

THE PLACE OF THE HONOUR IN TWELFTH-CENTURY SOCIETY: THE HONOUR OF CLARE 1066 – 1217

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LACK OF EVIDENCE between the Domesday Survey and the late 12th century can often make it difficult to study feudal and baronial development in England. In Suffolk, however, it is particularly fortunate that sufficient source material survives for it to be possible to trace the extremely complex and changing structure of one of the most important honours in the county, the honour of Clare, throughout the 12th century. The honour, comprising extensive lands in north-west Essex and west Suffolk, was granted by William the Conqueror to the founder of the Clare family, Richard son of Count Gilbert of Brionne;¹ in 1086 the demesne holdings in these two counties, together with outlying estates in Hertfordshire, Middlesex, Cambridgeshire and Huntingdonshire which were later regarded as part of the honour, amounted in value to just over £400, and the subinfeudated land to about £185. Richard also held lands in Kent and Surrey which were centred on Tonbridge; his demesne holdings in these two counties were valued at nearly £190, and the subinfeudated land at about £160. There was no doubt even in 1086 that Clare would be the main family centre, and Clare, rather than Tonbridge, became the family name in the early 12th century. The wealth and importance of Clare became even more marked when the Norfolk estates of Rainald son of Ivo, worth about £115 in 1086, were added to the honour, probably in the reign of Henry I.

Admittedly little is known of the Clare demesne manors in the 12th century, but the cartulary of the priory of Stoke by Clare, which was essentially the honorial monastery, provides detailed material not only on officials and sub-tenants but also on the relationship between lord and vassals.² Taken together with Domesday Book and charter evidence, and the *Carta* of 1166 (the reply to Henry II's enquiry into the number of knights' fees on each honour), it shows clearly that at no point in the 12th century can the honour and its organisation be described as static. In order to bring out the considerable changes which took place, an examination will be made, first of the process of subinfeudation, then of the rôle of the honour court and the honorial baronage, and finally of the interaction between the honour and its court on the one hand and royal justice on the other.

SUBINFEUDATION

Any consideration of subinfeudation has to take into account the very real problems posed by the nature of the honour of Clare. Even in the late 11th century it was apparent that the pattern of sub-tenancies would be anything but simple because of the numerous holdings of freemen and sokemen; in 1086, Richard son of Count Gilbert held 164 sokemen and 13 freemen in Essex, and in Suffolk 272 freemen and 44 sokemen. Like other lords, Richard needed to make provision for service in the royal host and castleguard, and would be subject to pressure from Norman neighbours clamouring for fees. His problems in keeping track of his scattered holdings and rights, however, would be more acute than those faced by many barons. Further difficulties were likely to arise since Richard's predecessor, Wisgar son of Aelfric, had held soke rights over 208 freemen and 41½ sokemen in the Liberty of the abbey of Bury St Edmunds;³ there was therefore the possibility of a jurisdictional clash between the abbey and the Clares. Richard eased his problems of organisation by making many sub-tenants the lords of one or several freemen and sokemen;⁴ in 1086 vassals had rights over 29 sokemen and 11 freemen in Essex and 65 freemen and 15 sokemen in Suffolk, and these men would have paid rents direct to the vassals instead of to Richard.⁵ This type of grant continued in the early 12th century; it guaranteed service to the lord, and prevented

any loss of rights over freemen and sokemen. Richard retained valuable manors in his own hands, although he sometimes subinfeudated small portions.⁶ Altogether, by 1086, about one-third of the honour of Clare had been granted to vassals, a proportion typical of a major lordship.

In establishing himself on the honour, Richard probably turned primarily to men whom he had known before the Conquest. These men would be bound to him by common interests, and the establishment of a closely integrated group of vassals was essential, not only to administer the honour, but to ensure Norman survival in the early years. Richard's sub-tenants included several men from the neighbourhood of Orbec and Bienfaite in Normandy, his two possessions before 1066. Roger of Abernon for instance may have been his vassal; he came from Abenon which was held in the 13th century of Richard Marshal, the successor of the Clares in the duchy. Ernald of Nazanda came from Nassandres, twenty-seven kilometres east of Orbec, but only eight kilometres south of Brionne, the stronghold held by Richard's father.⁷

On many honours in the late 11th century, the vassals can be divided into those responsible for a considerable amount of military service, those answering for a service of from one to three knights, and the professional soldiers responsible for one knight or less, having small holdings in one or more villages.⁸ At Clare in 1086 a clear distinction can be drawn between military tenants at the bottom of the scale and at the top — in Essex, for instance, between the two unnamed knights at Finchingfield with a holding worth £3 5s., Robert of Watevile's estate at Hempstead, worth £16, and Walter Tirel's land at Langham, worth £15.⁹ Robert of Watevile was Richard's leading vassal; he was already in possession of the lands in Essex and Surrey which were entered in the *Carta* as nine knights' fees. Walter Tirel was Richard's son-in-law, and lord of Poix and Pontoise in France.¹⁰ It would however be a mistake to over-emphasise the social differentiation on the honour at this time. Only two other subinfeudated holdings in Essex and Suffolk were worth more than £10,¹¹ and other vassals were in possession of smaller and often scattered holdings.

