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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 documents in Volume 3 are the *Constitutio domus regis* (c.1135) and selected writs of privilege.

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VOLUME 3

EDITED BY HUBERT HALL



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CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Mexico City

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org

Information on this title: www.cambridge.org/9781108053266

© in this compilation Cambridge University Press 2012

This edition first published 1896
This digitally printed version 2012

ISBN 978-1-108-05326-6 Paperback

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THE

RED BOOK OF THE EXCHEQUER.

PART III.

EDITED BY

HUBERT HALL, F.S.A.,

OF THE PUBLIC RECORD OFFICE.

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF HER MAJESTY'S
TREASURY, UNDER THE DIRECTION OF THE MASTER OF THE ROLLS.

LONDON :
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & CO., 12, HANOVER STREET, EDINBURGH; and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & CO., LIMITED, 104, GRAFTON STREET, DUBLIN.

1896.

Cambridge University Press

978-1-108-05326-6 - The Red Book of the Exchequer: Volume 3

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XI.

IN the two preceding Volumes the historical value of the Red Book of the Exchequer is seen to depend mainly upon its unequalled record of feudal services. The feodary in turn gives place to a Cartulary containing some choice enrolments of ancient institutes, and this again is succeeded by a miscellaneous collection of State Papers ; but before referring to either of these, we have to notice yet another collection, in the shape of occasional Memoranda, loosely jotted down, for the most part, on the fly-leaves or margins of the volume. These casual entries are neither very numerous nor very carefully chosen ; but such as they are, they have stamped the Red Book from the earliest times as a Precedent Book of the highest value for the purpose of determining the privileges or liabilities of the officers of the Exchequer, and even as an Establishment Book of the Royal Household itself.

Possibly no stronger motive existed for the compilation of this famous volume, or, at least, for its preservation and enlargement in official custody by successive generations of Exchequer clerks, than that which is found in these entries of Admissions, Privileges, Protections, and Allowances to its custodians. In any case, the subject is one of considerable antiquarian interest ; and, moreover, it is one that demands a somewhat careful investigation, by reason of the obscurity in which it has hitherto been shrouded.

The Establishment of the King's House, even in its more modern aspect, has nowhere been adequately treated. Burke's Act, in 1782, merely precipitated a reform which had been impending for more than a century, and which still left the framework of the

*Constitu-
tio Domus
Regis.*

Establishment, which had endured for nearly seven centuries, shorn of the excrescences with which it had been encumbered during the Stuart period. Whether this Establishment is as old as the Conquest itself, or whether it took its shape in even earlier times, is a question which can scarcely be decided, for want of sufficient evidence. Considerable light is, however, thrown on the subject by the Constitution of the King's House preserved in the earlier portion of the Red Book. This remarkable document is also entered in the small Black Book of the same Court. There is no mention of the date of its composition in either MS., and it has been commonly assigned to the time of Henry II., although it is actually dated in the reign of Henry I. by the scribe who copied it into the Red Book of the Exchequer.¹ Mr. Stapleton, however, clearly proved long since that this Establishment refers to the reign of Henry I., and he also attempted to prove that it applies exclusively to the Ducal household of Normandy.² This view of the matter has never yet been challenged, but the great importance of its bearing on the doubtful origin of certain fiscal and judicial institutions has perhaps scarcely been sufficiently realised.

Its impor-
tance.

This recorded existence of a Norman Establishment bearing unmistakable traces of a considerable antiquity at this early date, would almost seem to justify the derivation of the English Curia and Exchequer from a foreign source, according to the positive statement of the author of the *Dialogus*. Strange to say, this important evidence has been actually used in support of the opposite theory of a native origin of the above institutions,

¹ It is probable that Bishop Stubbs has been unconsciously responsible for the accepted date. Evidently, however, he does not intend to make the statement with any authority, nor does he discuss the question in any way, but merely

follows the conventional date of the Black Book text, which we now know to have been considerably later than the reign in question. *Constit. Hist. I.*, 345.

² *Rôt. Norm. I. xx.* Cf. Liebermann, *Constit. de Foresta*, p. 25.

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but at the same time we may reasonably conjecture that the constitution of the King's House was, at least, as fully developed in this country before the accession of Henry II., as it was in Normandy. It may even be doubted whether the ambulatory household of the Anglo-Norman kings had a separate establishment for both countries. The fact, however, remains, that no documentary evidence of the earlier English establishment has survived, but it is not on that account to be insisted that no English establishment whatever existed before the reign of Henry III., in which the earliest records of the Wardrobe and Household are dated. A careful study of the *Constitutio Domus Regis* in the Exchequer MSS. will enable us to realise the remarkable circumstance that the establishment set forth there is no mere isolated list, but is a carefully conceived and permanent organisation, which must have existed for many years before the close of the reign of Henry I., and which was continued on practically the same plan for nearly 600 years after his grandson's death. That is to say, that it is possible to identify the classification of the members of the royal household in the year 1130 with that which obtained, with some additions, it is true, down to the year 1782.

