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### The Red Book of the Exchequer

A rich resource for medieval historians, the *Liber rubeus de Scaccario* is a register, or book of remembrance, first compiled in the clerical offices of the Exchequer during the reign of Henry III. It contains documents from the post-Conquest period up to the year 1230. Including deeds and grants, as well as records of serjeanties and material from pipe rolls and various other sources, it has been deemed second only to the Domesday Book in importance for its wealth of genealogical and geographical information. The various records were brought together in order to provide a convenient single source for establishing legal precedents, and it remained in use throughout the middle ages. This three-volume edition was prepared by the archivist Hubert Hall (1857–1944) and published in 1896. Among the various texts in Volume 2 are serjeanties, knights' fees, abstracts of pipe rolls, genealogies, and precedents.

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# The Red Book of the Exchequer

VOLUME 2

EDITED BY HUBERT HALL



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THE  
  
RED BOOK OF THE EXCHEQUER.

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PART II.

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EDITED BY  
  
HUBERT HALL, F.S.A.,  
  
OF THE PUBLIC RECORD OFFICE.

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## PREFACE.

### VI.

THE title *Liber Feodorum* has been applied to the Red Book of the Exchequer in common with the smaller Black Book of the same Court and the Book of Aids compiled under Edward III. The true *Liber Feodorum* is, however, the *Testa de Nevill*, but in the case of each of the above Registers the conventional title is supposed to express the remarkable circumstance of an altered system of the assessment of land for military service, whereby the knight's fee, rather than the hide or carucate, became the unit of taxation; that is to say, *Liber Hidarum*, as Domesday Book might be technically called in respect of the assessment of the geld, is now supplemented<sup>1</sup> as the precedent book for imperial taxation at the Exchequer by a long series of *Libri Feodorum* designed to facilitate the collection of Scutages and Aids without any apparent regard for a commensurate holding of land.

The Red Book as a Feodary.

Inquests of Fees v. Inquests of Hides.

But even if we admit the existence of this phenomenon, it is one which can scarcely be accounted for with any degree of certainty in our present state of knowledge as to the genesis of the feudal and fiscal systems that prevailed in this country during the century which followed the Conquest, although two possible explanations might be hazarded.

In the first place it might perhaps be shewn in greater detail than has yet been attempted that the military constitution of the household and army of the Norman

Uncertainty as to the introduction of

<sup>1</sup> Danegeld at least continued to be levied down to the 8th year of Henry II.; and the assessment of Cornage for the Northern Counties prevailed during the next two centuries.

knight-  
service into  
England.

Kings largely influenced the distribution of grants amongst their vassals and retainers, so that from the actual holding of hide or carucate, virgate or bovate, henceforth known as barony, fee, half-fee, and quarter-fee, or any other fraction of the universal unit, there sprang to arms at the royal summons a body of knights and serjeants, constable, marshal, captains, men-at-arms, hundred-men, twenty-men, standard-bearers arblasters, archers, footmen, each with this imperative condition of his tenure, "ut sit miles," "ut sit balistarius Regis," and the like. This classification it is true applied more especially to the members of the King's House and Chamber, the nucleus of the host, as it were, but at least we find it capable of an immense development before the time of Edward I.<sup>1</sup>

Possible  
theories.

A reconstruction of the Norman army, offensive and defensive, in respect of the several services and duties of the *servientes ad arma* alone would be an instructive task. The objection that many of these serjeanties were of a domestic nature is easily met by pointing to the contemporary classification of such officers in the royal household according to the rules of chivalry. In the thirteenth century the lowest menials of the Chamber held rank which was only relatively inferior to that of the knight, and a question as to the service of a cook at the King's coronation is recorded in the text of the present volume.<sup>2</sup> It was in truth an army of officials auxiliary to the army of fighting men. In another aspect the antiquity of the peculiar military serjeanties in the North<sup>3</sup> and West<sup>4</sup> of England, affords a very good instance of special development, while the alleged tenure of knights' fees "from the conquest of England" invites a further explanation of the whole system.

<sup>1</sup> *Samson de Molesey per Serjanteriam Balisteria de conquestu Anglia* (Testa, II. 76).

<sup>2</sup> P. 754.

<sup>3</sup> See pp. 463 and 493. See also p. 570.

<sup>4</sup> Eyton, Shropshire, Glossary, s. v. *mntator*.

## PREFACE.

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The other consideration is this, that the bulk of the forfeited lands and the subsequent grants from escheats and crown lands having been bestowed in terms of the knight's fee, the process of imperial taxation naturally followed this classification of tenures.

The brilliant investigations of a recent writer<sup>1</sup> have left small doubt in the minds of most students of history as to the actual fact of the existence of an organized system of knight-service far earlier than the reign of Henry II. It would, indeed, have been remarkable if a system which was prevalent all over Europe during the first half of the twelfth century should only have been recognized in this country at a later date, and in consequence of an arbitrary decree. It is still more curious, however, that while historians are now well-disposed to accept the earlier genesis of Scutage, which was utterly denied by Swereford and other technical writers of the twelfth and thirteenth centuries, they still hesitate to accept the Norman origin of the Exchequer, which was confidently asserted by the same authorities as well as by the great lawyers of the fourteenth century.<sup>2</sup>

It is only in this last connection that it becomes necessary to discuss here at all the long vexed question of the antiquity of Scutage, since one of the heaviest charges under which Swereford, as the reputed compiler of the Red Book of the Exchequer, lies at present undefended, is in respect of the above denial, which he certainly seems to have made with great deliberation.<sup>3</sup>

And yet it might be possible to prove that this statement cannot be shaken by the latest evidence which has been brought against it, for Swereford does not say that the term Scutage has no earlier existence, but merely that he has never found or heard of a list of Scutages

<sup>1</sup> Mr. J. H. Round in the *Engl. Hist. Rev.*, July, Oct., 1891; Jan., 1892. Cf. the Norman Inquest c. 1133 (p. 645).

