Court of the king sitting at the Exchequer," had achieved an equally high degree of organization. It is known to us through the Dialogue of the Exchequer which the Treasurer, Richard Fitz Neal, composed at the end of the reign of Henry II. It is a dialogue between the author and a member of the Exchequer who has sat there for a long time without understanding all the mysteries and asks for an explanation. The author distinguishes between the Lower Exchequer " inferius scaccarium " , which is a Treasury, and the Upper Exchequer, " superius scaccarium," which is an Audit Department. Twice a year—at Easter and Michaelmas—the sheriffs of the counties came to submit their accounts to the Upper Exchequer and pay into the Lower. The older of these two sections was the Treasury, the principal agents of which were the Treasurer and his clerk and the two Chamberlains of the Exchequer with the assistance of two knights. They were responsible for preserving Domesday Book, the Pipe Rolls, and the wooden tallies on which were notched and marked the sums received: in addition they had charge of the treasure chest. As a general rule they demanded payment of the sheriffs in good money; the amount tendered was melted and assayed. The Treasurer and the Chamberlains of the Lower Exchequer also figured in the Upper Exchequer but this exceedingly formal Department of Audit included also the Chief Justiciar, the Chancellor, the Constable, the Marshall, and all those sent there by the will of the king chosen from among "the most important and prudent subjects of the realm". The members of the Upper Exchequer were called Barons of the Exchequer. Technical experts and important personalities of the royal household and the baronage clerical and lay were assembled there together to inspire a salutary fear in the sheriffs and, in fact, they succeeded in terrifying them. The specialists alone, however, served any useful purpose and there is entertaining proof of that in

1 We have seen already (Bk. One, Chap. III, § II) how the Exchequer came out of the Household and was distinguished from it. It retained its private chest—the wardrobe, for the development of which see Bk. Three, Chap. IV below.

2 XXXIII; DLXVI , 836–840.

3 The exposition of the Dialogue is a little too theoretical. The sheriffs came to account with this regularity only from twenty-four out of thirty-nine counties. See CDLXXII, 483.

4 It seems that Pipe Roll merely means roll composed of membranes of parchment (pipes) sewn together end to end. DLVII, 829 ff., 749.
the argument between the two characters introduced in the *Dialogue of the Exchequer*:

"Why don't you teach the others your knowledge of the Exchequer?"

"But, my dear brother, you have been sitting at the Exchequer for a long time now and nothing escapes you for you are too scrupulous."

"But just as those who walk in the dark and feel with their hands often knock themselves, many are sitting there who look and see nothing and listen and hear nothing."

"Why do you speak so disrespectfully?" ¹

The technicians and accountants sat round or near to a table ten feet long and five feet wide covered with a squared black cloth, the divisions of which looked like the pigeon holes of an Exchequer. They used counters for the addition; and, according to the position they occupied, they could represent one penny or ten thousand pounds.²

Besides this audit, the Upper Exchequer was responsible for drawing up the Pipe Roll and, in addition, it established itself as a court of justice as need arose to settle disputed points. In addition to these different aspects the Exchequer possessed the mobility of the royal Court since there was no rigid separation from it. It was normally held at Winchester or London but could meet anywhere else.

It was not only during the sessions of the Exchequer, however, that the royal Court established itself as a tribunal. One of its principal occupations throughout the year was to do justice either at a common centre like Westminster or by an itinerant delegation.

Before the reign of Henry II the vast majority of cases were dealt with either in seignorial courts or in the old local courts of shire and hundred. The seignorial courts did not merely judge the petty matters affecting the use of the demesne but all civil cases concerned with tenures; in a word, the protection of property was entirely in the lord's hands. On the other hand, the shire court was dominated by the magnates of the district and the hundred court had frequently fallen at an early date under seignorial control. It was a court of criminal justice in which the lord exercised his "franchial" jurisdiction.³ In spite of the judiciary powers invested in the sheriffs and the appointment of

¹ *XXXIII*, 39.
² See the diagram reproduced in *XXXIII*, 46.
³ *XXXI*, 1–6; *XXXII*, 151–178.
certain judges working on the spot under conditions of which we know nothing, the great part of local justice slipped out of the king’s hands. In short, it was either popular or feudal. At the centre, the Curia, like the Court of the Anglo-Saxon kings, judged issues which affected the interests of the monarchy and heard appeals: it was a feudal court, like that of the ancient Norman dukes, which settled differences between barons. Sometimes it assumed an extremely solemn form, at others it consisted only of a group of competent lawyers whose work is already visible in the reign of Henry I. In short, it was extremely reminiscent of the Capetian Curia in its judicial aspect.

At the beginning of the reign of Henry II, as the result of an extraordinary legal revolution that we shall deal with later, it provided a powerful instrument of monarchical progress: instead of being an extraordinary tribunal with very little business, it became a normal court for the whole kingdom. For that purpose, it was necessary to organize the delegation of business and to dispatch missi: there were precedents for this among Carolingians, Anglo-Saxons, and Normans alike but it was probably Henry II who systematized the circuits. England was patrolled by personal friends of the king among whom we find Richard de Lucé, Thomas Beckett, Glanville, the Chronicler Roger de Hoveden, and the story-teller Walter Map. The editors of the Pipe Roll of 1176 gave them the title of "justitiariorum itineraries" which has had a long history subsequently. From this date of 1176, the institution is fixed and there are circuits almost every year. The kingdom is divided into regions (six for example in 1176) and each region is dealt with by a group of judges. The travelling justices were engaged on all sorts of business but chiefly "pleas of the Crown", which particularly concerned the king and the good government of the realm. It was the king’s Court on its travels but they only made use of the meetings of the shire courts. When they were presiding in the shire court it became the king’s Court and twelve loyal men from each town were summoned to these extraordinary sessions.

1 Unpublished documents used by Mrs. Stenton in C.M.H., vol. v, 584.
2 DXXXII, i, 109-110; DCCXXVII, i, 473.
3 CXXXIII, 167 ff.; DCCXVII, i, 725 ff.; DXXIX, i, 155 ff., 170;
DLXVII, 167-171; CVIII, 16 ff.; DCCIV, p. xvii ff.
This systematization of the missions is an important innovation but some considerable reform was brought about at the centre also. From 1178 onwards, we can trace the beginnings of the organization of a "Capitulis curiae regis" (this is the term used by Glanville) distinct from the feudal concilia (for it did not include any barons) and from the Exchequer. If consisted of five experienced lawyers—two clerics and three laymen—who did justice in the king's name. Very soon it became known as the King's Bench. The King's Bench was at the disposition of the sovereign who could decide to take it with him on progress. John Lackland frequently did this and, as a result, a division occurred. The Chief Justiciar remained at Westminster with a separate group of judges and this duplicate Bench became the Court of Common Pleas.¹

This extraordinary development of the royal courts in England was parallel to that of legislation and the law. In fifty years the most rapid revolution which Western Europe witnessed throughout the Middle Ages was accomplished in the development of centralization and uniformity under the monarchy. Whereas, previously, the royal judges had taken cognizance only of those cases which affected their master, the public order or the people immediately dependent on the Crown, the new legislation gave them jurisdiction over a wide variety of cases. The victory was all the more important because it was a definitive one. In the thirteenth century, in spite of the slight setback marked by the Great Charter, the rising tide of royal justice continued to overwhelm seignorial jurisdictions. There only remained a few islets.²

In short, the king considered that "liberties" existed only by his grant, that justice could be administered only as the delegation of his authority and that he had the right to resume alienated powers. But at the same time, by the institution of the jury, Henry II established throughout the country for many centuries the spirit of decentralization and self-government.