The Constitution of the King's House in Normandy about the year 1135, as it is represented in the Red Book and in the Black Book of the Exchequer, may be classified from the analogy of the later establishment of the royal household in Plantagenet times somewhat as follows :—

Chancellor	-	-	-	-	-	} Great Officers of State.
Treasurer	-	-	-	-	-	
Sewers or Stewards	-	-	-	-	-	
Master Butler	-	-	-	-	-	
Master Chamberlain	-	-	-	-	-	
Master Marshal	-	-	-	-	-	
Constables	-	-	-	-	-	

The Estab-
lishment
of 1135.

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Chancellor	-	-	-	-	-	} Chapel and Chancery.
Master of the Scriptorium	-	-	-	-	-	
Chaplain	-	-	-	-	-	
Clerks (2)	-	-	-	-	-	
Serjeants (4)	-	-	-	-	-	
Sewers of the Household	-	-	-	-	-	} Dispensary or Pantry.
Master Spencer of the Bread	-	-	-	-	-	
Spencers of the Bread (in rotation)	-	-	-	-	-	
Spencers of the King's Private Household	-	-	-	-	-	
Clerk of the Bread and Wine	-	-	-	-	-	
Counter of the Bread	-	-	-	-	-	
Usher of the Dispensary	-	-	-	-	-	
The Naperer	-	-	-	-	-	} Napery.
His man	-	-	-	-	-	
Bakers (4)	-	-	-	-	-	} Bakery.
Waferer	-	-	-	-	-	
His men	-	-	-	-	-	
Bearer of the Almsdish ¹	-	-	-	-	-	
Keeper of the Tables	-	-	-	-	-	} [Surveyor of the Dresser.]
His men	-	-	-	-	-	
Master Spencer of the Larder	-	-	-	-	-	} Larder or Bouche.
Spencers of the Larder (in rotation)	-	-	-	-	-	
Larderers (in rotation)	-	-	-	-	-	
Their man	-	-	-	-	-	
Usher of the Larder	-	-	-	-	-	
Slaughterers	-	-	-	-	-	
Carter of the Larder	-	-	-	-	-	
Serjeant of the Venison	-	-	-	-	-	
His man	-	-	-	-	-	

See p. 759. n. 2.

PREFACE.

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The King's Master Cook	-	-	-	} The King's Kitchen.
His man	-	-	-	
Usher of the Kitchen	-	-	-	
Keeper of the Vessels	-	-	-	
His man	-	-	-	
Scullion	-	-	-	
His man	-	-	-	
Serjeant of the Kitchen	-	-	-	
Sumpterman	-	-	-	
Cook of the King's Private Household	-	-	-	} The Private Kitchen.
Cooks of the Hall (2)	-	-	-	} Great Kit- chen and Scullery.
Their men	-	-	-	
Serjeants of the Kitchen	-	-	-	
Usher of the Spit-house	-	-	-	
His man	-	-	-	
Keeper of the Spits	-	-	-	
Keeper of the Dishes	-	-	-	
Carter of the Great Kitchen	-	-	-	
Serjeant of the Poultry	-	-	-	} Poultry.
His man	-	-	-	
Master Butler	-	-	-	} Butlery or Buttery and Cellar.
Master Spencer of the Butlery	-	-	-	
Spencers of the Butlery (in rotation)	-	-	-	
Usher of the Butlery	-	-	-	
His man	-	-	-	
'Hosarii'	-	-	-	
Their men	-	-	-	
Keeper of the Butts	-	-	-	
His men	-	-	-	
Workmen of the Buttery (cellarmen)	-	-	-	
Sereius ¹	-	-	-	
His man	-	-	-	

¹ See p. ccxcix.

