teaching can be extracted from strange and unusual cases, or at least none as yet known. So that I am liable to be abused in times to come, when questions will arise which have never been put before. And when my readers find nothing about them or about anything like them, they will begin to mock me, saying ‘This man began to build, and was not able’ or did not know how ‘to finish.’ Nor do I disagree with them, for I have followed the worst of masters, myself. Still, impelled by you, I have done my best without teacher or model. I have laid my axe to the virgin and rough forest and cut for the King’s buildings timber that a more skilled architect may smooth with his adze. So when the palace building has risen let the first workman earn the first, though not the greatest thanks.

GOD SAVE THE KING

[End of Book II]
HEC EST CONSTITUTIO DOMUS REGIS

DE PROCURATIONIBUS

Cancellarius, vs. in die ²; et j ³ siminellem ³ dominicum et iij sal[atos]; ⁴ et j sextarium ⁶ de uino claro; et j sextarium de uino expensabili; et unum grossum ⁸ cereum et xl frustra candelarum.

Magister Scriptionis. Primo xd. in die; et j siminellum sal[atum]; et dimidium sextarium de uino expensabili; et j grossam candelam; et xij frustra candelarum. Sed rex Henricus crevit Robertum de Sigillo' in tantum quod die mortis regis habebat ijs., et j sextarium uini expensabiliis, et j siminellum sal[atum], et j cereolum, et xxiiij frustra candelarum.

Capellanus custos Capelle et Reliquiarum. Corridium ⁸ duorum hominum; et iij servientes capelle, unusquisque duplicem cibum; et duo summarii capelle, unusquisque j ⁹ denarium in die; et j.d. ad ferrandum in mense. Ad servitium capelle, duos ceros die Mercurii et iij die Sabbati; et unaquaque nocte j cereum coram reliquis; et xxx frustra candelarum; et j galonem de uino claro ad missam; et unum sextarium de uino expensabili, die Absolutionis, ad lavandum altare. In die Pasche, ad communionem, j sextarium de uino claro et j de uino ¹⁰ expensabili.

⁴ gals.

ESTABLISHMENT OF THE ROYAL HOUSEHOLD
[c.a.d.1136]

This is the establishment of the King's Household

Pay and Allowances

CHANCERY AND CHAPEL

Chancellor: ⁵s. a day, and one superior and two salt simnels, one sextary ⁸ of dessert wine, and one of vin ordinaire, one large wax candle and forty candle-ends.

Master of the Writing-Chamber: Originally ¹od. a day, and one salt simnel, and half a sextary of vin ordinaire, and one large candle and twelve candle-ends. But King Henry so increased Robert de Sigillo,⁷ that on the day of the King's death he had ²s., and one sextary of vin ordinaire, and one salt simnel, and one small wax candle and twenty-four candle-ends.

Chaplain—in charge of the chapel and relics: Corrody for two men. And four serjeants of the chapel, each double diet. And two sumpter-horses of the chapel, each ¹d. a day, and a penny a month for shoeing them. For the chapel service, two wax candles on Wednesday and two on Saturday, and every night one wax candle before the relics, and thirty candle-ends, and one gallon of dessert wine for mass, and one sextary of vin ordinaire on Holy Thursday to wash the altar. On Easter day at communion, one sextary of dessert wine and one of vin ordinaire.
De Dapiferis. Dapiferi sicut cancellarius, si extra domum commederint. Si intra, iij. et vjd., et iij siminellos salatos, et j sextarium de uino expensabili, et plenaria candelam.1

Clericus expenose panis et uini, iij. in die, et siminellum 2 salatum, et j sextarium uini expensabilis, et j cereolum, et xxiiij frustra candelarum.


De Dispensatoribus per vicem servientibus. Si extra domum, xixj. in die, et j siminellum salatum, 4 et j sextarium de uino expensabilis, et j grossam candelam, et xx frustra candelarum. Si intra, xj., et dimidium sextarium de uino expensabili, et candelam plenarie.