¹ Text of the Gesta Henrici Secundi in CXXXIII, 155; DCCXXVII, 1, 719 ft.; CCLVI, pp. xi-xvii; DXXXII, 1, 158-4, 169 ft.; CCLIV, 136-143; CXL, 214 ft.
² CXL, 6.
Thanks to Henry II who, we are told, was capable of legal innovation and his advisers who understood the principles of Roman Law and knew its technicalities the English monarchy was the only lay power in Western Europe to establish a common law by the beginning of the thirteenth century. In France and Germany local custom still prevailed. The characteristic of royal justice in England was that it held local custom as of little account and that through its system of assizes and writs it established a procedure and a jurisprudence of general application which was, on the whole, favourable to a free middle class and hostile to the seigniorial spirit.

We might well add “hostile to the clerical spirit” for Henry II sought to limit ecclesiastical jurisdiction and to make certain that criminous clerks were punished. The constitutions of Clarendon formed an important and significant part of his legislation. He suffered a partial check on that issue, however, and the question is so closely bound up with his conflict with the Primate, Thomas Becket, that it is best to deal with it separately. Apart from the Constitutions of Clarendon, the legislative documents of Henry’s reign are called Assizes, a word which also means “a session of the court” or “a jury which inquires and decides a question of fact” or even “an action where the procedure of assizes is employed.” The texts of the Assize of Clarendon (1166), the Assize of Northampton (1176), the Assize of Arms (1181), and the Assize of the Forest (1184) have been preserved for us. Like the Carolingian capitularies which were, for the most part, a kind of circular sent out to the “missi” to assist them in deciding difficult cases, the Assizes in most of their provisions were practical rules to put into operation rather than laws. The assizes of Novel Disseisin (1166),

1 LXXXI, 237.
2 DCLXX, 374 and note; DXXXII, i, 160 ff.
3 Vinogradoff (DCLXI, 195–8) has raised objections to these opinions which, I think, have little weight. It is certainly true that the claims of custom are put forward in the Great Charter, but as a line of reaction against the advance of the royal power.
4 OCLXXVIII, 48, n. 3.
5 XXXIII, 170 ff.
the *Grand Assise* (1179), the *Assize of Mort d’Ancestor* (? 1176), and of *Dernier Presentement* which we know only through the commentaries of Glanville must have been of a similar character. We shall have to speak of the Assizes of Arms and of the Forest later. The Assizes of Clarendon and of Northampton were primarily important police regulations issued to deal with the brigands who were still abundant in 1166 and were revived by the civil war of 1178. Henceforward no privilege could give malefactors impunity. More important in legal history are those of which our knowledge is derived through Glanville. They were not without precedent. They were based on the procedure already adopted in the time of Henry I and Stephen but they systematically replaced the rule of violence by the reign of law and they gave complainants an opportunity to avoid the delays and the barbarous procedure of feudal justice. However, they were not aimed directly at the destruction of feudal justice. They offered to everybody a quick and rational procedure by which the nobility itself could frequently profit. Their intention was to protect possession as distinct from proprietorship. One could not be dispossessed of possessions without process of law even if the possessor’s title was not above suspicion. For example, after “Mort d’Ancestor”, the dead man’s heir could not be dispossessed by violence of his ancestor’s possessions. If a lord considered his rights better than those of the dead man and took possession of the inheritance, a jury of neighbours would be required to say whether the dead man held the tenure at the time of his death and whether the man dispossessed is his rightful heir; if these are agreed, the heir would resume possession pending judgment. An even more severe blow was directed against the baronage by the Grand Assize of 1179; it roused no resistance although it attacked their very right to do justice: no sentence of dispossess could be pronounced in a case concerning a free tenure unless the trial had been authorized by a royal writ; on the other hand, the defender in such a case could always refuse the judicial duel (a very unpopular Norman practice introduced after the Conquest) and even demand to be tried by the royal judges if he was justiciable in a feudal court.¹

The jury, to which it was possible to have recourse to avoid the duel, was a group of neighbours called together by a public officer to answer some question on oath and state the truth concerning it. It was an institution of Frankish origin; the Frankish kings employed the jury to discover criminals and false officials; William the Conqueror introduced the jury to England and used it in the compilation of Domesday Book, but before the reign of Henry II it had been more frequently used for administrative purposes than judicial. Henry II did not cease to use it for obtaining information but he must have the credit for making it a smoothly working judicial institution. In cases of Novel Disseisin the jury answered on questions of fact but the plaintiffs were allowed to declare acceptance of their verdict. In this way, trial by jury was introduced. Finally, in each county twelve men from every hundred and four from each village were required to lay information against murderers and robbers before the itinerant justices; the sheriffs were instructed to make equal use of the jury of presentment to learn what crimes had been committed. The jury of presentment of the hundred, chosen by the sheriff in the time of Henry II, was recruited by election from the end of the twelfth century. The method of election was a complicated one inspired by an ecclesiastical usage (the method of compromise): there was always considerable distrust of any simple system of election in the Middle Ages. The chief men of the county, probably those who were present in court, elected four knights who, in turn, chose two "loyal knights" for each hundred. These two loyal knights with ten others whom they chose themselves comprised the jury of the hundred. If knights were not available, free men might be chosen.

In using the elected jury in this way the English kings were sowing the seeds of a representative system in their

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1 For all that follows, see the classical work of H. Brunner, OD, 127 ff.; DXXX, i, 138 ff.; DXXXVII, i, 725 ff.; and above all, J. B. Thayer, DXXXV, chap. ii.

2 The accusing jury of twelve thanes existed, however, ever since the Scandinavian invasions, in the counties most affected by Scandinavian influences, the Danelaw.

3 See the examples of administrative inquiries before Henry II, and during his reign, quoted by Haskins, OCL, 234 ff.

4 Instructions of 1194; OXXXIII, 252.
counties. We shall meet the jury again when we come to speak of taxation.

IV

THE REVENUES OF THE MONARCHY

When we consider the fruits of the royal demesne or the other revenues paid into the Treasury we are struck by the extent of the rights which the English monarchy assumed for itself; it is on this side that it undeniably oversteps the boundaries of Feudalism.¹

Like the Capetians, the Plantagenets were expected to draw their normal revenues from their demesne. It was farmed out to the sheriffs just as the demesne of the Capetians was to the Provosts.² But in England there was an exorbitant privilege attached to the rights and revenues of the demesne in “The Forest” which was of Frankish and Norman origin. The forest, said the author of the Dialogue of the Exchequer, consists of certain hunting preserves which the king has built up for himself in the well wooded counties; he goes there to forget his anxieties in enjoyment of the rest and freedom of nature.