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Keepers of the Cups (in rotation)		
Their men - - - - -		Ewry or
Keeper of the Mazers - - - - -		Pitcher House.
Fruiterer - - - - -		
His men - - - - -		[Spicery.]
Carter of the Fruit - - - - -		
Master Chamberlain - - - - -	}	Chamber.
Treasurer - - - - -		
Bearer of the King's Litter - - - - -		
His man - - - - -		
Chamberlains (in rotation) - - - - -		
Chamberlain of the Candles - - - - -		
Cutter of the Tallies - - - - -		
His man - - - - -		
Water-carrier - - - - -		
Laundress - - - - -		
Constables - - - - -	}	Marshalsea and Con- stabulary. ¹
Master Marshal - - - - -		
Marshals of Household (4) - - - - -		
Serjeants of the Marshalsea - - - - -		
Ushers [of the Treasury] - - - - -		
Their men - - - - -		
Watchmen [of the Treasury] - - - - -		
Their men - - - - -		
Keeper of the Hearth - - - - -		
Usher of the Chamber - - - - -		
Keeper of the Tents - - - - -		
His man - - - - -		
Hornblowers (4) - - - - -		
Serjeants (20) - - - - -		
Keepers of coursing dogs - - - - -		
Their men - - - - -		
[Keepers of] the Mews - - - - -		

¹ See *Dialogus*, I. 5.

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Knights-huntsmen	-	-	-	-	-
Cat-hunters	-	-	-	-	-
Leader of the Limmers	-	-	-	-	-
Bear-ward	-	-	-	-	-
Huntsmen of the Hart	-	-	-	-	-
Keeper of the Brachs	-	-	-	-	-
Wolf-hunters	-	-	-	-	-
Their men	-	-	-	-	-
The King's Archers	-	-	-	-	-

The above classification of the establishment of the King's House at the end of the reign of Henry I. suggests three very important questions. First, was this establishment restricted to the Norman Duchy, or was it the counterpart of the *Domus Regis* in England? It has been previously shown that most historians have completely overlooked the distinct references to Normandy which occur in the body of the document, while on the other hand it may be objected to the narrower view of the application of this document to Normandy alone, that the nearly contemporary Pipe Roll of 1130 not only affords ample evidence of the existence of a similar establishment in England, but by mention of the names of the individual officers, it certainly implies that they occupied precisely the same positions at the English Court. It would perhaps be possible to supply from this Pipe Roll the names of almost every one of the officers whose titles and duties are set out in the Norman establishment, and even to supplement the latter in several important particulars. We are perhaps justified therefore in regarding this Constitution as the normal establishment of the *Domus Regis*, which follows the King's person, like the Curia itself, with comparative ease, thanks to an ample provision of carts and sumpter horses and to the simplicity even of royal house-keeping in the twelfth century.

Was this
 Establish-
 ment Nor-
 man or
 English?

Is it con-
 nected
 with the
 earlier
 House-
 hold ?

The second question is whether this establishment, Norman and English, is to be regarded as a development during the first half of the twelfth century of the Anglo-Norman Household of the eleventh century ? This question is not easily answered, because the Constitution of 1135 is a document absolutely unique in the historical literature of the period. We may, however, at least point to two facts of considerable significance, namely, that the Constitution in question can be proved to resemble, in almost every particular, that characteristic establishment of the Royal Household, which endured with little change till the end of the last century ; while such isolated and indistinct notices as we possess concerning the earlier Household seem to agree substantially with the scale of this Constitution. The precise notices of Household offices met with in the Pipe Roll of 1130 have already been referred to. Even in Domesday Book itself we find the greater number of these offices distinctly mentioned, and we can scarcely doubt that they were practically identical with the establishment which had assumed its modern form only one generation later.

or with:
 the later
 House-
 hold ?

The solution of the third question that arises here is to some extent anticipated by the preceding argument. Whether the Constitution of 1135 is identical with, or at least nearly related to, the establishment of the Royal Household in the thirteenth century, is easily decided by a comparison with the ample statistics that exist for the later period, and this comparison affords some highly interesting results. In the reign of Edward I. the Household had attained a very high degree of organization, and yet we find that it differs in very few particulars from that of Henry I. Here we have the same departmental arrangement, but the distinction between the House, or Hall, and the Chamber is still more clearly marked. In the former the menial officers are similarly grouped according to their several

PREFACE.

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employments in the kitchen, bakery, larder, pantry, and elsewhere, under the control of the Steward, and in the buttery under that of the Butler; but the departments of the Scullery, Chandry, Poultry, and Salsary, have been differentiated, and carters and sumptermen attached to each department have apparently been relegated to the Stables within the jurisdiction of the Marshal. Moreover each department now contains an appropriate and well ordered staff of clerks, serjeants yeomen, and grooms. In the Chamber the Chamberlain presides over the domestic, and the Marshal and Constable over the forinsec officers. In each of these departments a number of officers appear who correspond very nearly with the domestic and forinsec serjeants of the Constitution of 1135. Some changes have naturally been made, but they are fewer than we should have expected, and from this time onwards the plan of the establishment of the Household remains practically unaltered down to the Act of 1782. It is true that in later times the Household was expanded almost beyond recognition, but this expansion followed the lines of the original classification. The "water-carrier" of Domesday Book and of the Constitution of 1135 had become in 1307 the Serjeant of the Bath, with a yeoman attendant at his disposal. After the Restoration, this officer appears as the "Bagnio man," with a greatly enhanced importance. In the modern Household his duties are probably discharged by an ordinary lacquey.