<sup>2</sup> L. T. R. Memoranda, 13 Edw. III., and Y. B., 14 Edw. III., p. xxii.

<sup>3</sup> *Eng. Hist. Rev.*, Oct., 1891.

in the few surviving year-rolls of Henry I.<sup>1</sup> Now as Swereford was in quest of such lists alone, and as he has elsewhere absolutely rejected isolated entries as useless for his purpose,<sup>2</sup> there is a fatal flaw in the indictment of his theory.

Antiquity  
of the  
assessment  
of  
Scutages.

But apart from this, the evidence above referred to deserves our most careful consideration, for if its authenticity is once admitted, the accepted theory as to the origin of knight-service in England, and the equally familiar view of the institution of Scutage in the reign of Henry II., must be henceforth for ever abandoned.

Evidence  
of the Ely  
Charter.

The evidence in question is contained in a solitary charter quoted as follows from the *Liber Eliensis*:—<sup>3</sup>

H. Rex Anglorum Archiepiscopis Abbatibus Comitibus, etc. salutem. Sciatis me condonasse Ecclesiæ S. Ætheldredæ de Ely pro Dei amore et anima Patris et Matris meæ et pro redemptione peccatorum meorum et petitione Hervei ejusdem Ecclesiæ Episcopi xl libras de illis c libris quas prædicta Ecclesia solebat dare de Scutagio quando Scutagium currebat per terram meam Angliæ: ita quod Ecclesia amodo imperpetuum non dabit inde nisi lx libras quando Scutagium per terram evenerit; et ita imperpetuum sit de prædictis libris Ecclesia prædicta quieta. T. Rogero Episcopo Saresberiensis, Gaufrido Cancellario meo et Roberto de Sigillo et Willelmo de Tancarvilla et Willelmo de Albineio Pincerna et Radulfo Basset et Gaufrido de Clintonia et Willelmo de Pondelarche. Apud Eilinges in transitu meo.

From the most casual inspection of this charter two things will at once be evident; first, that the charter has some appearance of being a genuine document, and second, that the reference to Scutage clearly implies an actual assessment entered in the revenue rolls, since the phrase “quando Scutagium currebat per terram meam Angliæ” is highly technical, and is the same as that which was always used in the thirteenth century to express the circumstance of a Scutage being put in charge, or “beginning to run,” at the Exchequer. In the

<sup>1</sup> *Temporibus enim regis Henrici Primi . . . nec insperari vel audiri fuisse scutagia assisa* (p. 5).

<sup>2</sup> P. 9.

<sup>3</sup> *Eng. Hist. Rev.*, Vol. VI., p. 629.

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face of this extraordinary survival, which points to the assessment of periodical Scutages in the lost Pipe Rolls of the reign of Henry I., Swereford's assertion to the contrary is completely discredited, and the theories of modern historians which are based upon that assertion will of course share the same fate.

So much then we may learn from a casual inspection of this important charter, but a careful inspection will disclose the following circumstances, which are somewhat instructive.

In the body of the charter itself a curious redundancy will be found in respect of the phrases "quando Scutagium currebat per terram" and "quando Scutagium evenerit per terram," and also in respect of the clause "ita quod Ecclesia amodo imperpetuum," which is repeated in almost the same words below. Such redundancy as this is quite foreign to the nature of a charter of this period, and is found in no others of the series in the Ely Cartulary. Again, the abbreviated style of the salutation clause shews that in one particular at least (although a wholly unimportant one) the charter has not been derived on this occasion from the "fountain head." Finally, the reference given to the text of the charter as "in the (MS.) *Liber Eliensis*, liber iii. No. xxi. and in "the Cottonian MS. Nero A. 15," is one calculated to excite some misgivings, since no such distinction into books or sections exists in the MS. of the *Historia Eliensis*, and it is equally certain that the MS. Nero, A. 15, besides being a modern and worthless transcript, does not contain the text of the Ely charters at all.