Offences against the forest were outside the jurisdiction of the ordinary courts; the special Forest Laws were based

¹ Stubbs’s exposition has become out of date, DChXVII, i, 461 ff., 600 ff. The most important financial documents are the Pipe Rolls (see above). At the present time, unfortunately, they have been published only in part, and even those which have appeared have not been made the subject of any profound studies. The work of Sir J. H. Ramsay, DLVI, must be used with caution (see GULXXVII, 48 ff.). The extant accounts, even when minutely studied, do not provide a total of the resources—they are not budgets. The king possessed a Household Chest in the king’s chamber (in camera regio) for which we have no accounts. In our opinion, it is impossible to make a precise estimate of the financial resources that Henry II, Richard, or John could dispose of, and even more to attempt any comparison with those of their Capetian contemporaries. We can say, however, that all the facts we possess and the comments made by contemporaries show that they were much richer than the kings of France. We cannot accept the contrary conclusions of F. Lot, CDXXXVI, 135 ff. See our c.r. criticism of this work in B.E.C., 1935.

² DChXIV, 175–149; DVII, 13 ff.; GULXXIV, 124 ff. Turner has given figures county by county from the fifth to the fifteenth year of Henry II. Parow has studied his sixteenth year in particular, and established the total of all the revenues drawn from England: £23,535 1s. 10d. sterling, of which £19,423 19s. 7d. were paid into the Treasury, and the rest spent on the spot. Of this £23,535 1s. 10d., £10,529 17s. 4d. came from four of the counties (DVII, 48–9). The pound sterling was four times the value of the pound tournois (GULIX, 335).
"not on the Common Law of the kingdom but on the will of the prince and so we say that their consequences may not be absolutely just but they are just according to the Law of the Forest".\textsuperscript{1} The forest chiefly consisted of woodland but it also included heathland and pasture, and even arable country and villages not only on the royal demesne but in tenures held by subjects, even important lords. In the twelfth century, only six out of thirty-nine counties did not contain some forest land and Essex, which was certainly exceptional, was completely under Forest Law. In these extensive preserves game swarmed and the forest dweller, whether he was peasant, knight, or churchman, was not only forbidden to interfere with the beasts, he dare not touch the greeneries which fed and sheltered them. Fines and extra rents were constantly being extorted. In his Assize of the Forest for which he gained baronial acceptance in 1184, Henry II re-established the ancient regulations in all their force:—

No one shall fail in his obligations to the king for his game of his forests in any respect. Henceforward if any man is convicted of having failed, the king will have full justice of him as it was in the time of the king his grandfather. . . . Let his foresters take care that the trees be not destroyed in the forest by knights and others who have woods within the king's forest; if any are destroyed take careful note to whom they belong so that the fine is levied on them and their lands and not on others. . . . The king forbids any man to have bows, arrows, or dogs in his forests at least without surety. Henceforward he forbids hunting by night within his forest or without in those places where his big game is to be found and where it is usually left in peace, under penalty of a year's imprisonment and composition and redemption at the king's will."\textsuperscript{2}

The forest is, at the same time, an expression of the king's pleasure and a financial instrument. It provides the king not only with tyrannical pleasures but also with arbitrary revenues.

It is not subject to the custom of the kingdom but is the refuge of despotic power.

The rights which the Plantagenets enjoyed as suzerains were much more fruitful than a Louis VII or even a Philip Augustus could command because they were more severe and the power of the monarchy had practically no limits but

\textsuperscript{1} XXXIII, 105.
\textsuperscript{2} XXXIII, 186-8.
\textsuperscript{3} CDXXXII, CXXVII; my studies, DXVIII and DXX, vol. ii, p. 147 ff. (or DCXXXVII, ii, 757 ff.).
those of the kingdom. Escheats, that is to say the forfeited property that reverted to the Crown, provided the Treasury with considerable resources. Glanville informs us that the heir to a barony in chief paid a relief “at the kings will”. The nobility and churches suffered from abuses of the right of wardship: widow and daughters not yet of age from abuses of the right of marriage. The barons complained that the king monopolized the Jews and reserved for himself the right to part of their inheritance. The feudal aid due on three occasions (sovereign’s ransom, knighting of his eldest son, and marriage of his eldest daughter) became, on occasions, a crushing burden. To ransom their captive King Richard, his subjects had to pay a quarter of their movable goods. Finally, the regularity of the sessions of the Exchequer and the circuits of the itinerant justices, the extension of the pleas of the Crown, and the procedure of assize gave royal justice a fiscal importance it had never possessed before.

When we seek to measure the forces of expansion and resistance in the Angevin empire, obviously we must remember that Normandy and the other fiefs held of the King of France were not only sources of expense for the Plantagenets but also of revenue. Normandy, in particular, provided them with important receipts which they used not only on local defences but to meet any pressing need of the moment. Bullion was frequently shipped across the Channel. The Capetians possessed nothing outside the boundaries of their kingdom comparable to the demesnes and extremely valuable rights which the King of England enjoyed in France.

In particular, however, it is the early development of taxation in England which deserves our attention. The expansion of the administration, the expenses of an imperialist policy, and also the Exchequer’s difficulty in collecting debts forced the Plantagenets to seek other sources beyond their demesnes and their feudal rights. They levied “customs” on trade in the ports and markets and none of them showed any hesitation in imposing frequent direct taxes either of lands or movables which, under one form or another, fell on all classes of the nation—clergy, nobility, free tenants,

1 DXXXII, i, 468 ff.; CCCCLXVII, chap. iii–vi.
2 CCLXXIV, 346.
3 CCCXXXVIII, i, 57 ff.; CCCXVIII, chap. i.
and towns. The old Danegeld which was farmed out to the sheriff and profited scarcely anybody but him was suppressed by Henry II and replaced by more productive taxes. All the forms of imposition used in the thirteenth century can be found already in the twelfth; sometimes one was employed, sometimes another. It was not Henry II who invented scutage, the tax on knights’ fees in place of military service, for we have an example of its use by Henry I but he used it seven times to provide mercenaries who were more dependable and manageable in time of war than the feudal levies. Then he exempted from military service those of whom he demanded scutage. It was usually imposed at the rate of two marks per knight’s fee. Richard Cœur de Lion invented a land tax on holdings of all sorts called “carucage” or “hidage”, because English land was divided into carucates or hides. Finally, this period provides instances of taxes on movable goods levied for the needs of the Holy Land.