This office is merely a type of the simple process of expansion, which attained to an unwieldy bulk under the later Stuarts, and entered upon an era of rapid decline after the Revolution. From first to last the Constitution of the King's House remained in theory the same, and we must not be tempted from a casual inspection to make merry at the expense of the "amusing disorder" which seems to characterize its primitive establishment.

Order of
the Coro-
nation of
1236.

Depart-
mental
growth.

The above view of the Constitution of the Household in the twelfth century is supplemented by the very interesting and instructive notices contained in the Order of the Coronation of Queen Eleanor, printed in a previous volume.¹ In this document we are presented with another view of the Household, namely, the feudal constitution wherein the great officers of State and those of the Hall and Chamber alike appear as a body of earls and knights and serjeants, who assert and vindicate their tenures of office by proffers of service “*jure hæreditario*.” That these services were not merely an empty honour is abundantly proved by the numerous contemporary tenures of land recorded in the *Testa de Nevill* and elsewhere as appertaining to many such offices, whilst later still, as we have seen,² the whole Household was marshalled in strict order of precedence according to the rules of chivalry. But apart from the feudal and chivalrous complexion of these interesting proceedings, we can obtain a good deal of information respecting the extent of the establishment itself, which may be advantageously compared with the Constitution of 1135. Perhaps the chief point of interest is to be found in the largely increased importance of the great officers of State, especially the Butler, the Marshal, and the Chamberlain. The divided administration of the Dapiferi and Dispensatores of an earlier age has now become concentrated in the office of the Lord Steward, whose supreme authority over the menial side of the Household is well expressed elsewhere in the contemporary definition of the services of a cook whose serjeanty required his attendance on the day of the King’s coronation “*ad faciendum quod Senescallus præci-peret*.”³

¹ P. 755.

² P. cl.

³ P. 754.

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We have interesting notices also of the departments of the Almonry and of the Napery, but it will be evident that not only are certain offices which were immediately concerned with these festivities described in greater detail than the rest, but that several purely honorary offices are mentioned which cannot be regarded as part of the normal establishment of the Household at all, being claimed and exercised "jure hæreditario" on the analogy of the great offices of State. These honorary offices, which undoubtedly were exercised from a very early period, reappear at every succeeding coronation.¹ In still later times, however, the documentary evidence connected with these pageants enables us to ascertain the complete state of the establishment of the Royal Household with greater precision than can be ensured by any other means. In the narrative before us we have merely a reference to the Constitution of 1135 for a list of the minor offices with their emoluments,² but in the Coronation Books of Tudor and Stuart sovereigns, every member of the Household, from the highest to the lowest, appears in receipt of some special allowance for the occasion.³

Continuity
of cere-
monial.

Several interesting points arise from a consideration of the texts of the two treatises. In the *Constitutio* itself much difficulty has been experienced in the rendering of certain archaic terms and formulæ. A very good instance will be found in the case of the abbreviation *Sal*, which occurs in connection with a certain kind of simnel. We should naturally expect this word to be derived from the same source as the more modern "salary," particularly as we find the simnel in question connected with the issue of rations from the Dispensary.

Difficulties
of the text.

¹ *Liber Custumarum* (Rolls), pp. 456-482.

² *Liberationes autem assisas prædictis a tempore Regis Henrici Senioris invenistis alias* (p. 759).

³ These will be found among the Records of the Lord Chamberlain's Department, Vols. 424, *sqq.*

Here, however, the word must not be regarded as the equivalent of the "souldée" of bread which is mentioned in a later Constitution of the French Court, nor even of the more general form *solidarius* or *salatarius*. The simnel in question was probably the *pain de sel* or *panis de sala* supplied to the Hall, or Household, as contrasted with the *Payn demayn* or *Panis dominicus* reserved for the high table. Another derivation has been suggested by the well-known custom of figuring certain cakes with a sacred symbol; but this suggested reading of "salut" must be rejected on several grounds. The reference to these simnels in the allowance made to the royal bakers is very obscure, and seems rather to apply to their respective dimensions, but there can be little doubt that, rightly or wrongly, the scribes of both Exchequer MSS. read the word as "salted," since in the Black Book it is twice extended as *salum*, and in the Red Book twice also as *salatum*. At the same time it by no means follows that this is the correct form, for the MSS. have been transcribed with very scant intelligence. A "salted" or "seasoned" simnel, or possibly a cake compounded of salt dripping instead of oil, may have been served out as the accompaniment of a rather liberal allowance of wine, but the *pain de sel* is a more reasonable alternative. In a very interesting schedule of the allowances provided for the entertainment of the Scottish King in the reign of Richard I., apparently derived by Hoveden¹ from an Exchequer source,² we find a widely extended use of the term *dominicus*, clearly denoting the existence of such a distinction between the diet of the royal family and ministers and that of the lesser Household as has been suggested by way of explanation of the difficulty.