Moreover, to stress a Domesday hierarchy among the vassals at Clare gives a totally misleading impression that by 1086 subinfeudation was complete. Although some sub-tenancies were probably omitted in the Domesday Survey, it is clear from the history of individual holdings that the whole situation was extremely fluid from the reign of William I to 1135 and beyond. Even when military tenure had been established and new tenancies became rare after 1135, considerable change was still possible through the accidents of inheritance, alienation and monastic grants. In this respect, the Clare lands north of the Thames stand in strong contrast to those in Kent and Surrey where the feudal structure was mainly complete by 1086. The difference may have been partly due to the fact that Richard son of Count Gilbert received the Kent and Surrey estates soon after 1066, while the Essex and Suffolk lands were granted later; the actual date is unknown, although the Domesday references to Wisgar's agreement with Richard and to his forfeiture make it tempting to conclude that he lost his lands during the rebellion of the earls in 1075 when Richard was acting as one of the justiciars in the king's absence.¹²

It has to be borne in mind throughout this period that the Clare family was growing in wealth and status; by 1086, not counting William I's half-brothers, Richard was the seventh wealthiest baron in England, immeasurably richer than before the Conquest, and his sons gained yet more estates in the service of Henry I. Not only would the Clares have needed more service, but it is likely that knights were attracted to their following who would eventually expect a landed reward. Thus new names appeared on the honour of Clare in the early 12th century, and the descendants of several of the men with but a small holding in 1086 became powerful honorial barons during the next fifty years. According to the *Carta* of 1166, Earl Roger had approximately 133 fees of the old enfeoffment (i.e. created before 1135) and 8¼ of the new (established between 1135 and 1166).¹³ Not all these knights were enfeoffed on estates in Essex and Suffolk. About 44 knights' fees of the old enfeoffment were situated on the Clare lands in Surrey, although a few of these men held land north of the Thames as well; about 88 knights' fees were listed for Essex, Suffolk and Norfolk.

Although the exact dates for the creation of these fees are unknown, the sources show conclusively that many were built up gradually over a period of up to fifty years. The Stoke cartulary often gives evidence additional to the Domesday Survey as to whether the vassal's holding was established as a block grant or a series of gifts. The most valuable material however comes from the *Carta* and from 13th-century documents. The *Carta* gives only the name of the vassal and the number of fees he held. It was not until the 13th century with the royal enquiries into feudal service that the places where the estate was situated were given as well. On the Clare lands, the greatest detail comes from the inquisition *post mortem* of the last Gilbert Earl of Gloucester, who died in 1314, and the subsequent partition of his lands.¹⁴ These documents show that if a vassal's holding was fully established before 1135, it became as it were fossilised, so that a descendant often held the same number of knights' fees in the early 14th century as his ancestor had in the *Carta*; adjustments in service after 1166 were rare. In all probability the villages where the lands lay were the same at both dates; later acquisitions by vassals, whether on the honour of Clare or elsewhere, would be kept separate. By comparing these places with the Domesday Survey, the growth of holdings between 1086 and 1135 can be seen. What can only rarely be elucidated is the size of individual fees; often two or more vassals had a holding in a single village, and there are no means of establishing which group of Domesday freemen or sokemen was granted to a particular sub-tenant. It would appear from a few examples, however, that highly favoured vassals received the larger holdings in return for a smaller service.¹⁵

The expansion of a knight's holding can most easily be traced with regard to the honorial barons holding three fees or more. Often it was those families who received their first rewards before 1086 who did best in the years that followed. Hamo Pecche, constable in the time of Gilbert Earl of Hertford, held six fees in 1166, and in Domesday Book William Pecche had held land of the Clares in Gestingthorpe, Essex, and in Clopton and Dalham in Suffolk. In 1314 their descendant held five and a half fees in these places, and in one other village in Essex and four in Suffolk.¹⁶ At all these places freemen and sokemen had been held in demesne by Richard son of Count Gilbert in 1086, and the grants had been made to the Pecche family at some time between then and 1135.

Ralph son of Adam was lord of three and two-thirds knights' fees in 1166, an adjustment in his service having been made by Earl Roger.¹⁷ In this case, two earlier fees had been amalgamated by inheritance, Ralph being the heir of Adam son of Warin and of Geoffrey son of Elinand the sheriff. In 1314 Ralph's descendant, William fitz Ralph, held three and three-quarters fees in Pebmarsh, Bulmer and Finchingfield in Essex, and in Little Waldingfield, Higham, Erwarton, Stansfield, Tuddenham and Poslingford in Suffolk. How was this fee built up? In 1086 Elinand the sheriff had held land in Finchingfield and Little Waldingfield. Adam's holding was largely made up of rights over freemen and sokemen; a charter of c. 1140 - 52 refers to his holdings in Poslingford, Stansfield and Clare, and also to his land in Pebmarsh which formed part of Richard son of Count Gilbert's demesne in 1086.¹⁸

The growth of Geoffrey son of Hamo's fee was even more marked. He had received Chilbourne in Barnardiston, Suffolk, worth £2 10s., by 1086, and by the time of Richard fitz Gilbert he was lord of Little Sampford, Essex, which had been a demesne manor in the Domesday Survey.¹⁹ When Earl Gilbert's inquisition *post mortem* of 1314 is examined, Little Sampford is found combined with a number of other places in a group of fourteen fees. In 1166 fourteen fees (the only group of that size) were held by Beatrice of Bullers who was the wife of Geoffrey's son Baldwin, steward under Gilbert Earl of Hertford.²⁰ Baldwin died about 1153, and his son Geoffrey came into Earl Roger's custody; he was presumably still under age in 1166. The holding was a complex one, including land in Essex, Middlesex, Norfolk, Suffolk and Surrey.²¹ This instance emphasises not only the fact that holdings were built up over a period between about 1070 and 1135, but also the extent to which a vassal's holding could be scattered over several counties.