These extraordinary aids, it is true, were only remotely akin to modern taxation. They were based on the principle of the help which a man owed to his lord in cases of emergency and, consequently, were not imposed annually or even regularly extended to include all his subjects. Frequently they spared the royal demesne and the goods of the clergy which the king could reach by other means, tallaging the inhabitants of the demesne and demanding gifts from the clergy. The chroniclers have exaggerated the burden they imposed. Gervais of Canterbury, for instance, suggests that the great scutage of 1159 raised £180,000; but the sum received from scutage at the rate of two marks a fief was, at most, £2,240. On the other hand, in the assessment and distribution of the tax, the royal agents used liberal methods: they arranged circuits (which frequently coincided with those of the itinerant justices) to consult the people concerned, collected their returns, and even made use of the jury. The taxation, nevertheless, grew heavier and heavier and the feudal fiction of assistance given to a suzerain was inadequate justification for financial policy more and more arbitrary and exacting.

1 CDLXXIV, 5 ff., 946 ff.; DCXV, 466 ff.
2 There is a complete literature on this obscure question of scutage. See, in particular, CLIII, chap. i–ii; DLXXXV, 262 ff.
3 On the needs and expedients of Richard Cœur de Lion, see DCXIII; GCXI, ii, 89–91; iii, 101, 179 ff.
Conflict was brewing and no one thought of preventing it by the creation of methods adapted to the new circumstances.

V
ARMY AND NAVY

We have seen that William the Conqueror, to establish his power and his military forces in particular, fused Anglo-Saxon, Danish, Carolingian, and Norman traditions. He had retained the fyrd, the Anglo-Saxon national army, and introduced Norman feudal service. The Norman kings had also made use of mercenaries. These principles and practices had become thoroughly degenerate during Stephen’s reign and led to disorder and anarchy. Henry II reconstituted the royal army by stages.

His predecessors had negotiated with the counts of Flanders to obtain knights and sergeants. The numerous families of the petty Flemish nobility provided excellent soldiers who were hardy and gallant but ruthless pillagers. Henry II on his accession cleared the kingdom of them. In need of mercenaries for his wars in France, in 1163 he concluded agreements with the Flemish barons and gave them fees in money on condition of homage. They undertook to provide a knight’s service at the rate of three marks a year. He also concluded a recruiting treaty with the Count of Hainault who became his vassal on condition of the payment of 100 marks a year.¹ For his Crusade in the Holy Land Richard enrolled knights and sergeants drawn from every country of Western Europe and men of Wales, Brabant, Flanders, and Navarre fought by his side in his French wars. John Lackland made use of mercenaries and abused their potentialities.²

Henry II had the wisdom to rely on his knights and the fyrd to maintain or restore order in England. As a result of the big inquests he made in England in 1166 and in 1172 in Normandy he fixed anew the number of knights that each tenant in chief owed him. The rate of scutage when he demanded it from his barons was based on the same

¹ OCCLXXXIV, i, 68–71, 76.
² DCXXVII, i, 708–4; CCCXII, 181 ff.; CCCXI, 421 ff.
assessment. Finally, in 1181, by his famous Assize of Arms he reconstituted the fyrd. This curious ordinance bears a very close resemblance to the capitularies of Charlemagne on military service by free men. All subjects of noble and free status must possess military equipment and swear to maintain it at the king’s service. Whoever holds a knight’s fief must have as many coats of mail, helmets, bucklers, and lances as he has fiefs; the free layman who possesses sixteen marks’ rent must possess the same equipment as the knight; the one with ten marks must have a coat of mail, an iron helmet, and a lance; other freemen a padded coat, an iron helmet, and a lance. The export of arms is forbidden and the itinerant justices are made responsible for drawing up lists of freemen in their classes by inquest of a jury and receiving the oath of arms.

The same assize forbids the export of ships or of wood that can be used in their construction. This is one of our oldest texts about English maritime legislation the origins of which are shrouded in obscurity by legend. The early Plantagenets certainly needed to make sure of having some rapid and dependable means of communication with Normandy and Richard Cœur de Lion assembled an imposing fleet for his Crusade. From the time of Henry II, the Federation of the Cinque Ports (originally Hastings, Sandwich, Dover, Romney, Hythe) undertook, in return for its privileges, to provide ships in time of war.

VI

THE KING AND HIS ENGLISH SUBJECTS. THE CONFLICTS

What was the reaction of the English to the attacks of this powerful monarchy with its efficient servants and its extensive resources which was attempting to restore public peace and the prerogatives of the Norman monarchy which

1 DLXXXV, 236 ff.; DXLI, 492–520; DXLII, 89–93; CCCXL, 161. Comparison with the Sicilian Catalogus baronum, CCCXLIII, 653 ff.
2 Text in CXXXIII, 183 ff.
3 CCXI, ii, 99, 125.
4 See my notes in DXVII, 96 n. 1, and in DCXXVII, i, 842 n. 2; CLIV, 732–3; DXII, 499–511.
had disappeared during Stephen's period of anarchy and even seeking to establish a new law and oblige all subjects to recognize royal justice? Did it provoke conflicts?

They had occurred and sometimes in a very serious form particularly during the reign of Henry II but reaction and conflict had produced each other in succession and had done little to damage the achievements we have just been surveying. Unity among the aggrieved holders of privileges was only achieved at the period of the Great Charter. Under Henry II there developed an antagonism between the king and the Archbishop of Canterbury and later a feudal rising which proved less serious in England than on the Continent. The towns and London in particular did not demand serious attention from the monarchy till the end of our period.

The story of Thomas Beckett need not be repeated here; its importance for us lies in the light it throws on the relations between Church and State in England at that period. We shall see that Becket by no means personified the Church or even the English clergy. An unbalanced and spiteful prelate, impatient of every restraint, he came into collision with a king jealous of his authority who was not able to maintain his customary prudent and farsighted approach. In a field in which peace had throughout only been maintained by supple and discreet diplomacy two overbearing men were brought abruptly face to face. Neither of them presented his case well, but our interest, in this book, is to see what was the basis of the question and how it was solved.

Thomas Becket had previously been Chancellor and the king's friend and Henry II, believing that he could rely on him, had secured his election as Archbishop of Canterbury (1162). Thomas had been an irreproachable priest but he made a hateful primate, a troublesome and aggressive lord in his temporalities, and an intractable subject. He had already alienated one group among the bishops and the baronage and Henry II was already thoroughly annoyed by his attitude when the publication of the Constitutions of Clarendon brought them into open hostility.¹

The record which we possess of the meeting held at

¹ The conflict is well dealt with in CCCXVI, chap. v and vi; CCCVII, chap. xii; CCCXVIII, chap. ix and x; CCCIX, chap. xiii and xiv; CCCXXXVI, chap. vii.
Clarendon (January 1164) and the text of the Constitutions show us clearly how the question was raised.\(^1\) The king’s advisers, Richard de Lucé and Jocelin de Bailloul, who had drafted the text did not claim to be introducing any innovations. They began as follows:—

... In the presence of the king we have made record and recognition of a certain part of the customs, liberties and dignities of the king’s ancestors, namely of King Henry I and others which should be observed and maintained in the kingdom. And on account of the disagreements and dissensions which have arisen between the clergy on the one hand and the Justices of the Lord the King and the barons of the realm about these customs and dignities, this recognition was made in the presence of the archbishops, bishops, and clergy and the counts, barons, and magnates of the realm.