The manuscript relations of the *Historia Eliensis* cannot be regarded as having been hitherto either clearly or accurately explained, but it will be sufficient for the present purpose to state that only two MSS. of authority<sup>1</sup> are

<sup>1</sup> The printed editions, especially Stewart's (*Angl. Christiana*, 1848, unfinished) seem to have been derived from modern transcripts, e.g. MS. Gale, in Trin. Coll., Camb.

known to exist which contain the text of the charter under consideration. These are the twelfth century *Liber Eliensis*, and *Historia Eliensis*, the former being better known as the volume which contains the *Inquisitio Eliensis*.<sup>1</sup> This MS., though commonly ascribed to the latter part of the twelfth century, has also been assigned to the thirteenth. In any case it is far from being a complete collection of the charters, and it seems to have been compiled rather with the object of magnifying the wealth and privileges of the Church than with a sober historical purpose. The *Historia Eliensis*<sup>2</sup> is undoubtedly a twelfth century MS., and of earlier date apparently than the above, while it gives by far the most complete text of the Ely Charters, although the kaligraphy is decidedly inferior to that of the first-mentioned text. Now an examination of this MS. shews that the passage “quando Scutagium currebat—nisi “ 60 libras” is omitted altogether, and it is suggested that this passage was interpolated with the intention of disputing the liability of the Church, or of obtaining some mitigation of the assessment of Scutage, just as a claim of frankalmoin was set up by the church of Rochester as late as the year 1253. However this may be, it is quite clear that the expression regarding Scutage in the original charter is not very explicit, and this interpolation may have been made in order to connect it with the modern and conventional system of assessment.

The primitive use of Scutage only referred to herein.

Without this the reading of the Ely MS. is fairly intelligible. It is true that the word Scutage occurring in a document dated before the reign of Henry II. is rather startling, but the levy so-called is limited to a fixed sum, and is not an assessment on the

<sup>1</sup> MS. Cotton. Tib., A., vi. Two other twelfth century copies of the *Inquisitio* are preserved in the Library of Trin. Coll., Camb. (O. ii. 1 and O. ii. 41).

<sup>2</sup> MS. Cotton. Titus, A., i.: cf. Liebermann, *Ueber Ostenglische Geschichtsquellen*, § 25.

## PREFACE.

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knight's fee, which is an essential element of the Scutages of the twelfth and thirteenth centuries. Therefore it was a "common assize," like the Danegeld, the *Donum*, the Wardpenny, and the Assart fine, and like these it would "come upon the land" on recognized occasions as a "scot" or levy, for which the Church tenants must have been liable since the reign of the Conqueror.

At the same time there are some circumstances which might lead us to regard even this simple version of the charter with suspicion. In the first place it is not found in the *Cartæ Antiquæ*, where the most important of the instruments relating to the Church are entered,<sup>1</sup> neither is it mentioned in an *inspeximus* of several of those charters in the year 1198.<sup>2</sup> Secondly, we have the following negative evidence to deal with.

Confirma-  
 tory evi-  
 dence also  
 wanting.

There are three charters entered in the *Liber Eliensis* which are all attested "apud Eilinges, in transitu meo." One of these charters authorizes the Bishop's knights to have allowance *pro tanto* in respect of service performed by them to the Bishop against such service as they owed to the Crown or other lords; in other words, the Bishop was no longer compelled to make up the balance of his tenants' services. Another of these charters remits the Wardpenny assessed on the lands of Chatteris Abbey recently acquired by the church of Ely. The third is the charter now under discussion, relating to the remission of part of the Ely Scutage. The first two of these charters are incidentally referred to in an important entry in the Pipe Roll, 30-1 Henry I., as having been recently granted, but the third is not mentioned in this entry, and this omission gives rise to an uneasy feeling in respect of its authenticity. The Ely chronicler mentions the first of these concessions in the same breath with the remission of the Wardpenny and of the castle-ward of Norwich, and there

Date of  
 the Ely  
 Charters.

<sup>1</sup> Cart. Antiq., B. and J.J. | <sup>2</sup> *Ibid.*

Motive for forgery. was undoubtedly a strong motive at the very date of the compilation of his history for such a forgery. During the life-time of Bishop Nigel the church of Ely had escaped payment of Scutage by reason of his privilege as a Baron of the Exchequer,<sup>1</sup> but subsequent to his retirement<sup>2</sup> and death the fiefs of the church were assessed for the Aid of 1168 and for the Irish campaign of 1171-2.

At the same time it is not wholly impossible that this charter may be genuine,<sup>3</sup> although we are justified in regarding it with a considerable amount of suspicion, and it certainly cannot be allowed that it receives any support from entries in the Pipe Roll, which refer to an entirely different transaction, namely, to military service rendered to the Bishop by his knights and not accounted for by him to the Crown.<sup>4</sup>

Early employment of Scutage. All this, however, really matters very little except for clearing Swereford's reputation, because the learned writer of the dissertation above referred to has amply proved the existence of a military service which was something more than the common obligation of a national guard. In the case of the Church fiefs, at least an assessment was made by the Crown as early as the reign of Henry I., which may have been loosely termed a Scutage by twelfth century chroniclers. This, however, as we have seen, was no real Scutage in the sense of so much per fee of every knight who failed to produce a certificate of personal service, but was a lump sum<sup>5</sup> levied as a "common assize" from all the military tenants of a certain barony. Even in the more highly developed military

<sup>1</sup> *Dialogus*, I. 8.

<sup>2</sup> *Dialogus*, I. 11. and p. cxcv., *infra*.

<sup>3</sup> It is referred to in a bull of Pope Lucius II. dated 1144, and in another bull entered in the Ely Chartulary; but of course these bulls

may also have been forgeries, or at least confirmations of forgeries.

<sup>4</sup> Pipe Roll., 31 Hen. I., Huntingdon, quoted in *E. H. R.*, Vol. vi., p. 630.