De Naparis. 5 Napparius 7 cibum consuetudinariam. Homini suo iij. in die; et jd. ad sum[m]arium; et jd. in mense ad ferrandum.

Hostiarius expenose, tantundem, excepto sum[m]ario.

Computator panis, consuetudinarii cibum.

De quatuor pistoribus simul una 6 vice servientibus. Duo qui in domo serviunt, in domo commendent; et duo preentes xj. habebunt ad procurandum modum 9 Rothomagensem, de quo debent reddere xl siminellos dominicos, et cl 10 salatos, et cclx panes de pistrino. Dominicus siminellus iij hominibus; salatum duobus; panis j homini.11

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1 This paragraph (which in MSS follows that on the Dispensers of bread) is transposed to the head of the section by G. H. White.
2 j siminellum, P
3 Panis, Om. R
4 salatum, P R
5 lapum, P R
6 The persons in charge of the linen—tablecloths, napkins, etc.
7 Maparius, P
8 sua, P
9 modum, R
10 Approximately equal to a quarter
11 panis j homini, om. R.
Waferer: The waferer has the customary diet, and three halfpence a day for his man.
Keeper of the tables: The same; and besides a sumpter-horse with its livery.
Bearer of the alms-bowl: Shall eat in the house.

LARDER AND KITCHEN

Dispensers of the Larder: The Master-Dispenser of the Larder, permanent, as the Master-Dispenser of bread and wine, and in the same manner. Likewise the dispensers of the larder serving in turn as the dispensers of bread and wine serving in turn. The Larders who serve in turn have the customary diet, and three halfpence a day for a man.

Usher of the Larder: The same.

Slaughtermen: The customary diet only.

Cooks: The Cook of the upper kitchen shall eat in the house, and have three halfpence for his man. The Usher of the same kitchen, the customary diet and three halfpence for his man. The Scullion shall eat in the house and have three halfpence for his man, and have a sumpter-horse with its livery. The Sumpterman of the same kitchen, the like. The Sergeant of the Kitchen, the customary diet only. The Cook of the King’s personal servants and of the Dispensers, the like. (Ralf de Marchia, who [was] cook, died before the King’s death.) He shall eat in the house and have three halfpence a day for his man.

Great Kitchen: Owen Polcheard has the customary

18 Polcheard P. Oinus Polcheard is mentioned in the Pipe Roll of 1130 (p. 126) as exempt from Danegeld in Berkshire. Turgar, serjeant of the Kitchen, is in the same list, which includes Omund, the cupbearer, Tosten, the usher, Ranulf, the scribe (all of whom were probably officials) as well as the usual Barons of the Exchequer.
diet and three halfpence a day for his man. Two Cooks, each the customary diet and three halfpence a day for his man. Serjeants of the same Kitchen: The customary diet only. Usher of the Roasting House: The customary diet and three halfpence for his man. Roaster: The like. Scullion: The like, and a sumpter-horse besides with its livery. Carter of the Great Kitchen: Double diet, and the due livery for his horse.

Carter of the Larder: The like.

The Serjeant who receives the Venison: Shall eat indoors, and have three halfpence for his man.

BUTTERY

Master-Butler: As a sewer; the same livery and in like manner.

Master-Dispenser of the Buttery: As the Master-Dispenser of bread and wine. Dispensers of the Buttery serving in turn. As the dispensers of the Spence serving in turn; but they have more candles, because they have a small wax candle and twenty-four candle-ends. Usher of the Buttery: The customary diet, and three halfpence for his man. The Cellarmen shall eat in the house, and have three pence each for their men.

The Cooper: The customary diet, and 3d. for his men, and half a sextary of vin ordinaire, and twelve candle-ends. Labourers in the Buttery: The customary diet only; but its Serjeant has besides, three halfpence for his man, and two sumpter-horses with their liveries.