A study of the *Carta* shows that several of the major tenants of the old enfeoffment had a fractional component in their fees, and this is yet another indication of the fluidity of tenures at Clare in the early 12th century. Military service was the subject of an individual bargain between vassal and lord, and presumably was adjusted as holdings increased in size. Service could be reduced when property was given up or when a grant was made to the Church, and in view of the number of gifts made to the honorial priory of Stoke by Clare in the first half of the 12th century this is probably an important reason for the fractional element in fees. When Earl Roger confirmed the grant of Geoffrey son of Elinand the sheriff to Stoke priory, Ralph son of Adam, Geoffrey's heir, renounced any claim to the land and was pardoned the service of one-third of a knight.²² This explains why in 1166 he owed three and two-thirds knights.

Fractional fees could moreover be created as a result of decisions over inheritance. Many military holdings were at first granted only for life, although it is probable that from an early date a son who was of age stood a good chance of taking over his father's land. It is possible on the Clare lands to trace the descent of many families and fees from the period before 1135, but this does not necessarily mean that the right of inheritance was taken for granted; each heir probably made his own settlement with his lord. It was not until the time of Earls Gilbert and Roger that tenure by inheritance was written into the charters.²³

Two cases where an estate was apparently divided among brothers bring out a further complication, not found on other estates, namely the need to provide some compensation for lands lost by vassals when the Clare lordship of Ceredigion fell to the Welsh in 1136. In 1166 Robert of Mara and Richard his brother shared one fee in Cavendish, Suffolk. A much more important vassal, Goismer, held land in Essex of the honour of Clare in 1086, and was probably granted further estates later, so that he owed a service of at least ten knights. He had a large family of sons, of whom Humphrey at least was involved in Ceredigion. In 1166, his grandsons, Walter son of Humphrey and Geoffrey son of Herluin, held five and a half and four and a half fees respectively, Walter holding the land in Essex and Suffolk, and Geoffrey in Norfolk.²⁴ Presumably Goismer's fees had been split up among his family.

Lastly, fractional fees could be established as a means of providing for particular members of a family, and this is borne out by a confirmation charter of c. 1140 – 52, issued by Earl Gilbert in favour of Adam son of Warin.²⁵ Adam's heir was his son Ralph who owed three and two-thirds knights in 1166. The charter however provided for Adam's wife Princa and his son Hugh who were granted land for themselves and their heirs in Poslingford, Stansfield and Clare in return for the service of one-fifth of a knight's fee; they were to hold of Adam during his lifetime and after his death directly of the Earl. Adam wanted to substitute Hugh for Ralph on a small portion of his lands, but to link Hugh's service with that of Pebmarsh, inherited by Ralph and his descendants. He was clearly trying to provide for a second family.²⁶ Yet because it was established by then that fees should pass to the eldest son, the only way he could make arrangements for Princa and her children was by securing a confirmation charter from the Earl. In fact they probably never held their fifth of a fee directly of the Clares; in the 13th century it was a sub-tenancy of Pebmarsh.

Thus, the late 11th and first half of the 12th century was a time of flexible tenures and constant change on the honour of Clare. As a result of the new grants, it is likely that there were greater disparities among the vassals in 1135 than in 1086. According to the Domesday Survey, the most powerful vassal was Robert of Watevile. A group of vassals in Essex and Suffolk held land worth between £8 and £15, namely, in descending order, Walter Tirel, Ernald of Nazanda, Roger of Abernon,²⁷ William Pecche, and Wielard of Balliol. Some of the sub-tenants had relatively little in 1086 compared with their later acquisitions; the outstanding example here is Geoffrey son of Hamo. Turning to the *Carta*, a rough distinction can be drawn for Clare between the less important tenants with one or two knights' fees or less, a middle group of honorial barons holding from

three to six fees, and the vassals with nine fees or more.²⁸ In the Suffolk list, there were thirty-two people in the first group, eight in the second, and two in the third. The majority of tenants were therefore men with only a small stake in the honour, twenty-seven of them holding one fee or less.²⁹ The most powerful vassals at Clare were the successors of Geoffrey son of Hamo with fourteen fees, and of Ernald of Nazanda with thirteen and a half; in comparison, Robert of Wateville in the Surrey list held nine. The Abernon, Pecche and Balliol families came into the second category, and the successor of Walter Tirel held Langham as one knight's fee.³⁰ It was during this early period of service and reward that the Clares built up their closest ties with the honorial barons. After about 1135, however, these men could no longer look to their lord for further gifts, and they would have made their own provision for their vassals, relations and friends. Gradually, therefore, their connexion with the honour would have been weakened.

THE HONOUR COURT AND HONORIAL BARONAGE

The lord relied on both his household and the honour court to administer his estates and, in the first half of the 12th century especially, the honorial barons played a major part in both, thus making the organisation of the complex lordship possible. Of the household officials, the steward was undoubtedly the most important, being responsible for carrying out the lord's orders and dispensing justice in his absence.³¹ Yet it is only by looking at the honour court that the relationship between the lord and the honorial barons and other vassals can be fully appreciated. Enough evidence survives to throw light on the working of the court in the 12th century, and on the rôle of the honorial barons within it.