<sup>5</sup> In the case of the Bishopric of Ely it was 100*l.*, reduced afterwards to 60*l.*



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system of the Norman Duchy, where as early as the year 1133 the Bishop of Bayeux was allowed to exact a contribution of 20s. or 40s. from each of his knights towards the expense of furnishing a similar military contingent to the Ducal army, we have no mention of Scutage in its later meaning.<sup>1</sup> The *Auxilium Exercitus* was the forerunner of the *Donum*, as the latter in turn led up to the Scutage proper, which appears for the first time as a regular levy in the returns of the Great Scutage of Toulouse in the 7th and 8th year-rolls of the reign of Henry II. And yet, although it would be rash to assert the earlier existence of Scutage in the absence of a recorded levy in the revenue rolls of the Exchequer, the real importance of the discovery which assigns to the tenants of the Church a new position in the scale of feudal service cannot be overlooked. From the Conquest to the reign of Henry II. the lay tenants rendered personal service with the aid of their sub-tenants, as the Saxon thegns had done before them; the whole body of free-men might be called upon to do service in the King's out-war, or garrison service in the castle-ward, and indeed the ancient expedient was resorted to on occasion as late as the reign of John, and a revival of it was contemplated by Edward I.; but the new device of fixed assessments upon Church fiefs levied at the royal pleasure must be regarded as an innovation fraught with such tremendous consequences that the bare fact of the prolonged survival of the earlier system sinks into insignificance beside it.

It may even be doubted whether the term Scutage can be properly applied at all to the mere commutation of the personal service of tenants-in-chief in the form of an imperial levy, at least it should not be used in this partial sense without including in its scope the indirect contributions of the lesser

Its later  
 technical  
 meaning.

<sup>1</sup> P. 646. See also the services | S. Michel (R. de Torigny (Rolls),  
 of the knights of the Abbot of Mont | IV., Appx.).

tenants. The real meaning of Scutage is derived from the appearance of the tenant in the King's army, as certified by the Scutage Rolls of the Marshal, in order to qualify himself by force of the King's writ, "to have " his Scutage," on his return, by way of an authorised levy upon his own sub-tenants. In this aspect the great bulk of Scutage was actually collected by the tenant and not by the Crown, and there is really no evidence that the current scale of one marc or two marcs, or any other proportion, was assessed for the purpose of receiving the commuted service of the lord rather than to enable the latter to ascertain the amount that he would be authorised in levying from his sub-tenants. In extreme cases, indeed, as in that of the military service prevalent in Normandy,<sup>1</sup> the tenant-in-chief would be entitled to receive a contribution from his own men of much greater value than that which he tendered to the Crown. The constitutional doctrine prevailed unshaken by any lax exceptions that the tenant-in-chief must perform his due service, the value of which far exceeded in all times the average value of Scutage. Indeed, when personal service really fell into disuse in the thirteenth century, the value of the equivalent is seen in the immense fines paid by the military tenants "ne trans-  
 " fretent."<sup>2</sup> The same reason may be, perhaps, suggested for the strange disproportion which existed between the fees for which the knightly tenants of Normandy owed service to the Crown and those set apart for their own advantage, since the expense of service in respect of 5 fees would doubtless exceed the value of the Scutage levied from three times that number. The proper view to take of the whole question would seem to be this:—(1.) That the tenants-in-chief rendered personal service, or a more or less real

Definition  
 of Scutage.

<sup>1</sup> P. 624 *et seq.*

<sup>2</sup> A list of these fines from the reign of Henry III. to that of

Edw. III. is preserved in the Chanc. Misc. Rolls, Bde. 11, No. 9.

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equivalent, in the shape of payment of a deputy, *promissum, donum*, fine, or simply "Scutage," but not necessarily the latter alone as a sufficient commutation in all cases. (2.) That the tenant-in-chief who had thus satisfied the requirements of the Crown might or might not obtain in turn facilities for recouping himself by the levy of Scutage from his sub-tenants at a proportionate rate. (3.) That the Crown eventually received this Scutage money either at the hands of the lord or by those of the sheriff; and that this was the true Scutage as opposed to personal service or its commutation.

We shall have occasion to notice presently an instance of feudal assessment as early as the reign of Henry II. appearing by the name of Scutage, but without any mention whatever being made in the Exchequer Rolls of corresponding negotiations between the Crown and its tenants-in-chief. In fact, during four years (1166-1170) all the "Scutages" that were levied, were levied by the lords from their sub-tenants, and that too in a perfectly legal and formal manner. What the nature of the service, or what the equivalent that was rendered by the tenant-in-chief to the Crown, we have absolutely no clear information, but it is most interesting to find that the latter took effective steps to ascertain the amount of the assessments received by the former during this period in the name of Scutage, in order that the service or compositions due from him in turn might be more evenly adjusted.<sup>1</sup>

Early instance of an assignment of Scutage.

Before the close of the reign of Henry III., this practice of assignment becomes, by an easy step, an indirect taxation, the incidence of which falls upon the whole class of military sub-tenants. It might well seem

Practice of assignment in the Thirteenth Century.