In fact he was seeking in general to effect a restoration, and to check the advances at the expense of the State made by the Church and the Holy See and to destroy them whether they had been achieved as a result of the anarchy of Stephen’s reign or of the new Canon Law. The English Church at the time of William the Conqueror, William Rufus, and Henry I was submissive; he sought now to reduce it to submission again. The king found that certain prelates now stood for political independence forgetting that they had duties as barons. They failed to make an appearance at Court and departed to the Continent to cabal with people of suspect loyalty. The regalian rights were challenged; the election of bishops and abbots were not always carried through according to the king’s will and the elected candidate secured consecration before doing him homage. The king also received with some satisfaction the personal complaints of the barons—the power of excommunication was used prematurely and improperly; the Church robbed the lord of his peasants by conferring ordination on them without his consent; it challenged the rights of patrons who were entitled to appoint incumbents to churches. Above all, however, the encroachments of the ecclesiastical courts,\(^2\) which William the Conqueror had imprudently established, menaced lay society and thwarted the re-establishment of public security. The Church courts claimed to be the only judges of criminous clerks and murderers were sentenced only to degradation;

1 OXXXIII, 161 ff.
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they controlled trials for debt on the pretext that the debtor
had sworn an oath to his creditor; the archdeacons who were
proverbial for their greed summoned laymen before their
courts at random to inflict unjust fines. Conflicts between
lay and ecclesiastical courts were all the more numerous
because there was frequent litigation over the origin and
character of tenures; thus, a case about a lay tenure was
claimed by the church court on the grounds that it was
"in free alms" 1 and they would not admit the right of the
royal courts to determine this point of fact.

The Constitution of Clarendon sought to remedy such
abuses and avoid conflicts. They compelled prelates to fulfil
the obligations of loyal barons and they limited the rights
of the ecclesiastical courts, but they were framed with moder-
ation and provided for the liberal use of juries to settle cases;
they laid it down, for instance, that the archdeacon should
not be deprived of any of his just rights and that if he was
concerned with land recognized by a jury in the royal court
as a tenure in free alms the cases should be concluded in the
Church court. 2 Similarly the king promised to check any
magnates of the realm who refused to acknowledge ecclesi-
astical jurisdiction in cases which concerned them or their
retainers. Six out of sixteen articles were subsequently
declared by the Pope to be quite acceptable, including the
one which made the ordination of peasant's sons dependent
on the previous consent of his lord and the one which com-
pelled the archdeacons to accept a jury of presentment when
they wished to summon laymen.

Others, however, were in conflict with the letter or, at
least, the spirit of the Canon Law as it was then taught,
particularly the one forbidding appeals to the Pope without
the king's permission and two others which we must quote
in their context:—

In case of the vacancy of an archbishopric, bishopric, abbey, or
priory in the king's patronage . . . when the time comes to make
provision to the church, the lord king should instruct the principal
dignitaries of that church and the election should take place in the
lord king's chapel with the consent of the king and the advice of
the people he has summoned for the purpose. And there the elected
candidate shall do homage and swear fidelity to the lord king as

1 See p. 71 f. above.
2 CccLXXXV, 1–11.
his liege lord on his life, limbs, and his worldly honour, saving his order, before being consecrated.

Clerics accused of some crime having been summoned by the king's judge shall come to his court to answer there the charges which the royal court considers they should answer there and to the ecclesiastical court to answer the charges which they should answer there so that the royal judge will be able to see how the matter is being treated in the Court of Holy Church. And if the clerk is convicted or has confessed, the Church should protect him no longer.

This famous clause about criminous clergy was too concise and badly drafted and it raised many difficulties in interpretation. It seems to us that the lay court would have the first dealings with the matter and that the clerk would have to answer there for offences which were within the competence of the church courts. From there it would be sent to the Church court where, if the offences had been proved, the trial would be carried out in the presence of a representative of the royal judge; if he was found guilty and degraded, the lay court would condemn him to the temporal punishment he deserved and the sentence would be carried out.

Because of the enormous number of crimes committed by clerks at that time, the solution was reasonable as many of the English bishops thought, but Becket, after some hesitation, rejected it, repeating the words of the prophet Nahum "God does not punish twice". Henceforward he opposed it with the obstinacy of a man who has found a slogan and refused to accept the Constitutions of Clarendon. Henry II employed devious methods to force him to resign. He heaped penalties on him and accused him of misappropriating the royal revenues when he was Chancellor; finally, he secured his condemnation by the Court as a traitor and perjurer. Deserted by the bishops, who were satisfied to stay away from the trial, Becket fled to France. That was the only means open to a man who declared that the spiritual is infinitely superior to the temporal power. He relied on the King of France who supported him as far as his scanty means allowed. He was also counting on the Pope, Alexander III, but he was involved in his quarrel with Frederick Barbarossa and was himself in exile at the Court of Louis VII and could not afford to break with the powerful Henry II. For six years, the adversaries cast vain insults at one another. Becket

1 i.e. saving what the divine law enjoins on the clergy.
2 CDLV, 224 ff.; DXXXII, i, 467 ff.; COUVII, ii, 97 ff.
excommunicated the English bishops and Henry's advisers without daring to excommunicate the king. The Pope's delays involved the king and the archbishop in such an embarrassing situation that the enemies reached a sort of truce. Becket returned to England in 1170 with no intention of yielding and we know how he was assassinated by four knights of the king's household. Henry II had not given instructions for the murder but, by his own confession, he had unwittingly encouraged his followers to it by his complaints against the archbishop. At Avranches on 21st May, 1172 he submitted to a humiliating penitence.

This crime which had been promoted by zeal for the monarchy did not heighten the tension between Church and State. On the contrary, Henry II was now forced to make concessions and the Church was quite ready to express satisfaction. Freedom to appeal to the Holy See was recognized and criminous clerks, except in cases of high treason or crimes against the Forest Laws, were not subject to royal justice. The Church courts retained their competence not only in the affairs which were purely ecclesiastical and those which related to tenures of free alms but in the correction of sin (adultery, usury, etc.) and on questions of marriages, wills, and promises on oath; the extent of Church jurisdiction was therefore, as on the Continent, very considerable. The appointment of beneficiaries by the patrons of churches, however, remained a temporal right and this principle, which was peculiar to England, was to involve important consequences at a later date. Finally Henry II and his sons retained control of episcopal and abbatial elections which only became free once more at the time of the Great Charter.

Among a small implacable section of the English clergy there remained a leavening of bitterness against the monarchy. They preserved their admiration for the holy martyr, Thomas Becket, and also for those who had offered him asylum—and they thus formed the nucleus of an English party supporting the Capetians in reaction against the tyranny of the Plantagenets. The great majority of the Clergy, however, showed no lasting hostility to the king because of the brutality

1 There is a detailed account of Becket's stay in France in CODXX, i, chap. xx–xxiii; ii, chap. i–xvii.

he had shown but remained faithful to Henry II and Richard and continued to furnish the Crown with advisers and officials.