Every vassal was expected to attend the honour court, which was presided over by the lord. Free tenants probably owed suit as well; payment of rent and suit of court were the two usual obligations of freemen and sokemen in the 11th century, and freeholders as well as military tenants attended the honour court in the early 14th century when the court rolls begin.³² The 12th century evidence that freemen were associated with military tenants at Clare is a further indication that they attended the honour court; thus Richard fitz Gilbert, at the petition of his barons, knights and freemen, confirmed all the tithes and alms given to Stoke priory.³³

Every vassal had the duty of counselling his lord, and here the honorial barons played a crucial rôle. Several of the gifts and confirmations to Stoke priory were made with the advice of the baronage.³⁴ The barons informed their lord of grants made from the honour in the past, or of past events, and they sometimes advised one of their number about a gift to Stoke.³⁵ The honorial barons further advised their lord in the event of a dispute with a powerful neighbour. When Richard Earl of Hertford claimed a yearly payment of five shillings from Abbot Samson of Bury St Edmunds, he came to the hundred court accompanied by many barons and knights whom he consulted during the hearing.³⁶ At the same time, the lord could help his barons by making personal interventions on their behalf.³⁷ Close and friendly relations therefore existed between the Clares and their honorial barons,³⁸ and these could persist even in the late 12th century.

The honour court dealt with a wide variety of feudal business. The military tenant performed homage and swore fealty at the court, and in one case the homage of a vassal's sub-tenant was said to have been taken at Clare.³⁹ The court dealt with any business concerning feudal incidents, and the lord's right of marriage probably explains how Stephen of Danmartin, steward under Earls Gilbert and Roger, came to marry the heiress of Alured of Bendeville.⁴⁰ The Clares' rights of wardship are exemplified when Geoffrey, the heir of Baldwin son of Geoffrey, came into Earl Roger's custody about 1153.⁴¹ The lord might also levy aids from his military and free tenants.⁴²

Pleas concerning the possession of tithes or land tenure were also dealt with in the honour court. Thus Richard fitz Gilbert wrote to one of the Pecche family ordering him to restore to the monks of Stoke the tithe of Gestingthorpe in Essex; if he claimed anything against the priory,

the case could be heard after restitution had taken place.⁴³ Certain later references survive to pleas of land tenure; one case was brought on a writ of right, probably in the time of Earl Richard, and an agreement about land tenure in Stoke was recorded as having been made in Earl Richard's court.⁴⁴ Decisions of the court were enforced by distraint, as when Earl Roger ordered his servants to distraint the chattels of those who kept back rents from Stoke priory.⁴⁵

The honour court was thus wide-ranging in its jurisdiction, and it was still involved with all these matters in the early 14th century, although by then it was very rare for the descendants of honorial barons to attend. The crucial question in the 12th century however concerns military service, for the tenures of the honorial barons would only remain meaningful as long as they had to serve in the Clare contingent to the royal host. It is unfortunate that the size of the Clares' *servitium debitum* is unknown; possibly, like the Mandeville Earls of Essex, they owed a service of sixty knights, although their Domesday lands were more valuable than those of the Mandevilles. They generally served in person, and only once in the 12th century were they liable for scutage. We see Earl Roger and his 'men of Clare' rushing to rescue the king on the Welsh campaign of 1157; he is known to have been abroad with Henry II, for instance in 1160, and served with the royal expedition to Ireland in 1171. His son, Earl Richard, performed military service regularly between 1194 and 1197 when Richard I was fighting to recover his position in France.⁴⁶

By establishing approximately 133 fees before 1135, the Clares had in all probability over-eneffed considerably, and it is therefore most likely that even in the mid-12th century there were vassals whose military service in the royal host was not needed, but who paid their lord scutage, as did Robert of Briencurt for his three fees at Walsingham in Henry II's reign.⁴⁷ Quite possibly some arrangements were made to combine fees for royal service, as when Adam son of Warin's creation of one-fifth of a fee was to be included within the service of the knight at Pebmarsh.⁴⁸ All vassals would presumably remain liable for castleguard, but there is little evidence of this on the Clare lands.

From the point of view of the Clare vassals, the formal reduction of the *servitium debitum* early in Henry III's reign completed a development which had begun at least seventy years before. The Clares were able to produce their quota of twenty knights in 1218 and 1229 from their household, and no longer needed to call on their military tenants. By then, some vassals may have endangered their performance of service by excessive alienation, and, in view of the higher costs and more elaborate equipment needed for fighting, many doubtless welcomed the change. What is important to bear in mind is that for some vassals the main point of their feudal obligations had probably disappeared long before.

The ending of personal military service, or even irregular and infrequent demands to serve, would obviously weaken the vassals' connection with Clare. Other evidence indicates that this was in fact happening in the later 12th century. Even in the earlier period both honorial barons and less important vassals had interests outside the honour, and this had become more marked by 1200. The matter of alienations shows that once sub-tenants had received their land from the Clares they dealt with it as they wished, and the lord had no power to interfere. Grants in frankalmoign were generally confirmed by the lord, probably at the request of the religious house concerned,⁴⁹ but it appears probable that lay alienations were only confirmed in special or unusual cases. For instance, in 1146–8, Gilbert Earl of Hertford confirmed the sale of Langham by Hugh Tirel to the Londoner, Gervase of Cornhill, to raise money to go on crusade in 1147; Gervase wanted the confirmation lest Hugh die on crusade and his right not be admitted.⁵⁰

Even at the time of the Domesday Survey, sub-tenants were holding of more than one lord, and further evidence is supplied by the *Cartae* and by monastic cartularies. In 1086 William Pecche held land in Essex of Aubrey de Vere, and in Norfolk of Roger Bigod, and had a house in Colchester, in addition to his holdings of the honour of Clare.⁵¹ Eighty years later, Hamo Pecche held of the king in chief both in his own right and in right of his wife's inheritance, and he held

two fees of the abbey of Bury St Edmunds.⁵² Adam son of Warin and his descendants held land in north Essex of the de Vere family, Earls of Oxford.⁵³ Less important tenants also held of more than one lord; Thomas de Burgh, who held one fee of the honour of Clare, was a honorial baron on the honour of Richmond, and steward of Constance, duchess of Brittany.⁵⁴ Such complications of tenure were bound to become greater as time went on because of changes through marriage and inheritance.