<sup>1</sup> A further important discovery made by Mr. J. H. Round (*Engl. Hist. Rev.*, July, Oct., 1891) is in respect of the assessment of all fees enfeoffed *de Novo* in 1166. The

Crown thus appropriating the redundant Scutages, which had hitherto been a feudal perquisite of the lord. Madox also insists on the same view.

possible therefore to proceed a step further in this direction, and insist that Scutage was a contribution paid by the tenants whose service was neither expected nor desired by their lord, and had little to do with his personal service or with any special bargain with the Crown for commutation thereof. In this aspect the lord appears as a sort of middleman in connection with the assessment of a Scutage. He kept the Crown informed of the exact liabilities of his sub-tenants, and contracted (as it were) by payment of personal service, or of a *donum*, fine, *promissum*, or "Scutage," for their Scutages, which were thereupon recognized as "his Scutages."<sup>1</sup> This view of the matter will explain very well the interposition of the Crown in the case of great inquests like those of 1166 and 1243, and it will also explain transactions like those which occur in the later Pipe Rolls, by which the tenants-in-chief appear to have tendered personal service or a heavy fine "ne trans-  
 "fretent," in addition to the assignment of the Scutages of their sub-tenants, to the Crown (*præter scutagia sua quæ Regi sponte concesserunt*). This last phrase is the real key to the whole problem, for it can be clearly proved from the records—which will be presently referred to—relating to the collection of the Scutage of Gascony in the year 1242–3, that the Crown was permitted to collect the assessments which were payable to the lords by their sub-tenants.<sup>2</sup> The meaning of the formula therefore is that the lords waived their claim to Scutage in favour of the Crown, which collected it as it had done before, and as it attempted to do thereafter, by the agency of the Sheriffs.

Assimila-  
 tion of  
 Scutage to

In any case it is at least an interesting reflection that not only was the classification of the military service of

<sup>1</sup> The exact process by which this was effected is not only seen in the Chancery inrolment of writs, "de habendo scutagio," but also in the "Quietantia per

brevia," noted in the Pipe Rolls.

<sup>2</sup> P. clxxxviiij; Mich. Com., 27 Hen. III.; *Testa de Nevill*, I. 281.

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the tenants-in-chief according to knights' fees of far greater antiquity than has been usually supposed, but also that it did not necessarily disturb the ancient system of assessment for imperial taxation, which, in the shape of a common assize, continued to be apportioned according to the old plan of hidation—for Scutage and aid, *donum* and *assisa*, carucage and hidage, and tallage—down to a far later period.

This is not the place in which the history of the Exchequer practice of the thirteenth century in respect of feudal taxation can be discussed in befitting detail, but it may perhaps be permitted to point to the constant habit of using a scale of assessment in terms of the hide or carucate side by side with that based on the knight's fee in contemporary returns. Thus we meet with levies on a knight's fee, less one hide, clearly pointing to a calculation in terms of the hide, whilst in other cases a hide is given as the equivalent of a quarter or some other fraction of the knight's fee, and a virgate as the equivalent of a sixteenth part of a normal fee. It is true that the number of hides computed in an individual knight's fee might and did vary, like the number of acres which the hide itself contained, and moreover the hide might be single or double. It is quite clear, however, that as the normal hide was supposed to contain 120 acres, so the normal knight's fee contained 4 hides<sup>1</sup>—a scale which seems to have been recognized as late as the sixteenth century.<sup>2</sup> Similarly, assessments on the fee might be computed in terms of the carucate and the bovate from the analogy of the "common assize."

<sup>1</sup> Harl. 1095, Register of St. Edmunds. Hundred Rolls II., 830.

<sup>2</sup> This conventional computation of land is found in a certain class of the MSS. versions of the *Expositiones Vocabulorum*. In one of these the rate of the Danegeld

is stated to be 3*d.* from every bovate, i.e. 2*s.* on the carucate, as on the hide. Possibly the assessment of cornage as a payment in respect of *animalia* may have had a similar origin.

Feudal  
returns  
verified by  
inquisi-  
tions "ex  
officio."

We may assume that the sum assessed upon a knight's fee was paid either by a tenant of four hides, or was apportioned amongst a number of smaller tenants, according to the exact number of their holdings in terms of the hide and virgate, or of the carucate and bovaté.<sup>1</sup> It was nothing to the Crown and its officials at the Exchequer that a tenant had enfeoffed another in terms of the knight's fee alone, unless the actual extent of the holding should prove (upon inquisition taken) to contain an equivalent for hidation.<sup>2</sup> So when an inquisition was taken throughout the kingdom for the assessment of a Scutage, the sheriffs were required to return the number of fees in each hundred, estimating their extent by the actual number of hides or proportions of a hide.<sup>3</sup>

Converti-  
ble assess-  
ments.

In fact there were two scales of assessment in use at the Exchequer from the middle of the twelfth century. One of these was based upon a conventional system of hidation adapted for the assessment of general feudal taxation, including the Scutage. The other was the convenient system of the knight's fee as a unit by means of which the assessment could be calculated in a sort of decimal sum, which saved the labour of reducing the normal fee to the denominations of the hide and virgate. Nevertheless, at the Exchequer itself, no fractional sum was allowed to be audited unless it had been first "proved" by means of an inquest based upon the actual hidage.

<sup>1</sup> These were called *particula feodorum*, and the several tenants were *participes* in many cases. Cf. the men of the Abbot of Ramsey, who contributed the service of 4 knights from 22 separate holdings (p. 370).