The unintelligent method of the Exchequer scribes is responsible for several more misreadings in this short treatise. The text of the Black Book, which is other-

¹ III. 245.

| ² P. xxix.

wise the more correct, is defaced by some gross blunders in the rubrication of the initial letters. Both MSS. are utterly at fault with "Oinus Polcheard," for which the readings "Dominus" or "Omnis" have hitherto been suggested. This officer can, however, be easily identified with "Oinus Polcehart" or "Oinus serviens" of the Pipe Roll of 1130, his office being doubtless that of the Poultry (Puletarius).¹

Difficulties have also been experienced in connection with the offices of the *Hosarii* and of the *Tallator* of the Household, though such difficulties must have been of the commentators' own making. Probably, however, the confusion between the offices of hosiers of the Wardrobe and Buttery respectively is of old standing, but *Cissor* would certainly have been the title applied to the King's Tailor, and the official here referred to was doubtless the Tally-cutter, in the suite of the Treasurer and Chamberlains.² Sereius of the Buttery may probably be identified with "Saretus Serviens" of the 1130 Pipe Roll. The office of the *Portator Scutellæ* is more obscure, but the *Scutella* in question bears a strong resemblance to the "discus argenteus consuetus stare coram Rege" mentioned in the Coronation ceremony of 1236.³

The Treasurer is still found among the great officers in attendance on the King's person, an interesting survival of the early importance of the *Camera Regis* in connection with the clerical staff of the Chapel,⁴ which is represented here by the Chancellor and by the *Magister Scriptorii*. Indeed, there is little difficulty in identifying the duties assigned to these great officers, as

Special allusions.

The Treasurer at Court.

¹ Cf. the local names of the Polecat. This Owen was possibly a Welshman, like so many later officers of the Household in the reign of Edward I. In later times this office was known as that of Purveyor of the Poultry.

² Cf. *infra*, p. ccc., n. 4.

³ P. 759. This was probably a tray or scuttle in which broken victuals were collected for the poor.

⁴ P. xx-xxiii, *ante*. Cf. Hall, *Antiq. of the Exch.*, p. 65.

well as to the Marshal and Constable, with the dual functions which have been so clearly described in the *Dialogus de Scaccario*.¹ The Constitution of 1135, however, more immediately refers to the Norman *Curia*, and this is seen to be somewhat more archaic in its composition than the organized department of State established at Westminster at least since the beginning of the reign² of Henry II. If this view is the correct one, additional support is lent to two very shrewd surmises which have been made concerning the merits of a long-vexed question. One of these is that the English Curia and Exchequer would appear to have been at this date more fully developed than the Norman organization from which they were nominally derived. The other is that the reformation of the Exchequer in 1154 under Bishop Nigel was accompanied by a practical re-organization of the old system of the *Camera* and of the sessions "at the Tallies."³ In this connection, too, there is another doubtful reading of the text which has hitherto escaped attention. The Red Book, under the head of the Marshal's office, mentions the *Hostiarii militis Episcopi*. The Black Book has the reading *milites ipsi*; but it seems more probable that the officers referred to are Bishop Roger's deputies (the technical meaning of *milites*),⁴ namely, his nephew Nigel and Osbert Pont de l'Arche, who, as we know from the Pipe Rolls, were *custodes* of the Norman Treasury;⁵ and this explanation accords well with the

Bishop
Nigel's
staff.

¹ I. 5.

² Pipe Roll, 2 Hen. II., London.

³ Cf. Tallator, p. 811, and *ante*, ccxcix, in connection (as in the later Exchequer) with the Chamberlain's office. The presence of this officer is explained by the reference to the *dica* used by the Marshal. These are referred to also in the *Leges Henrici*, c. 56. See Dict. of Econ. Terms, s. v. "Dica." For other reasons, however, it would be more

convenient to suppose that *dica* stands for *decimas*, the allusion being to the official fees which were certainly taken at a later date at the Receipt (p. 973). For the explanation of *Testis per omnia*, and for the whole passage, see *Dialogus*, I. 5, under *Constabularius*, *Marescallus* and *Clericus Constabularia*.

⁴ *Dialogus*, I., 3.

⁵ Pipe Roll, 31 Hen. I., m. 6, pt. 2 d.