All the factors for change so far discussed could affect less important vassals and honorial barons alike. Yet from the point of view of the organisation of the honour it would be the loss of the honorial barons as counsellors and officials which would be most damaging to the Clares, and the evidence of the constables and stewards makes it certain that after the mid-12th century the honorial barons were less active on the honour. The change can be exemplified by the career of Hamo Pecche. Hamo was an honorial baron, holding six Clare fees in 1166. He held the office of constable under Earl Gilbert, and was a frequent witness of charters in the time of Earls Roger and Richard.⁵⁵ At the same time, Hamo was probably the same man who became sheriff of Cambridgeshire and Huntingdonshire between 1163 and 1166.⁵⁶ If so, he would be the first known Clare official to have taken office in the royal administration. Moreover, it was about 1150 that the Clares turned to younger sons of honorial barons or to less important vassals for their officials. Robert son of Humphrey, who was constable under Earl Roger, and possibly earlier under his brother, Earl Gilbert, was the brother of Walter son of Humphrey who held five and a half knights' fees of the Earl in 1166; Robert received landed reward for his service.⁵⁷

The same development is apparent in the office of steward, as honorial barons were only appointed until about 1150. These early Clare stewards were men well versed in the affairs of the honour, frequent witnesses of charters, and benefactors of the priory of Stoke by Clare. They included men such as Elinand the sheriff in the late 11th and early 12th century, Adam son of Warin under Richard fitz Gilbert and Gilbert Earl of Hertford, and Baldwin son of Geoffrey, again under Earl Gilbert. The office was not hereditary, nor did the stewards serve for life. Under Earl Gilbert and still more under Roger, a major change took place, with either a younger son appointed or else a man who had no known link with Clare. Thus Stephen of Danmartin, steward under Earls Gilbert and Roger, was the brother of William of Danmartin who held eleven and a half knights' fees in Surrey of the Earl in 1166.⁵⁸ Stephen married the heiress of Alured of Bendeville, a Clare vassal, and was said to have been granted Pitley in Great Bardfield, Essex, by Osbern of Balliol.⁵⁹

This evidence on office-holding points conclusively to the weakening of the links between lord and honorial barons after about 1150. The diminishing rôle of the honorial barons may also be reflected in the inefficiency of Earl Roger's household administration. On four occasions churches previously granted to monasteries were given to other foundations.⁶⁰ One mistake of this kind, or even two, could be easily accounted for, but the four cases, taken together, show that a better organisation was needed to keep track of grants. Other evidence points to the same conclusion. Earl Roger had to send Henry II a postscript to his original *Carta*, and explain that after he had sent the list of his knights he remembered a further half fee of the new enfeoffment.⁶¹ In 1166 there was one tenant from whom the Earl had never had homage, relief or service.⁶² In the long run, the answer to these problems, as well as to the need for a more intensive exploitation of the demesne manors in the face of inflation, was to make use of professional administrators, and the Clares, like other tenants-in-chief, adopted this policy at the beginning of the 13th century.

Looking at the evidence as a whole, there is no doubt that the successful running of the honour in the late 11th and early 12th century was due to the interdependence of lord and vassals, especially the honorial barons. The relatively small number of vassals meant that they and the Clares could be personally known to each other. Even sub-tenants who held of lords other than the Clares were deeply involved in honorial affairs; this is best shown by the fact that all the families of the

Clare honorial barons of 1166 made grants to the priory at Stoke. And it was a remarkable tribute to the honorial baronage that on an honour of the size and complexity of Clare, in the eighty years since the Domesday Survey, with all the changes that had taken place, they had apparently only lost one vassal.

In the later 12th century the close personal relationship was probably gradually weakening. Some honorial barons retained personal links with the Clare lords longer than others; Walter son of Humphrey, lord of five and a half fees, and Richard son of Simon, lord of thirteen and a half, continued to witness the Earl's charters to Stoke priory, but others whose fathers had been active on the honour, such as Geoffrey son of Baldwin and Ralph son of Adam, never appear as witnesses for the Earls. What was of greater significance was that men came to hold fees who had no previous connexion with the honour and whose families had no common tradition with the Clares, and that the number of tenants was increasing. In view of all these developments, a professional administration became essential.

THE HONOUR AND THE ROYAL COURTS

So far, changes have been considered simply in the context of the honour. The part played by the monarchy in these changes now has to be examined, and especially the way in which royal justice interacted with its feudal counterpart. At no point was the honour of Clare autonomous; as has been seen, the scattered nature of the fees, intermingled with the lands of other tenants-in-chief, and the way in which Clare vassals held of other lords, would have prevented autonomy, even if this had ever been tolerated by the monarchy. In fact, the jurisdiction of the honour court was limited as early as the reign of Henry I when it was decided that any case between the tenants of two different lords, such as could easily occur in eastern England, must be heard by the county court and not by the honour. The Clares always had to be aware of royal justice and rights of prerogative wardship; as early as 1130, they were losing at least one of their wardships, since the marriage of the widow of Geoffrey of Favarches and the custody of her son were in the king's hands.⁶³

Moreover, again in the first half of the 12th century, kings were taking action on behalf of Clare sub-tenants. In one instance, King Stephen intervened to protect a Clare vassal; he wrote to Gilbert Earl of Hertford to order that William of Gyney should not be impleaded over his land in Haveringland and Whitwell, Norfolk, since his family had held it from the time of William Rufus.⁶⁴ Stephen also confirmed the gift of Geoffrey son of Elinand the sheriff to the priory of Stoke by Clare;⁶⁵ clearly either Geoffrey or the prior considered the lord's confirmation insufficient, and looked to higher authority. Such incidents show conclusively that even in the early period the honour was by no means a self-sufficient unit.