<sup>2</sup> See the case of Andreas de la Buche (Q.R. Memor., Mich. Com., 27 Hen. III.), who was enfeoffed by the Earl of Pembroke (holding from the Earl of Warwick) for the 20th part of a knight's fee. The

inquisition, however, shewed that the real extent was  $\frac{1}{4}$  fee, and the Crown compelled the Earl of Pembroke to make up the difference in the Scutage.

<sup>3</sup> The returns will be found in the *Testa de Nevill*. Cf. the expressions "tota terra Abbatie com-  
"municata est cum eis [homini-  
"bus] per hidas" (p. 371) and  
"summa [communis assisæ] per  
"hydas distribuitur" (*Dialogus* I.  
8 and 11).

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There was even a third form of expressing the extent of a tenant's holding without any direct reference either to hidage or service, and this was in terms of the pound and its denominations, or of the marc. Thus we find a tenant's holding expressed in pounds, shillings, and pence, instead of in hides and virgates, or in fees or in fractions of fees, with a further variant in connection with the marc, which is somewhat more technical but equally systematic. By this formula, A. B. pays 3s. 4*d.*, when the King exacts one marc of Scutage, and consequently we ascertain that he holds a normal quarter-fee of one hide. In the same way the extent of his holding might be inferred from the value expressed in another way; for the tenant who paid 8*d.* in the pound is found to be possessed of a thirtieth part of a knight's fee. Thus the practical outcome of this monetary valuation was the evolution of the 20-librate holding as the equivalent of the normal knight's fee of four hides, an equivalent which can be dated back to a very early period—to such an inquest as that of the feudal wards in 1185, in which we have the *valor* of the holding, including land and stock, given in terms of the librate,<sup>1</sup> very much as we find it in the Eastern counties of Domesday, except that the librate is now regarded as the equivalent of a certain part of a fee. Many instances of the indiscriminate use of these three systems will be found in the Red Book itself. We constantly find the scribe reducing a money-payment to terms of the knight's fee, and in one case five separate holdings, making together 3 fees, a half, a fifth, and a holding of 74 librates, are added together as  $7\frac{2}{5}$  fees—20 librates being counted to the fee.<sup>2</sup> Conversely, fractions of the fee are expressed in terms of the marc or pound, a holding of half-a-fee being allowed

According  
to a con-  
ventional  
scale.

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<sup>1</sup> *Rotulus de Dominabus*, Q. R. | <sup>2</sup> Pp. 355-6 and 731.  
Misc. 558.

five pence in the marc as surplusage when the Scutage was assessed at two marcs; which is only another way of writing half-a-fee less  $\frac{1}{8}\frac{1}{2}$  part. Again, in Kirby's Quest and the Hundred Rolls of Edward I., we meet with numerous instances of this mode of computing the knight's fee. One tenant holds 2 carucates by the service of a quarter fee,<sup>1</sup> and another holds 3 carucates by that of a quarter-fee and the half of a quarter-fee.<sup>2</sup> Yet another holds 9 bovates for a quarter-fee, which is worth in itself 4*l.* 10*s.*,<sup>3</sup> and moreover the extent of the hide or carucate is often stated in denominations of an acre both of arable and pasture land.<sup>4</sup>

Absence of  
uniformity.

It would be quite incorrect, however, to assume that all or any of the above scales of assessment are capable of being reduced to an exact formula. The conventional Danegeld, like the later carucage, was levied at a certain rate on an actual extent of land ascertained by inquest, while *Donum*, Aid and Scutage, like the Sheriff's Aid, were subject to political and social fluctuations. But it is at least probable that the normal holding which was generally recognized at the Exchequer was that of the knight's fee containing 4 or more hides or carucates, sufficient (according to the ever varying value of the soil) to make up the *valor* of 20 librates.

Conclusion  
as to the  
origin of  
knight-  
service.

Therefore, before we cut ourselves adrift from the long familiar theory of the origin of knight-service in England, it would seem that we need some stronger assurance that there is no historical connection between the normal 5-hide qualification of the Saxon thegn and the normal 4-hide or 20-librate qualification of the Norman knight.<sup>5</sup> We may even be tempted to conjecture that the complex system of enfeoffment and assessment built up during the twelfth and thirteenth centuries was merely the shadowy

<sup>1</sup> Kirby's Quest, fo. 228.

<sup>2</sup> *Ibid.*

<sup>3</sup> Hundred Rolls, I. 243.

<sup>4</sup> Kirby's Quest, fo. 96.

<sup>5</sup> Cf. the survival of the expression "se defendit" in the military tenures of the 13th century.



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fabric of a feudal dream, inspired by the complacency of the Crown and lulled by the financial skill of its ministers, till the spell was rudely broken by the loud assertions of a masterful king who ignored the logical consequences of permissive enfeoffments, and who drowned the remonstrances of the tenant of the newly-measured fee of 20 librates with the tremendous edict—"Quod rebelles et inobedientes a collectoribus Scutagii amercientur."<sup>1</sup>

## VII.

The classification of the feudal compilations entered in the Red Book of the Exchequer according to their manuscript origins, is a comparatively simple matter. They will be found to fall into three great divisions. The first comprises the collections derived directly from the Pipe Rolls, including the Scutages and the Abstracts of the Pipe Rolls. The second contains the lists of fees transcribed from original Inquisitions—the Barons' Certificates of 1166, the Inquisitions of 1212, the undated Serjeanties, and the knights' fees of Normandy. The third is composed of returns tabulated for official purposes by some earlier scribe, and based equally upon the Pipe Rolls and the Certificates of 1166, together with later returns of Cornages and Castle-Ward services (including those of the Cinque Ports), isolated lists and mere jottings, more probably copied from some register than from the original records.<sup>2</sup>

Construction of the Red Book Feodary.