Nevertheless this great struggle had not left the position of the monarchy unaffected. In the Middle Ages, a king who was forced to do penitence could expect little good of his subjects for his authority was primarily based on the fear he inspired. Now, even in England, the great feudal lords had little love for Henry II. He was not ostentatious or vainly extravagant. He used his money for purposes of administration or corruption and kept the best hunting lands for himself when they were in the demesnes of his barons. He preferred diplomacy to war and took little pleasure in tournaments. The author of the *History of William the Marshal* says that in his time England was not a good place to live in except for the lesser country gentry. For the life of the chivalry and tournaments, one had to go to Normandy or Brittany. There is little to suggest that the English nobility was very quick to feel the crushing weight of taxation but they were extremely dissatisfied by the encroachments of royal justice and the sheriffs whom the king no longer appointed from among the barons were frequently very ungraciously received when they came to enforce their claims to apprehend fugitives even within the castles. In short, there was general regret for the good regime of King Stephen and, in the year which followed the king’s humiliation at Avranches, there was a growing belief that the time had come to shake off this yoke.

The royal prestige was so great and its administration already so strong that the rebellion would probably not have been very serious if its centre had not been in the royal family itself. It was Henry’s sons and his wife Eleanor who were the principal promoters of the coalition of 1173 which set fire to the whole of the Angevin Empire and the danger was greater on the Continent than in England. The counts of Leicester, Chester, and Norfolk and the Bishop of Durham had control of formidable castles in the centre and north of the island and their rebellion had the support of

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1 On all that follows, see *DLXXVII*, i, 577–617; *DLXXXVIII*, ii, chap. iv; *DLXIX*, chap. vii.
2 *LXVIII*, i, 56–7, lines 1392–1545.
4 Map of the Castles in *DLXXXVIII*, ii, 140.
the King of Scotland, but they found no support among the rest of the population which is a fact of some significance. The severe administration which Henry II had instituted was satisfactory to almost all the clergy, to the smaller country gentry, to the free tenants, and to the citizens of the towns; led by the parvenu barons and the royal officials they conducted a good campaign in Henry's absence and forced the great Anglo-Norman counts to yield. Henry II, a conqueror on the Continent, showed his generosity when he returned to Britain and pardoned them. The family feuds and revolts which darkened the last year of his life only disturbed his French possessions.

During Richard's reign, part of the nobility accompanied him to the Holy Land and in spite of his mistakes and the treachery of his younger brother, John Lackland, he was able to spend almost his whole reign out of the kingdom without compromising the authority of the Crown. Peace was maintained during his absence by extremely crude police methods and when John ascended the throne he had strong support.

We have just seen that Henry II in 1173–4 had fully tested the loyalty of the mercantile classes. We may wonder what he considered the political role of the English towns to be at this period. Could they give or had they given the Angevin kings the support which, as we shall see, the French communes had given to Philip Augustus?

The fact that in the thirteenth century the Plantagenets considered it an easy matter to summon representatives of the towns to certain "parlements" of the Court must not mislead us. We must not imagine that, apart from London, there were at that time important towns with extensive franchises enjoying the status of royal vassals. They were small semi-rural concentrations. In spite of their commercial relations with Normandy, Poitou, and Flanders and the undoubted influence of Continental municipal customs on their own they had followed only at a great distance and in a very hesitating fashion the twelfth century emancipation movement of the French towns. London alone

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2 The population of the largest, except for London, scarcely exceeded five thousand inhabitants (OXXXIV, i, 78, n. 4).
3 DLXXXVII, 245 ff.; GLVIII, 1st article, 72 ff.; DXXIX, 60 ff.
was a great centre though extremely incongruous and
cosmopolitan, alone able to make an attempt to model itself
on the French Communes. Its chief men were occasionally
referred to as "great barons of the city". As one legate
remarked, they were so to speak Magnates of the Realm.
They were discontented and the monarchy was forced to make
concessions. Henry I had granted them the right to hold
the farm of the City and the whole County of Middlesex
directly and to elect their own sheriff. They took part in the
election of Stephen and bound themselves under oath
to drive out Matilda. They were held closely in check by
Henry II but they took advantage of the absence of Richard
and the conflict between William Longchamp and John
Lackland to form themselves into a commune in 1191 and
elect a mayor. Some of the citizens did not hesitate to say
that their mayor was the only king they knew. On his return,
Richard abolished the commune but allowed them to retain
their mayor. In the other towns, the Plantagenets
sold for ready cash judicial, commercial, and financial
privileges, in particular the right of collecting and paying
directly into the Exchequer the "farm of the borough"
but they rarely allowed them to have elected officers. Henry II
considered the grant of charters merely a means of
enriching his revenues and, in fact, as a result he did nothing
but confirm liberties previously granted by Henry I. Richard
was rather more liberal largely because he was in more urgent
need of money. Not until the reign of John Lackland,
however, can we distinguish a policy favourable, at least

1 On London in the twelfth century, see CDXXXIX, chap. vii-ix.
2 DLXXXVIII, 252 ff.
3 Liv. ii. 576.
4 DLXXXVI, app. P. : DLXXXVIII ; my study of London in DCXXXVII, i,
846 ff. ; XIV, 481 ff. ; DOLXXV, chap. i-iv.
5 Not only to the towns on the royal demesnes, but to those under seignorial
jurisdiction. Certain liberties were obtainable only from the king or with
his authorization. Seignorial towns frequently obtained charters simulta-
nenously from their lord and the king. The charters of Leicester provide a
typical example ; see XV, and the intro. p. xv ff.
6 It is impossible to go into details here. See the bibliography in DCXXXVII,
i, 824–860, and iii, 646, 656 ; C.M.F., vi, 886–7, 898 ; Gross, Sources, §§ 24,
57. The reader will find a judicious selection of charters in CCCXXIV,
vol. ii, in CXXXIII, and systematically classified texts with an important
introduction in XL.
7 On the firma burgi and the meaning of liber burgus, "borough," see
CCCXXIV, i, 5 ff. ; DXXXII, i, 634 ff. ; CDTIV, 173–4 ; DXXIX, 92 ; DOLXXVIII,
321 ff.
intermittently, to the development of municipal liberties. It was on his accession and during the grave crisis of his reign—in 1204–5 and 1215–16—that John granted the majority of the sixty-one charters enrolled on the Charter Rolls. It was undoubtedly a fiscal expedient but it was also a means of securing allies. Two-thirds of these deeds are dated in 1199, 1200, or 1201. At the same period, with an intention we shall emphasize later, John was multiplying his concessions to the towns of Normandy and Poitou. We must collate these facts to find their real significance: it is one of many proofs that the history of England at this period should never have been separated, as it has been by many scholars, from the history of the Angevin Empire.