Cupbearers: Only four should serve together in turn; of whom two shall eat in the house, and each have three halfpence for his man. The other two shall have the


De Escancionibus. Quatuor tantum debent servire simul, uice sua; de quibus duo commedent in domo, et uterque homini suo, iijob. Alii duo suetudinarium...
cibum habebunt, et similiter iij. hominibus suis. 
Mazenarius\(^2\) duplicum cibum tantum.

De Fructuarius. Fructuarius in domo commedet, 
et iij. hominibus suis.
Caretarius consuetudinarii cibum; et equis suis\(^5\) 
liberationem.

Magister camerarius par est dapiixer in liberatione. 
Thesaururium, ut magister camerarius, si in curia fuerit 
et servierit in thesaurio.\(^4\) Willelmus Maudut,\(^6\) xiiij. in 
die; et assidue in domo commedet; et j. grossam candelam; 
et xii. frustra; et iij. summarios cum liberationibus 
suis. Portator lecti regis in domo commedet; et homini 
suo iij.; et j. summarium cum liberatione sua. Camera- 
rarius qui uice sua servit, iij. in die; et j. simillium salat[um]; 
et j. sextarium uini expensabilis; et j. cereolum, 
et xxiiij.; frustra candel[arum]. Camerarius candele, 
viijd. in die, et dimidium sextarium uini expensabilis. 
Tallator regis in domo sua commedet; et\(^10\) homini 
suo iij. Camerarius\(^11\) sine liberatione in domo com-
medet, si voluerit. Aquarius duplicum cibum; et 
quando rex iter agit, jd. ad pannos regis exsiccando,
et quando rex balneat, iij.\(^6\) exceptis tribus festis annuis. 
De lavatrice, in dubio est.

De Constabularii\(^12\)

Constabularii liberationes habent sicut dapiixer et 
eodem modo. Willelmus filius Odonis,\(^13\) j. siminellum

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\(^2\) R omits the entry  
\(^3\) iij, R  
\(^4\) equo suam, P  
\(^5\) ut Thesaururium, P  
\(^6\) William Mauduit was Treasurer of the Chamber, and afterwards 
hereditary Chamberlain of the Exchequer.  
\(^7\) xiiij R  
\(^8\) iij, P  
\(^9\) salat[um] R  
\(^10\) om. P  
\(^11\) camerarii... comedent... voluerint, P  
\(^12\) om. P  
\(^13\) He attests as Constable in Normandy in 1131 (Regesta ii nos. 1693, 
1698).
one sextary of dessert wine, one small wax candle and twenty-four candle-ends. Henry de la Pomerai, if he eats outdoors, as a day, one salt simnel, one sextary of vin ordinaire, one small wax candle and twenty-four candle-ends. If indoors, 14d., half a sextary of vin ordinaire, and an ample supply of candles. Roger d'Oill the like.

Marshalsea: The Master-Marshal, viz. John, the like. And besides this he ought to have tallies of the gifts and liveries from the King's Treasury and Chamber; and also against all the King's officers as a universal witness. Four Marshals who serve the King's Household, i.e. clerks, knights, and servants as well, on a day when they are finding lodgings or [otherwise] out of court on the King's business, 8d. a day, one gallon of vin ordinaire and twelve candle-ends. If indoors, 3d. a day for their men, and an ample supply of candles. But if any of the Marshals is sent on the King's business, 8d. only. The Marshals' serjeants, if sent on the King's business, 3d. a day each; if not, they shall eat in the King's house. The Ushers, knights, shall eat in the house themselves, and have three halfpence a day for their men and eight candle-ends. Gilbert Bonhomme and Ralph shall eat in the house and have three halfpence for their men. The other ushers, not being knights, shall eat in the house without any livery. Watchmen: Double diet, three halfpence a day for their men, and four candles. And besides, in the morning, two loaves each, one mess of meat and one gallon of ale. Stoker: Shall always eat in the house, and have 4d. a day for the fire, from Michaelmas to Easter.