Of the above, the Scutages are obviously derived from the Great Rolls of the Exchequer, known as the Treasurer's and Chancellor's Rolls. It is not so easy, however,

The Scutages.

<sup>1</sup> This phrase was actually used by Edw. II. (Pat., 10 Edw. II., Pt. I., M. 22), but numerous proclamations in the same spirit were issued during his father's reign. Cf. Q. R. Memor. Hil. Record.,

8 Edw. II., "De suggestione facta super levatione Scutagii."

<sup>2</sup> The scribe in one instance refers to a variant in his exemplar, which is found in one of the feudal compilations of the earlier portion of the MS.

to ascertain whether the scribe, whom we may suppose to have been Swereford, used the originals or the antigraphs for the purpose of his compilation ; but we should expect from his official position that he had access more conveniently to the former. The existence of both series in official custody scarcely enables us to verify his statements with greater certainty, owing to the singular confusion which has prevailed with regard to the classification of the earlier Rolls of the reign of Henry II.<sup>1</sup>

Swere-  
ford's ac-  
count of  
their  
origin.

Swereford tells us, in his well-known Introduction, that he undertook this work in order to dispel the popular delusions that obtained in his own day on the subject of the number of knights' fees throughout England, and he proceeds to explain his method of research according to the system and order of account employed in the Revenue Rolls of the Exchequer. This explanation not only reveals the difficulties with which the compiler had to contend, but serves as a caution against putting an arbitrary interpretation upon his plain statement of financial occurrences.

Criticism  
of his ver-  
sion.

Swereford's *dictum* with respect to the order and object of the earliest Scutages of the reign of Henry II. has been tacitly accepted by Madox, and in turn by most recent authorities. At least his statements have been allowed to pass unchallenged. More recently, however, the Archdeacon's Introduction to the Scutages of this reign has been made the subject of a most severe and searching criticism,<sup>2</sup> which arrives at the conclusion that his chronology and explanations alike are completely at variance with the modern and accepted version and with the facts of the case—since (it is alleged) he has not only ascribed the Scutage of Anjou, in 1156, to the exigencies of the Welsh campaign of 1157, and has invented a Scutage of Wales for 1157, paid two years later, in 1159, in the place of the Scutage

<sup>1</sup> P. cexv *infra* and Pipe Roll | <sup>2</sup> Mr. J. H. Round in the *Eng.*  
Soc. Publications, Vol. V. Introd. | *Hist. Rev.*, Oct. 1891.

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of Toulouse, of the latter year, which in turn has been wrongly assigned to the years 1161–2—but he has further omitted an interesting *Scutage* in 1165, and has misunderstood the whole character of these early levies.

This is not only a very serious charge to bring against a writer who has enjoyed the highest credit for accuracy with contemporary and modern writers alike, but it would also imply an absolute incapacity for dealing with the subject matter of his monumental work. In the character of Treasurer's clerk, Swereford must have been absolutely versed in all the mysteries of Exchequer science, including the composition of the Great Roll. Therefore, when a modern student of this intricate system of account undertakes the task of convicting the accomplished tutor of Matthew Paris of wholesale blunders in the method of interpreting his own records—blunders which were overlooked by Madox and Hunter, and practically by every subsequent writer on the same subject—some very convincing proofs will naturally be expected by the impartial reader in substantiation of the charge.<sup>1</sup>

It is needless to enter here upon an unprofitable and untimely controversy on certain minor incidents, because it is now in the power of everyone to compare the author's actual statements with any strained or unfair interpretation which may be put upon them by an unsympathetic commentator; but, apart from trivialities of this kind, the broad issue remains—which may be and has been contended for with perfect fairness on either side—whether Swereford was justified in assigning the taxation recorded in the 2nd and 5th, and in the 7th and 8th year rolls of the reign to the occasions of the Welsh and French campaigns respectively.

<sup>1</sup> It should be remembered that there are several clear indications that Swereford had access to Exchequer Records which no longer exist. This is seen in his explanation of the Bishop of Worcester's indebtedness (p. 13). Cf. also his references to the Exactory Roll and Danegeld Roll, now completely lost to us (p. 659).

Swere-  
ford's  
position.

Let us ascertain what Swereford's position really was in respect of his account of these early Scutage. In the first place, we should observe, the Archdeacon was no mystical essayist, not even in the sober fashion of his more gifted predecessor, the Treasurer-Bishop. He excuses himself with sufficient humility for the poverty of his relation: "Suppleat igitur defectum meum qui-  
 " cunque voluerit et ignoscat si pauciora debito Regi  
 " servitio perstrinxerim, cum in hoc solo mea fuerit  
 " intentio, ut ex Rotulis veritatem elicere, et non relatu  
 " reproborem."

Conflicting  
evidence  
of the  
Chroni-  
clers.