These developments speeded up in the second half of the 12th century. Just at the time when the changes already discussed were taking place on the honour, the honorial barons in particular found that there were openings for them in the service of the Crown, and that they could bring their legal cases before the king's justices. Royal jurisdiction met a real need on the honours, for, although they were not autonomous, there was considerable opportunity for arbitrary action by the lord or his officials, and criminal activity had to be checked. High-handed official action was a perennial problem in the Middle Ages, but there are few cases as extreme as that of Stephen of Danmartin in Stephen's reign, and here royal intervention was essential. In a case brought probably soon after 1173, it transpired that, while Stephen was Earl Gilbert's steward, he had unjustly seized Pitley farm in Great Bardfield, which belonged to the reeve there, and had had one of the reeve's sons murdered because he knew that he was his father's next heir.⁶⁶

For both military tenants and freemen, Henry II's possessory assizes were undoubtedly attractive, and final concords provided a valuable means of clarifying the terms of a tenure. Vassals would prefer to have pleas against their lord heard in the royal rather than the honour court,

and the cases recorded refer to a wide variety of matters. Sarah, widow of Thomas de Burgh, appealed to the royal justices, apparently successfully, in 1199, after she had been prevented by Earl Richard and his tenants from entering her dower lands.⁶⁷ Twenty-five years later, a case was brought as to whether the market of Richard son of Simon at Great Dunmow damaged that of the earl at Great Bardfield.⁶⁸ For some vassals, the final concord provided a permanent settlement against their lord, as when in 1205 Ralph of la Kersoner came to an agreement with Earl Richard over the advowson of Stansfield church in Suffolk.⁶⁹

It was not only against their lord that the Clare vassals found royal justice valuable, but against each other. For instance, in 1200, a case was brought in the king's court concerning land at Great Yeldham, Essex, between Peter son of Geoffrey and Walter son of Humphrey. Both men were Clare tenants, and the matter could have been decided privately or at the honour court at Clare. It had in fact been the subject of a previous hearing before the royal justices, as Peter claimed that Walter should do him homage and service for one knight's fee in Great Yeldham which Peter and his father Geoffrey granted to Humphrey, Walter's father, in the royal court by chirograph; Walter claimed that he had been disseised by Earl Richard because Peter had not done homage to the Earl nor paid relief, and this was corroborated by the Earl's steward. A final settlement was only reached four years later.⁷⁰

There is no means of calculating exactly how much business was lost by the honour court as a result of the possessory assizes, and of Henry II's decision that lords could only deal with litigation over freehold land after receiving the writ of right. In view of the popularity of the measures, and the variety of cases heard by the royal justices, it seems likely that the honour court's business was increasingly restricted. The Angevin measures gave vassals the chance to become more independent of the honour by bringing before the royal justices pleas which would earlier have been determined at Clare, and they appear to have taken full advantage of the opportunity.

Thus by the second half of the 12th century, developments on the honour itself, in royal policies, and in social conditions meant that the honour was no longer held together by the common interests of lord and vassals; the lord's powers of independent action were becoming increasingly limited, the rôle of the honour court was declining, and the bond between lord and vassal was becoming little more than a legal tie. It is symptomatic of these changes that scutage needed royal authorisation from the late 12th century. The honorial barons had always been a distinct group, and became more so as the status of knighthood increased, and as they became largely responsible for the running of local government. Many Clare vassals in the 13th century, by marriage, inheritance or other means, became tenants-in-chief of the king. The whole tendency for vassals to be less involved in honorial affairs accelerated even more after 1200. Moreover, once the Clares became Earls of Gloucester in 1217, they acquired extensive lands in the West Country and South Wales, and their contacts with Clare were bound to be less frequent as they emerged as the leaders of the English baronage in the course of the 13th century.

ACKNOWLEDGEMENTS

I wish to thank Professor R. M. T. Hill, Mr A. Tomkinson and Dr E. M. Veale for reading an earlier draft of this article.