1 CLY, 102–8.
CHAPTER III

THE PLANTAGENETS' POLICY OF OVERLORDSHIP. THE CONTINENTAL POSSESSIONS

I

IRELAND, SCOTLAND, WALES

The Norman and Angevin kings were the heirs of the Anglo-Saxon monarchy and had not given up any of their claims. Ethelred had formerly adopted the style of "Sovereign of the English race and King of all the Island of Britain and the neighbouring isles". This was a nominal sovereignty about which Henry need have troubled little, especially when he had to maintain the huge structure of his French fiefs. He was not without justification for some anxiety lest he was going to see the adventurers of the Scottish borders and the petty Celtic kings of Wales invade his frontiers but he even launched an attack on Ireland from which he had nothing to fear and we are apparently driven to the conclusion that he had deliberately set out to establish throughout the British Isles his feudal supremacy at least.¹

After 1155 the thoughts of Henry were turned on the conquest of Ireland. It is not easy to gather a correct impression of the place which Ireland occupied in Christian civilization at that time. The prejudices of certain scholars are likely to do little but lead the reader astray.² One thing seems certain—that the country was a prey to clan feuds and that only its poverty saved it from total conquest. Its petty kings were powerless to establish order and they had neither a disciplined army nor castles to defend their possessions against an invasion. The Roman Church hated the Celtic Church on account of its traditions of independence and because the most pious of the Irish clerks and monks

¹ On the whole of this question, see DOXXVII, i, 604–670.
² OOOLXXIX, i, p. xi.
called for radical reform in their vows. There is no cause for surprise, therefore, that Henry II considered the occupation of Ireland an easy matter and, according to John of Salisbury, obtained from the Pope Hadrian a Bull conferring Ireland on him by a hereditary title. He stayed in the island for a period of six months (1171–2), received the homage of numerous chiefs, and a decision was made to reform the Church, but, after his departure, no serious attempt was made to consolidate the conquest and John Lackland, created lord of the country by his father, succeeded in endangering it by his unheard of conduct.¹

The mountaineers of Scotland and Wales would not allow themselves to remain subject for any length of time. They had taken advantage of Stephen’s weakness. Henry II had demanded the restitution of the territories occupied by the King of Scotland and after the rising of 1178–4, in which William the Lion, the king, had been imprudent enough to take part, he occupied Edinburgh and several other places with garrisons and demanded homage from William for all his kingdom. But the feudal bonds which he wished to retie remained very slack and for four centuries Scotland was to remain a menace: it possessed a spirit of independence which led it into an alliance with France. The practical result of the action of Henry II was that the counties in the north of the kingdom which Scotland had been on the point of annexing were, henceforward, securely attached to England.² Henry made three expeditions under difficult conditions into Wales and he had to be satisfied with a suzerainty which troubled the two native kings very little. The Welsh were awaiting an opportunity to take up arms again and the folly of John provided them with it. The conquest of this wild country was not to be achieved until Edward I and then not without difficulty.³

All these wars to render Ireland, Wales, and Scotland subject to him date from the first half of Henry’s reign. Subsequently other anxieties absorbed him and we must look elsewhere to assess the greatness of his reign.

¹ CDLXXXII, 41 ff. with the bibliography; DLXXXVIII, n. vii and viii; CDXCIV, 1, chap. iv, viii, ix; and ii, chap. xvi.
² CDXCVI, i, bk. ii, chap. ii; CDL XX, 20.
³ CDXXIII, ii, chap. xiii–xvi; DLXXIV, chap. vii; CDLXXXIII, chap. 1.
THE CONTINENTAL POSSESSIONS

Henry II and Richard Cœur de Lion had the cosmopolitan political ideas, tastes, and instincts of an emperor rather than of a king and this is the justification for the expression "Angevin Empire" which modern historians have invented. In any case, Henry II and Richard were more French than English. During a reign of thirty-four years and a half, Henry did not pass thirteen in England. He spent long periods on the Continent sometimes two years, four years, or even longer (at the beginning of his reign; August, 1158—January, 1163; March, 1166—March, 1170). As for Richard, he only made a few short visits to his English subjects.

The reason was that, as we have seen, the Plantagenets held the western half of France in fee. They held almost all the Channel coast, almost all the Atlantic seaboard: no mountain barriers cut up their possessions; from Rouen, Caen, or Mans warriors, merchants, and pilgrims found their way towards the great commercial and religious centre of Tours and, from there, to Angers, Nantes, or even towards Poitiers, Bordeaux, and the Pyrenees. Finally the rights in the County of Toulouse which Henry and Richard derived from Eleanor encouraged them to hope that one day they would reach the Mediterranean. The French demesnes from which their family originated were their special care but they could not maintain them without constant watch on their vassals and officials, stamping out rebellions, resisting the Capetians. The task was rendered more complicated because from Normandy to Aquitaine the demesnes of the Angevin dynasty varied constantly.

We shall attempt here some description of their administration. A complete description has never been made doubtless because research has not yet produced all the materials necessary for a synthesis. Noteworthy pieces of work which, however, have not thoroughly illuminated the questions, give us an opportunity to describe Norman institutions, but for Anjou, Brittany under the Plantagenets, or Aquitaine we have very little precise information and the sources themselves are very scanty.

1 See p. 108 above.  2 DXLII, 14.
A general survey cannot be attempted. Henry II, a great legislator in England, did not attempt to coordinate the laws and administration of his Continental possessions. It is absurd to say ¹ that he sought to make Brittany an English province. We cannot argue from the subsidies of 1166 and 1184 for the defence of the Holy Land or the Saladin Tithe of 1188 ² imposed on all subjects, for these were obligations of a religious character which naturally had a general or even international character. The inquiries which Henry II instituted to gain a knowledge of local customs shows that he had every intention of respecting them as far as he considered possible. ³ It is not that he was precluded from imposing his decisions on a general scale. He gave the Assize of Arms of 1181 ⁴ the force of law in his overseas possessions and he introduced, even into Normandy and Brittany, the Angevin practice of divided succession which prevented subinfeudation in cases of division. ⁵ He thus departed somewhat from the advice his father had given him not to introduce into Anjou the customs of Normandy or England and vice versa. ⁶ On the occasion of a petition addressed to him by the religious community of Grammont he decided that his subjects could not be forced to provide sureties to their lords “above all in his potestas namely in Normandy, Aquitaine, Anjou, and Brittany”. ⁷ On the other hand we have seen how his officials were to some extent transferable from one country to another and that Henry made changes primarily based on the needs of the administration and the capabilities of his servants but he certainly never thought of a systematic unification which everyone advised him against. Even if that had been his ambition, he could never have achieved it; he did not possess the same means of action throughout his potestas. Normandy, which was very different from the other Continental possessions, alone had a strongly centralized administration. In Brittany or Aquitaine, for example, there was no question of introducing similar institutions, the power of the Plantagenets must be wielded there very prudently by other means.