Therefore he had voluntarily debarred himself from the assistance of the Chroniclers in preparing his simple narrative, content with the infallible evidence of the Great Rolls. Perhaps, when we recall his experience of certain of these authorities, we shall scarcely be surprised at his decision. "Wonderful and fatuous," he had already discovered one of their favourite legends to be ; and although he has been ridiculed for neglecting such an ordinary form of reference, even a modern student might shrink from the task of reconciling the conflicting chronology of this multitude of counsellors. The most accomplished of contemporary historians places the Welsh campaign before the Anjou expedition, and assigns the Toulouse expedition and the French campaign to the 7th and 8th years of the reign,<sup>1</sup> while Brompton<sup>2</sup> follows suit. The Norman epic gives the year 1159 for the Welsh war.<sup>3</sup> The author of the French *Brut*<sup>4</sup> and the compiler of the *Eulogium Historiarum*<sup>5</sup> agree in fixing the 6th year for the Toulouse campaign, and they also agree with Wendover in describing a victory which had no existence in fact. Walter of Coventry, who gives the orthodox date for the Welsh

<sup>1</sup> W. of Newburgh (Rolls), pp. 106, 112, 121, 130.

<sup>2</sup> *Ed.* Twysden Col. 1047-9.

<sup>3</sup> *Draco Norm.* I. 13, but the

learned Editor takes this as a reference to the Campaign of 1165.

<sup>4</sup> *Domit. A.*, x.

<sup>5</sup> III. 70.

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war, gives 1160 for the Toulouse expedition,<sup>1</sup> and the Chronicle of Melsa mentions two Welsh expeditions in 1158 and 1159.<sup>2</sup>

It has been usual to explain this erratic chronology by the confusion of regnal and chronological years and other peculiarities.<sup>3</sup> It is also possible that the use of the Indiction may have something to do with the matter.<sup>4</sup> But, just as some time-pieces are too fast, so others are ever slow, and the Chronicle of Normandy, beginning with the Anjou expedition in 1155, places the Welsh war in 1156, the Toulouse campaign in 1158, and concludes the French war in the following year.<sup>5</sup> It may be alleged that these are not all first-rate authorities, that the true sequence of events can be accurately ascertained from such writers as Robert de Monte<sup>6</sup> and John of Salisbury,<sup>7</sup> and, moreover, that not all of these would have been available at the time when Swereford wrote. The allegation is correct, but these are only types of an inaccuracy which prevailed amongst annalists whose statements were readily accepted by many of Swereford's literary contemporaries. We are not even wholly dependent on the best historians for the chronology of these events which may be inferred from contemporary accounts which have to some extent the authority of records, and which are confirmed by the Rolls themselves;<sup>8</sup> but as it is unnecessary to go so far a-field as this, so it is still more useless to seek to compel the silent Rolls to disclose a date of which their guardians, like ourselves, were already sufficiently assured.

<sup>1</sup> W. de Coventr. (Rolls), I., 184-5.

<sup>2</sup> *Chron. Mon. de Melsa* (Rolls), I., 155.

<sup>3</sup> W. of Newburgh (Rolls), II. 117, for a valuable note on this point.

<sup>4</sup> *Chronologia Sci. Aug. Cant.* (Twysden Dec. Script. 22, 53).

<sup>5</sup> *Chron. Norm.* (Duchesne), 991. See also Ric. de Poitiers (Bouquet), XII., p. 417.

<sup>6</sup> R. de Torigny (Rolls), IV. 201.

<sup>7</sup> *Epist.*, cxxvii.

<sup>8</sup> See *infra*, p. clxxv, note.

Swere-  
ford's  
method of  
research.

Swereford therefore, we must insist, had no intention of this kind when he began his purely technical Introduction to the Scutages. He does not tell us on the authority of the Rolls that a Welsh war was waged in 1156, or that the Toulouse expedition took place in 1161 and 1162; he pursues a set formula of enquiry to this effect: (1) The numerical order of the Scutages of King Henry II.; (2) the dates of their enrolment; (3) the amounts of the assessments; (4) on whom assessed; (5) for what purpose assessed. Certainly, Swereford's statement does not amount to anything more than this—"You will find this king's 1st, 2nd and 3rd Scutages entered on the 2nd, 5th and 7th-8th year-rolls of his reign, and since there were at those times armies summoned against Wales and Toulouse, I think these levies were for those armies respectively." The first part of his statement is undeniable, and was the only matter that the writer was really concerned to notice; and the second part is after all a question of information in which an Exchequer clerk might have erred, like the Chroniclers before and after him. Swereford merely sticks to his text, and gives his reasons, not from hearsay, but from actual entries on the Rolls themselves, which no one has yet been able to explain away. He does this withal so modestly, with his quaint "ut credo," and "ut videtur," that the sternest critic might well be disarmed by the candour of the estimable Baron, who is now, alas! denounced as a venerable impostor.

Difficulties  
of the sub-  
ject.

Swereford's position was indeed a difficult one. In the later portion of his Introduction dealing with the Rolls in which the several Scutages are described as "Scutagium Walliæ," "Scutagium Scociæ," "Scutagium Hiberniæ," "Scutagium Pictaviæ," or else numbered "Primum," "Secundum," "Tertium Scutagium," &c., there is not the slightest difficulty in their identification, but where, as in the case of the earlier Rolls of Henry II.'s reign, there is a mere entry "De Scutagio" or "De