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pointed allusion to the rare attendance of the Treasurer himself in the Norman Household.¹ Finally, it will be noticed, that the above references to the marshals, clerks, ministers, officials, serjeants, and ushers in connection with the Treasury, to tallies and to allowances, are rounded off by the mention of watchmen whose duties, in the Pipe Rolls of the twelfth century, are inseparably associated with the safeguard of Treasure.²

In the case of the Household services of 1236 we again encounter more than one difficulty of interpretation. The regalia described in the text can be easily identified by the later inventories of the Treasury,³ but the trial of the several claims advanced on this occasion, which were set down for hearing before the Curia Regis at Easter of the same year, cannot be found among the surviving records of the Court. This deficiency is probably to be explained by the existence of a considerable gap in the series of Rolls for the period, but several important claims appear to have been decided on the spot by the youthful King himself. One of the most interesting of these is the contention between the Earls of Norfolk and Leicester for the exercise of the office of Lord High Steward. It is quite clear, however, that the latter did not, as has commonly been asserted, serve with the basin on this occasion. As Steward of the Household the titular Earl of Leicester must have found ample occupation in the arduous duties of his office, and especially in the ordering of a multitude of serjeants, whose services consisted in doing "whatever the Steward commanded them."⁴ The service of the basin belonged by right to the Chamberlain, and the actual procedure is described as follows in the text:—"Servivit autem ea die de Aqua,

Simon de
 Montfort
 as Steward.

¹ P. 811.

² *Dialogus*, I., 5.

³ Palgrave, *Kalendars and Inventories*, I., cxxii.

⁴ P. 754, and *Testa de Nevill*, passim.

“ tam ante prandium quam post, Major Camerarius, vide-
 “ licet—Hugo de Ver, Comes Oxoniæ,” and we are fur-
 ther informed that this was a hereditary office, and also
 that the Earl received as his fee the basin and towels
 with which he served.¹

One other personal allusion may be noticed, and
 this of a very interesting nature. The scribe who
 loses no opportunity of recording a precedent, especially
 such as might in any way concern the Exchequer,
 concludes with a most interesting digression on the
 nature of the Queen’s Gold. This passage is almost entirely
 defaced in the Red Book by gall-stains, but when restored
 by the help of the Hargrave MS., it is found to contain
 a most important piece of evidence bearing on the once
 vexed question of the authorship of the *Dialogus de*
Scaccario.² It is well known that the title of Richard
 Fitz-Nigel to the authorship of this treatise is based
 chiefly on certain autobiographical passages, but the
 only direct confirmation of this evidence, as against
 the tradition which has persistently assigned the author-
 ship to Gervase of Tilbury, was found in the Red Book of
 the Exchequer. This allusion occurs in the famous
 Preface to the Scutages attributed to Swereford him-
 self, in which a work by Richard Fitz-Nigel is referred
 to as being entered in another place. The greatest
 importance has been attached to this piece of evidence,
 but a careful examination of the existing state of the
 MS., and the remarkable instances of the loss of docu-
 ments which are known to have been formerly entered
 there, must be held to deprive this evidence of much of
 its authority.³ Fortunately, however, the Red Book has

Author-
 ship of the
Dialogus.

¹ In default of service of the Chamberlain these duties would probably have been performed by some serjeant, such as the tenant of the manor of Winfred Newburgh which was held by this serjeantry. (Close Roll, 39 Edw. III., m. 18.)

² Madox, *Hist. of Exchequer*, II. 345, Liebermann “*Einleitung in den Dialogus*.” pp. 12–14, Stubbs’ *Benedict Abbas* (Rolls), I. cxii.

³ See ante, p. x.

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preserved, in another passage which has hitherto escaped observation, far more convincing proof of the correctness of the above theory.¹ This occurs in the course of the definition of the Queen's Gold, and is as follows: "Et licet Ricardus Episcopus residet istud in libro suo"—Now the question concerning which Bishop Richard is stated to have suspended his decision, is in respect of the scale of payment due for the Queen's Gold, and we are enabled to identify the passage referred to in the text of the *Dialogus* itself, where the writer, after advancing the very same theory respecting the scale of payment due, adds, "De his igitur ad præsens cum modestia sustine: quia re nondum terminata suspensa resolutio est. Litigat sane de hiis pars Reginæ cum debitoribus; et adhuc sub iudice lis est."²

Although there may not appear at first sight to be more than a casual connection between the ordinary members of the Royal Household and the officers of State in their purely ministerial capacity, we cannot overlook the fact that for several centuries to come the latter continued to be nominally included in the establishment. The connection of the Exchequer itself with the *Camera* and Chapel is remarkably close, and it may indeed be said to have been evolved from the latter as a distinct department, known first as "the Tallies," and then as the Treasury, with its headquarters at Winchester, and afterwards at Westminster, to avoid the inconvenience of the frequent carriage of treasure and records. The department, moreover, was administered by a permanent staff of clerks—the deputies of the Household dignitaries, Chancellor, Treasurer, Constable, Marshal, and Chamberlains—who resided more or less continuously in the "houses of the Exchequer," whether or not the King wore his Crown or held his Court or Council in the Palace of West-

Composi-
tion of the
House-
hold.