NOTES

- ¹ Richard retired from the world in 1087 and died c.1090. His successors as lords of Clare were Gilbert of Tonbridge (d.1117), Richard fitz Gilbert (d.1136), Gilbert Earl of Hertford (d.1152), Roger Earl of Hertford (d.1173), and Richard Earl of Hertford (d.1217)
- ² B.L. Cot. App. xxi. Mortimer and Harper-Bill 1982.
- ³ In Lackford hundred, Wisgar shared the soke of one sokeman with the abbey; Farley 1783, II, f.392a.
- ⁴ E.g. *ibid.*, f.392b.
- ⁵ Cf. *ibid.*, ff.39b – 40a where a group of 152 sokemen in north Essex and five burgesses in Sudbury, Suffolk, paid a fixed sum of £15 6s. 6d. to Richard son of Count Gilbert.
- ⁶ E.g. *ibid.*, f.41b.
- ⁷ Loyd 1951, 1, 71.
- ⁸ Harvey 1970, 10 – 13.
- ⁹ Farley 1783, II, ff.39b, 41b, 41a.
- ¹⁰ Le Prévost and Delisle 1838 – 55, IV, 86. Chibnall 1969 – 81, v, 288.
- ¹¹ Farley 1783, II, ff.39a, 395b.
- ¹² Farley 1783, II, f.448a.
- ¹³ P.R.O. E.198/1/3. Hall 1896 – 7, I, 403 – 7, 410. Hearne 1771 – 4, I, 292 – 6, 299 – 300. The Clares later came to be charged scutage on approximately 132½ knights' fees.
- ¹⁴ P.R.O. C.134, files 42 – 4; C.47/9/23 – 5.
- ¹⁵ Cf. two holdings which each counted as one knight's fee in 1166: Walter Tirel's 2½ hides at Langham, Essex, worth £15; and 2½ carucates at Barton Mills and Herringswell, Suffolk, worth about £1 5s., and held by Henry Canevaz in 1166. Farley 1783, II, ff.41a, 391b, 392a.
- ¹⁶ These villages were Middleton, Essex, and Bradley, Bures, Elveden and Hartest, Suffolk. There are also two places on the Pecché fee in 1314 which have not been identified.
- ¹⁷ See below, p.
- ¹⁸ B.L. Harl. Ch. 76 F.35. Farley 1783, II, ff.40a, 102a.
- ¹⁹ B.L. Cot. App. xxi, f.65b; Mortimer and Harper-Bill 1982, no. 136. His grandson, Geoffrey son of Baldwin, made a grant to Stoke priory from Harefield, Middlesex, and Little Sampford; B.L. Cot. App. xxi, f.81b; Mortimer and Harper-Bill 1982, no. 166.
- ²⁰ B.L. Cot. Nero E vi, f.84a; Beatrice was holding Harefield which had been a demesne manor in 1086, and from which she made a grant to the Knights Hospitallers.
- ²¹ The holdings in 1314 lay in Chaureth in Broxted, and Little Sampford, Essex; Harefield, Middlesex; Saham Toney, Norfolk; Cavendish, Cornard, and Kirkton in Shotley, Suffolk; and Betchworth, Surrey.
- ²² B.L. Cot. App. xxi, f.20b; Mortimer and Harper-Bill 1982, no. 25.
- ²³ Loyd and Stenton 1950, nos 84, 105. B.L. Cot. App. xxi, f.21b; Mortimer and Harper-Bill 1982, no. 30.
- ²⁴ Geoffrey still retained certain rights in Walter's fees; see below, p.199. It is assumed in both cases that the fees were established before 1135 and divided after that date; they would therefore count as fees of the old enfeoffment.
- ²⁵ B.L. Harl. Ch. 76 F.35. Douglas 1927, 230.
- ²⁶ B.L. Cot. Nero E vi, f.332b.
- ²⁷ Roger also held land in Surrey, and his fees were on the Surrey list in the *Carta*.
- ²⁸ All the fees were said to be held by one person, except that in the first group in Suffolk one holding was divided between two men and one among three. Of the honorial barons, two on the Surrey list — Robert of Wateville with nine fees and Ingelram of Abernon with four — also held land in Essex and Suffolk.
- ²⁹ At the end of the *Carta*, we find in Suffolk one-eighth, two-tenths and two-thirtieths.
- ³⁰ This fee was held by Gervase of Cornhill, and was entered on the Surrey list in the *Carta*.
- ³¹ E.g. B.L. Cot. App. xxi, ff.21b – 22a; Mortimer and Harper-Bill 1982, no. 32. Cf. B.L. Cot. App. xxi, f.27a, and Mortimer and Harper-Bill 1982, no. 50, when Richard Earl of Hertford referred to the time when Stephen of Danmartin held the stewardship and control (*senescalcia et magisterium*) of all the land of Earl Gilbert.
- ³² This development is paralleled on other estates in eastern England, as at the court of the abbey of Ramsey at Broughton; Maitland 1889, I, xlv. The honour court at Clare in the early 14th century has been discussed in Ward 1964, 101 – 7.
- ³³ B.L. Cot. App. xxi, f.25a; Mortimer and Harper-Bill 1982, no. 39.
- ³⁴ E.g. B.L. Cot. App. xxi, f.25a, Richard fitz Gilbert; f.19a, Gilbert Earl of Hertford; f.22a,b, Earl Roger; ff.24b, 25b, 26b, Richard Earl of Hertford. Mortimer and Harper-Bill 1982, nos. 39, 21, 33, 36, 38, 43, 49.
- ³⁵ B.L. Cot. App. xxi, ff.28a, 27a, 170b; Mortimer and Harper-Bill 1982, nos 55, 50.
- ³⁶ Butler 1949, 57.
- ³⁷ E.g. B.L. Cot. App. xxi, f.28a; Stenton 1961, 270 – 1; Mortimer and Harper-Bill 1982, no. 55.
- ³⁸ This impression is reinforced by the number of monastic grants made by vassals for their lord's soul, e.g. B.L. Cot. Nero E vi, ff.123a – b, 205, 210.
- ³⁹ *Curia Regis Rolls*, VIII, 7.