---

1 This heading does not occur in P
2 fuerint R of R
3 officiales et Reges, R
4 etiam om. R
5 galum, P extra, R
6 hominibus suis in die, P
7 hominibus suis in die, P
8 iijd. in die, P op't R
9 Ranulfus, P
10 Bonus Homo et Radulfus in domo commendet comendet et rojob.
iiijd. ad ignem. Hostiarius camere, unaquaque die quo 1 rex iter agit, iiijd. ad lectum regis. Cortinarius in domo commedet, et quando faciebat cortinas portare, habebat liberationem ad j hominem et ad j summarium. 5

Venusquisque de iiij 4xornariis, iijd. in die. xx servientes, unusquisque jd. in die. Veltrarii, 3 unusquisque iiijd. in die; et iijd. hominibus suis; et unicusque leporario, obolun in die. Mucta regis, viijd. in die. Milites uenatores, viijd. in die, unusquisque. Catatores, 4 unusquisque, vd. Ductor liemarii, 6 jd., et liemarii, obolun. Bernarius, 6 iiijd. in die. Venatores del harred, 7 unusquisque iiijd. in die; et magni harred, 7 iij debent habere jd. et de paruis hared, 7 vij 8 debent habere jd. Ad magnos harred, 9 iij homines, et unusquisque, jd. in die et ad paruos iij homines et unusquisque jd. in die. 10 Braconarii, 11 unusquisque iiijd. in die. Luparii, xxd. in die ad equos et ad 12 homines et canes; et debent habere xxiiij canes currentes et viij leporarios; et vij libras per annum ad equos emendos; sed ipsi dicunt viij. De archearii qui portabant arcum regis, unusquisque vd. in die; et alii archearii tantundem. Bernardus, Radulfus le Robeur 12 et socii eorum, unusquisque iiijd. in die.

1  sic in MSS.
2 These two officers should more properly be ranked with the Chamber staff. It is perhaps their need for transport which has brought them into the Marshalsea, or it may be mere displacement in the MSS.
3 Keepers of greyhounds
4 So MSS perhaps for secatores. I have assumed catator to be a back-formation from chasseur (like the hypothetical cæptator of the dictionaries).
5 The Lime-Hound (Fr. limier) was so called because he was led on a leash, and only let loose to finish a stag at bay.
6 Feeder of hounds
7 Harred, P. Meute (Fr.) is defined as a trained pack of hounds; harde is a cord to keep several hounds in leash at a time, and consequently the hounds so kept in lead.
8 vij, R
9 Harred, P
10 et ad paruos . . . die, om. R
11 A brach was a small hound hunting by scent.
12 ad, om. P
13 Originally written Robeur and the R written over in P

THE ROYAL HOUSEHOLD

Usher of the Chamber: Every day when the King is on a journey, 4d. for the King's bed. Tent-Keeper: Shall eat in the house; when he had the tents moved, he had livery for one man and one sumpter-horse. 2

[HUNTING STAFF]

Each of four Hornblowers 3d. a day. Twenty Serjeants: Each 1d. a day. Feuiterers: Each 3d. a day, and 2d. for their men; and for each greyhound a halfpenny a day. The King's Pack of Hounds: 8d. a day. Knight-Huntsmen: Each 8d. a day. Huntsmen: Each 5d. Leader of the Lime-Hound: 1d. and the lime-hound a halfpenny. Berners: 6: 3d. a day. Huntsmen of the Hounds on the Leash: Each 3d. a day. Of the great leashe four [hounds] 1d. And of the small leashe six should have 1d. For the great leashe two men, each 1d. a day; and for the small, two men, each 1d. a day. Brach-Keepers: Each 3d. a day. Wolf-Hunters: 20d. a day for horses, men and hounds; and they should have twenty-four running hounds and eight greyhounds, and £6 a year to buy horses; but they say 'eight.' Each of the Archers who carried the King's bow 5d. a day; and the other archers as much. Bernard, Ralf the Robeer, and their fellows 3d. a day.
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