¹ P. 760. This passage in the Red Book seems to have been illegible even in the 16th century.

² *Dialogus*, II., 26.

Privileges
of its
members.

minster, and even without much regard in later times to the duration of the Sessions of its own body. Now this old connection with the *Domus Regis* is doubtless responsible for the persistent claim of peculiar privileges which is such a noticeable feature of the Constitution of the Exchequer in the twelfth and thirteenth centuries. Like other servants of the King, the barons and ministers of the Chamber and of the Receipt respectively enjoyed exceptional privileges, and were amenable only to a jurisdiction which may be compared to the *Placita Aulae* of the Court of the Verge and of the Marshalsea. The officers who sat in solemn state at the Board of Green Cloth to audit the Household accounts and to hear Pleas affecting menials were, in fact, but the survivors of that official body which had found a more important occupation in administering the affairs of the nation.

Precedents
entered in
the Red
Book.

The Red Book of the Exchequer has always been regarded with especial veneration as a precedent book of the privileges and exemptions claimed by the officers and ministers of the Court. The precedents entered here are not many in number, but they have evidently been selected on account of their comprehensive nature and the very emphatic language in which they are couched.¹ That such privileges existed and also that they were of very great antiquity cannot be doubted. The Barons themselves in the reign of Edward III. stoutly asserted that the liberties of the Exchequer were established by Statute from the reign of the Conqueror.² We may smile at the thoroughness of their claim, but at least these privileges can be traced back to Norman times from the positive testimony of the *Dialogus*,³ confirmed as it is by the existence of official precedents, the great antiquity of which has not been

¹ See Nos. 39, 40, 89 to 98, 109, 170, 207, and 302, in the Table of Contents, all of which have been printed in the present volume.

² P. 833.

³ I. 4.

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generally recognized, as well as by the only surviving Exchequer Record of the first half of the twelfth century.¹

The *Dialogus* enumerates five principal liberties which were claimed and enjoyed by the officers of the Court early in the reign of Henry II., namely, to plead and to be impleaded in no secular or ecclesiastical court during the term of their residence at the Exchequer; to be exempt from imperial taxes, such as the Common Assize, Assart, Danegeld, *Murdram*, and Scutage; from royal tolls in the nature of Customs; to have immunity from any injury or violence offered to them or to their agents; and to exercise a needful discipline over their own members.

Evidence
of the
Dialogus,

The Pipe Rolls of the reign of Henry II. fully confirm the above assertions as to exemption of the Exchequer ministers from common Assessments, and an interesting list of these exemptions has been entered in the Red Book, in which, however, other than the Exchequer officials are included.² Two cases are also cited in the reign of John in which the personal immunity of the King's ministers in the discharge of their official duties was amply vindicated;³ and a third case of the same kind was reported by Swereford himself in the reign of Henry III.⁴

of the Pipe
Rolls,

The earliest Memoranda Rolls of the same reign supply numerous instances of the successful maintenance of the above privileges, which are solemnly confirmed by Royal Charter in the 39th year. Finally, they seem to have been formulated at the beginning of the reign of Edward I. in an official writ,⁵ the wording of which is largely borrowed from the text of the *Dialogus* itself.⁶

and Ex-
chequer
Records.

¹ The *Constitutio* of 1135, the lost entry of the Coronation ceremony of 1189, the *Expositiones Vocabulorum*, and the Exchequer Houses alluded to in the Pipe Roll, 1155, Lond. and Midds., are here referred to.

² P. 814.

³ P. 822.

⁴ P. 1010.

⁵ P. 823.

⁶ *Dialogus*, I. 8.

Possibly this was the reason why several specimens of the writ of protection in question were entered in the margins of the folios of the Red Book, which contain the text of this treatise. These instruments are eight in number, and the formula which obtains throughout the whole series, with some slight variations, is evidently based upon the above-mentioned passage in the *Dialogus*, which they reproduce almost *verbatim*. The later conception of the royal *prærogative* is partly responsible for the further declaration that the immunity of these royal ministers is directly connected with the *regia potestas* and its complement in the shape of the *publica utilitas*, and that any derogation of that immunity is a breach of the *regia dignitas*.