- ⁴⁰ Salzmann 1932, 118 – 19. Alured held land of the Clares in Surrey and Essex, and was associated with them in Ceredigion and Gwent.
- ⁴¹ Cronne and Davis 1968, no. 201. Douglas 1932, no. 78. The document is dated 1152 – 4.
- ⁴² Hall 1896 – 7, II, cclxxviii.
- ⁴³ B.L. Cot. App. xxi, f.114b; Stenton 1961, 269; Mortimer and Harper-Bill 1982, no. 345. The member of the Pecche family is not specified. Although the charter's address clause is corrupt, the reference to the steward Adam (probably Adam son of Warin) makes it likely that the document was issued by Richard fitz Gilbert.
- ⁴⁴ B.L. Cot. App. xxi, ff.85a, 88a; Mortimer and Harper-Bill 1982, nos 185, 200.
- ⁴⁵ B.L. Cot. App. xxi, f.21a; Mortimer and Harper-Bill 1982, no. 27.
- ⁴⁶ *Pipe Roll, 2 Richard I*, 102. Butler 1949, 70; Jocelin of Brakelond referred to the earl's contingent as 'Clarenses'. Landon 1938, 58. *Calendar of Charter Rolls, 1257 – 1300*, 352. Earl Richard's service is indicated by his not owing scutage for the 1194 – 7 campaigns.
- ⁴⁷ Hall 1896 – 7, II, cclxxviii.
- ⁴⁸ B. L. Harl. Ch. 76 F. 35. See above, p.194. The tenure reads, '*per servitium quinte partis militis et ista quinta pars est infra servitium militis de Peberensia*'.
- ⁴⁹ B.L. Cot. App. xxi, ff.19b, 31b; Mortimer and Harper-Bill 1982, nos. 22, 68. Milsom 1976, 120.
- ⁵⁰ Loyd and Stenton 1950, nos 84, 105. The sale was also confirmed by Gilbert Strongbow Earl of Pembroke; B.L. Lans. 203, f.15b. Hall 1896 – 7, I, 406.
- ⁵¹ Farley 1783, II, ff.77a, 105b, 175a.
- ⁵² Hall 1896 – 7, I, 366 – 7, 393.
- ⁵³ *Ibid.*, 352. Fisher 1946, 4, 40, 42. B.L. Cot. App. xxi, f.66a; Mortimer and Harper-Bill 1982, no. 136. B.L. Cot. Nero E vi, f.332b.
- ⁵⁴ Stenton 1952, I, 15.
- ⁵⁵ Thorpe 1769, 592. B.L. Cot. App. xxi, *passim*.
- ⁵⁶ *Pipe Roll, 10 Henry II*, 16. *Ibid.*, 12 Henry II, 34.
- ⁵⁷ B.L. Cot. App. xxi, ff.20a, 22a, 110a; Mortimer and Harper-Bill 1982, nos 23, 33, 328; Robert the constable witnessed a charter of Earl Gilbert. *Curia Regis Rolls*, VI, 141.
- ⁵⁸ B.L. Cot. App. xxi, ff.20b, 21a – b, 27a; Mortimer and Harper-Bill 1982, nos 25, 29, 50.
- ⁵⁹ Salzmann 1932, 118 – 19. See above, p.195 and below, p.198.
- ⁶⁰ The four churches concerned were Cardigan; Melchbourne, Bedfordshire; Tonbridge, Kent; and Barton Bendish, Norfolk.
- ⁶¹ Hall 1896 – 7, I, 410.
- ⁶² *Ibid.*, 405; Stephen of Turs who held one knight's fee of the new enfeoffment in Suffolk.
- ⁶³ Hunter 1833, 94. Geoffrey held Walsingham, Norfolk, of the Clares.
- ⁶⁴ B.L. Cot. App. xxi, f.16a; Mortimer and Harper-Bill 1982, no. 9.
- ⁶⁵ B.L. Cot. App. xxi, f.15b; Mortimer and Harper-Bill 1982, no. 8.
- ⁶⁶ B.L. Cot. App. xxi, f.27a; Stenton 1961, 270; Mortimer and Harper-Bill 1982, no. 50. According to B.L. Cot. App. xxi, f.170a (Mortimer and Harper-Bill 1982, no. 536), Pitley was granted to Stephen by Osbern of Balliol. One of the two charters concerned with this dates from the time of Earl Roger, but it is not clear whether Osbern was involved in the seizure, or whether Stephen was trying to cover up his actions.
- ⁶⁷ Stenton 1952, I, 15, 410 – 11. Sarah did not reach a final settlement of her dower with her son Thomas until 1205; Dodwell 1956, no. 448.
- ⁶⁸ *Curia Regis Rolls*, XI, 564. *Ibid.*, XII, 7.
- ⁶⁹ *Ibid.*, III, 214. Dodwell 1956, no. 439.
- ⁷⁰ *Curia Regis Rolls*, I, 177 – 8. See above, p.194; although Goismer's fees were divided among his sons, the heirs of Geoffrey son of Herluin clearly retained an interest in the lands of the other branch of the family. Dodwell 1956, no. 426.

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Unpublished MSS: Abbreviations

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|-----------------------------|---|
| B.L. Cot. App. xxi | British Library, Cotton MS., Appendix xxi. |
| B.L. Cot. Nero E vi | British Library, Cotton MS., Nero E vi. |
| B.L. Harl. Ch. | British Library, Harley Charters. |
| B.L. Lans. 203 | British Library, Lansdowne MS. 203. |
| P.R.P. C.47/9/23–5 | Public Record Office, Chancery Miscellanea, bundle 9, nos 23–5 |
| P.R.O. C.134, files
42–4 | Public Record Office, Chancery Inquisitions <i>post mortem</i> , Edward II, files 42–4. |
| P.R.O. E.198/1/3 | Public Record Office, original Clare <i>Carta</i> of 1166. |