¹ As de la Borderie has done: CCCCIII. iii, 273.
² CXXXI. ii, 7, 55, 58 ff.
³ DXXI. 24, 25.
⁴ XVIII. i, 269-270. On this assize see p. 143 above.
⁵ DXXII. 68, 98 ff.
⁶ LXIV, 224.
⁷ CVI, iii, 68–4, n. 507.
Within the potestas we can distinguish three groups: Normandy, Brittany and the Loire country, and Aquitaine.

III
NORMANDY

Normandy and England in the twelfth century had very close affinities—political, social, and intellectual. They were much more alike than Normandy and Aquitaine.\(^1\)

The administration in the two countries had developed according to the same tendencies in the hands of men who, frequently, started their career in one and finished in the other. After the long troubles in the Duchy which followed the death of William the Conqueror,\(^2\) Henry I had re-established unity and order and built up a strong administration. It was the work of a long time and absorbed a great deal of his activity. He had revoked the alienation of demesne, probably created the Exchequer which we, subsequently, find in operation, organized a group of judges who went on circuit, utilized the system of sworn inquests, and inaugurated legal procedure which Henry II elaborated and which was formulated by Glanville.\(^3\) Normandy fell into anarchy again during Stephen's reign.\(^4\) We have seen that it was Matilda's husband, Geoffrey Plantagenet, who took up Henry's work and consolidated it; he assumed the title of duke in 1144 and in 1149 he handed a pacified Normandy back to his son Henry who governed it with the assistance of Matilda.\(^5\) Henry II achieved in Normandy a work of some magnitude, comparable to that which has made his name immortal in England. Richard and John altered nothing but they took full advantage of the institutions and resources he had built up.

During the second half of the twelfth century, the ducal Court functioned like the king's Court in England or France sometimes as a formal assembly \(^6\) sometimes as an administration. The officials were very numerous. Some of them acted

\(^1\) \textit{CXXXI}, 100 ft.
\(^2\) \textit{CXXXIII}, chap. iii, v, vi.
\(^3\) \textit{CXXXII}, 85 ff.
\(^4\) \textit{LXXVI}, v, 56 ff.; \textit{CXXXII}, 41 ff.
\(^6\) These assemblies have none of the characteristics of a regional parliament. The king and duke consults his loyal subjects, who are present, but he has his own way and he frequently asks their advice on extremely general questions not specifically concerned with Normandy.
Continental Possessions of the Angevin Empire and the Capetian Demesne in the reign of Louis VII.
in Normandy and in England without distinction. The Chancery, for instance, which travelled with the king, was a common service most often under the direction of a Norman.

There were, however, great officials particularly for Normandy—a butler, a constable, and a grand seneschal.\textsuperscript{1} According to the Great Customal of Normandy the last named looked after the lands and hunting country of the prince, visited every part of the duchy once every three years, and was concerned with the preservation of custom and the peace. He received the complaints of the people, ordered inquiries, and saw that no crime went unpunished.\textsuperscript{2} At the same time he was the fount of justice. Sometimes he might be a lord, at others a churchman like Rotrou de Warwick, Bishop of Evreux, or Richard d’Ilchester, Bishop of Winchester. The longest tenure of the office was that of William Fitz Ralph (1178–1200). He was, indeed, a viceroy, a tireless inspector, and legislator. He had been an itinerant justice and sheriff in England.\textsuperscript{3} After him, in four years, John Lackland nominated three seneschals in succession. Philip Augustus even more distrustful was to suppress the office. The only position in Normandy comparable to it was that of Constable which the lords of Hommet held as an hereditary fief. The defection of William du Hommet in 1204 was to be one of the chief causes of the success of Philip Augustus.\textsuperscript{4}

Local administration prior to the Plantagenets was primarily in the hands of some twenty viscounts who were frequently hereditary.\textsuperscript{5} Henry II decided that they could not help him in the work of reorganizing the demesne which he was engaged on throughout his reign. He carried through a reform which had been foreshadowed by Henry I and Geoffrey.\textsuperscript{6} At the same time that he was proceeding with inquiries for the resumption of lands and income which had been alienated\textsuperscript{7} he appointed new agents of justice and administration called bailiffs; the term was no more precise than our expression “trusted servant” and was often

\textsuperscript{1} DCL, 102–3, 109 ff., 143 ff.
\textsuperscript{2} XXVIII, ii, 12–15.
\textsuperscript{3} CCLI, CCLI, x, 266–7; CVI, intro., 421, 445, 455 ff., 476 ff., 481 ff.; DCL, 155 ff.; DXLII, 69–71; CCLI, 183–4.
\textsuperscript{5} CCLI, x, 263 ff.; CVI, intro., 212 ff.; DCL, 99–100; DXLII, 62 ff.
\textsuperscript{6} DXLII, 66–7; CCLI, 151–2; DCL, 88 ff.
\textsuperscript{7} CCLI, 159–160; DXLII, 71.
\textsuperscript{8} Already in a charter, 1151–8; CVI, i, 49 n., 43.
used to designate subordinate officers. Both the word and the office were to have a conspicuous history; the Norman bailiff and the English sheriff were the prototypes of the Capetian bailiff. The origins of the Norman bailiffs are extremely obscure because we cannot discover the exact meanings of the words used in charters and probably the clerks who drafted them would find difficulty in giving a precise definition. In any case, documents of 1172 prove that, at that date, there were bailiwicks referred to by the name of the officers who administered them; for example, the north of the Cotentin is the bailiwick of Osbert de la Heuse and Pont Audemer is the centre of the jurisdiction of William de Maupalu.¹ That designation of the area by the name of its official is one of the characteristics of French and Norman bailiwicks of the early period.²

We should like to be able, for the sake of clarity, to say that the bailiff replaced the viscount and that, henceforward, it was he who held the castle, did justice, and collected the revenues and we have some examples of it. But the officers of bailiff, viscount, castellan, provost could exist side by side, be added to one another, and duplicate themselves. In the Bessin, we see an hereditary viscount, a castellan, a bailiff, and two provosts. In the Vau de Vire, there were two bailiffs at once, a viscount, and a provost.³ Such a confusion must not be considered something extraordinary for the Middle Ages. Officers duplicated rather than replaced one another.

The functions of these officers, new or old, was fiscal and judiciary. Finance and justice in Normandy was based on old and well established foundations which Henry II had only to strengthen. We have only fragmentary, though very important, documents on Norman finances in the twelfth century.⁴ The innumerable writs of authority without which no payment could be made have almost all perished and so have the texts of inquiries conducted to re-establish royal rights. The material which we possess seems to show that the

¹ DXX, pp. xxxiii-xxxiv; CVI, intro., 409, 400-1; DXXII, 72-3.
² There was nothing in France comparable to the old traditional and permanent division into shires which existed in England. The Carolingian county had not persisted as an administrative unit. Hence the vagueness of the early bailiwicks (DXXII, 34-5, 50-1).
³ DXXII, 108 ff.
⁴ On all that follows, see CCLI, CCCL, 159-160; DXXII, 64-5, 75-9.