Later
 privileges.

At the same time, although several fresh privileges are here asserted, such as exemption from personal residence within a benefice, it is expressly provided that the protection in question is limited to the duration of the session, or, at least, to the actual attendance at the Exchequer on the King's business. It was understood, however, that the King's Treasurer could at no time be compelled to plead elsewhere than in the Exchequer Court; and we shall have occasion to notice presently that the attendance of the officers of the Receipt was constantly required between the several Terms, for which attendance they were paid on a regular scale by way of overtime. It was also understood that the same protection was extended to the deputies, menials, or agents of the Exchequer officers.²

Select
 Writs of
 Privilege.

The writs under consideration appear to have been entered in the Red Book of the Exchequer *specialiori modo*, but on what principle of selection is not quite apparent, since numerous examples of the same form may be found scattered throughout the Memoranda Rolls of the reign of Henry III. and Edward I. It is, how-

¹ Madox, II., 13.

| ² *Ibid.*, ch. xx. passim.

Cambridge University Press

978-1-108-05326-6 - The Red Book of the Exchequer: Volume 3

Edited by Hubert Hall

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ever, a fact that no enrolment of any one of the eight can be found in the Memoranda Rolls of the first or second years of Edward I., in which the greater number of them are dated, although curiously enough two writs in favour of Adam de Stratton are entered in one of these Rolls which correspond almost exactly in respect of date and object with a writ entered in the Red Book.¹ It was this circumstance of an enrolment *specialiori modo* which seemed to give some support to the theory respecting the entry of the proceedings on a Writ of Error in the 11th year of Edward III., which has been discussed in a previous volume.² A more reasonable explanation would seem to be that the *Brevia* are wanting in many of the Rolls of the period, the rescripts having been probably kept in a loose state amongst the Marshal's archives, and only a few specimens entered by way of precedents in the *Communia* or in Books of Remembrance, such as the Red Book itself.

Three further cases of Privilege are recorded in this volume. The first of these is a general confirmation by Letters Patent, dated in the 39th year of Henry III., of "all the ancient liberties and free customs" heretofore and still enjoyed by the Barons of the Exchequer and other ministers there.³ The second case would seem to apply more especially to the officials resident within the Palace of Westminster, such as the *custos palatii* and his menial servants; but it would probably have indirectly affected the occupants of the Exchequer houses within the verge of the palace.⁴ There is no distinct definition of the liberties referred to in the body of this writ, which is dated in the 7th year of

¹ P. 827, Table of Contents, No. 93.

² P. x.

³ P. 822. Table of Contents. No. 109.

⁴ *Curios and Antiq. of the Exch.*, p. 18. Cf. Pat. 48 Hen. III., m. 17, *Pro Ada de Strattono*.

Edward I.;¹ but we know, from an interesting case recorded in the Parliament Roll, 18 Edw. I., that the inmates of the Palace of Westminster enjoyed the ancient privilege, conceded by the Papal See, that they should not be cited to appear—presumably before an ecclesiastical tribunal. In the case referred to, Edmund of Lancaster had been cited before the Archbishop by Bogo de Clare and the Prior of Holy Trinity, both of whom were imprisoned by the king's command, because the Earl was at that time resident within the Palace of Westminster. The third case is that of the famous Writ of Error already more than once referred to, and the legal aspect of which has been exhaustively discussed by the learned Editor of the Year Book, 14 Edw. III.²

Antiquity
of Exche-
quer Privi-
leges.

The most interesting feature of the claim of Privilege made on this occasion by the Barons consists, as has been previously noticed, in the alleged antiquity of the Court. The same theme is enlarged on which figures in the documents of the reigns of Henry III. and Edward I., as well as in the *Dialogus* itself. Hitherto the earliest date which could be assigned for the existence of the liberties in question would seem to have been the reign of King John, on the authority of an enrolment of the 52nd year of Henry III.³ With regard to the positive reference which was made by the Barons in this case to eleventh and twelfth century evidences of their privileges, we should at least remember the unsuspected existence of several documents which prove the vast antiquity of the Exchequer practice.⁴

¹ P. 829.

² Ed. Rolls, p. xxvi.

³ Q.R. Memor. E. Com., 52 Hen. III., which relates how the King came himself to the Exchequer on the Monday after St. Dunstan's Day, and in full Exchequer enjoined the Barons to observe all the laws and customs of the Ex-

chequer as the same were observed in the time of King John and his predecessors. This is probably a reference to the practice of holding pleas there.

⁴ Memor. Rolls, Ric. I., John, in Exchequer (L.T.R.), Various, Bde. 5. Receipt Roll, 32 Hen. II. *Ibid.*