

# THE HONOUR OF CLARE IN SUFFOLK IN THE EARLY MIDDLE AGES

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From the Norman Conquest, the honour of Clare was one of the most extensive and wealthy honours in eastern England, comprising a vast conglomeration of estates great and small, with Clare as its *caput*, or administrative centre. Together with the honour of Tonbridge in Kent, it was granted by William I to Richard son of count Gilbert of Brionne, his distant kinsman, and originally it consisted of lands in Essex and Suffolk which had formerly belonged to Wisgar son of Aelfric, an Essex thegn, and to Phin the Dane; in the course of the twelfth century, valuable manors in Norfolk were added to the honour. Richard son of count Gilbert founded the Clare family which was to be in the forefront of politics until Richard's last direct male descendant, Gilbert V de Clare, earl of Hertford and Gloucester, fell at Bannockburn in 1314.<sup>1</sup> The family's prominence in politics, and its ability to oppose the king, particularly in the thirteenth century, are largely explained by the extent of its landed wealth; Gilbert V had an income of over £6,500 in 1314,<sup>2</sup> and was among the wealthiest barons in England. Only a part of this income, almost £1,700, was drawn from the honour of Clare; most came from estates acquired later, and in particular from the honour of Gloucester with extensive lands in the West Country and South Wales.

Most of the family's income was derived from its demesne manors, the lands which it kept in its own hands, and exploited for its own profit. In Suffolk, the most important estates comprised

<sup>1</sup> The following is a list of the Clare lords; they have been numbered in order to avoid confusion over the names:

Richard I, son of count Gilbert of Brionne, d. c. 1090.

Gilbert I, d. 1117.

Richard II, d. 1136.

Gilbert II, created earl of Hertford c. 1140, d. 1153.

Roger, d. 1173.

Richard III, d. 1217.

Gilbert III, the first Clare earl of Gloucester, d. 1230.

Richard IV, d. 1262.

Gilbert IV, d. 1295.

Joan of Acre, daughter of King Edward I, and widow of Gilbert IV, d. 1307.

Gilbert V, d. 1314. After his death, his lands were divided among his three sisters, and the honour of Clare was granted to the youngest, Elizabeth de Burgh, d. 1360.

<sup>2</sup> P.R.O. Chancery Miscellanea, bundle 9, Nos. 23, 24, 26.

the borough and manor of Clare, the manors of Hundon, and Desning in Gazeley, and the borough of Sudbury with the manor of Wood Hall. The first three were all held in demesne at the time of William the Conqueror; Sudbury originally belonged to the honour of Gloucester, but was administered as part of the Clare lands in the late thirteenth century. In examining the demesne manors, as in investigating other aspects of the honour, emphasis must mainly be placed on the later history, for, apart from Domesday Book and some charter and cartulary material, there is little evidence before the Ministers' Accounts and Court Rolls of the late thirteenth and early fourteenth centuries. It is possible however to indicate the main developments.

From the Domesday Survey of 1086, it is clear that Richard son of count Gilbert was exploiting his lands to the full. The most striking feature of these lands in Domesday is the contrast between the extremely valuable demesne manors at one end of the scale, and, at the other, the numerous smallholdings of freemen and sokemen over whom Richard inherited a variety of rights.<sup>3</sup> He held a total of 272 freemen and 44 sokemen in demesne in Suffolk who most probably paid him a rent to which there are a few references in Domesday. Thus, at Cornard, the two freemen on whom Wisgar had encroached after the Conquest had a holding worth 20s. when Richard received the land, but in 1086 it rendered £6, and there seems no justification for such an increase.<sup>4</sup> This reference to an encroachment is by no means an isolated one in Domesday; Richard himself frequently usurped his rights over freemen and sokemen in both Essex and Suffolk.

Of the valuable manors, Clare headed the list of Richard's Suffolk lands,<sup>5</sup> and a castle of the motte and bailey type was built there by 1090,<sup>6</sup> ruins of which still survive today. The planting of a vineyard marked another innovation since the Conquest. Clare was developing as a small seignorial borough; there had been a market in the time of Edward the Confessor, and 43 burgesses lived there in 1086. The manor was worth £40 both before the Conquest and in 1086; in view of the fall in the number of ploughs from 48 to 31, it may be assumed that Richard had increased rents and dues. Similarly, at Hundon, the number of ploughs had dropped from 40 to 30, but the value of the manor had risen from £30 to £40 4s.<sup>7</sup>

<sup>3</sup> Such small freeholdings were very common in the eastern counties, in contrast to the rest of England. A distinction between freemen and sokemen is hard to draw, but on the whole the sokemen were less independent of their lord.

<sup>4</sup> *Domesday Book*, vol. II, ed. A. Farley, Record Commission (1783), f. 448a.

<sup>5</sup> *Ibid.* f. 389b.

<sup>6</sup> B. M. Cotton MS. Appendix xxi, f. 63v.

<sup>7</sup> *Domesday Book*, vol. II, f. 389b-390a.

It has recently been shown that in 1086 *firmarii* were renting large and valuable demesne manors over a great part of southern England.<sup>8</sup> Two of Richard's manors were farmed in this way, Thaxted in Essex, and Desning in Gazeley in Suffolk, and in both cases Richard was over-exploiting his lands. At Desning, the state of the manor was apparently the same as it had been before the Conquest, but its value had risen from £30 to £40. This was a considerable increase, and still more astonishing is the fact that Richard had given it to a reeve to farm for £65; not surprisingly, the manor could not sustain this.<sup>9</sup>

After the Domesday Survey, the history of the demesne manors is unknown for nearly 150 years. Leasing remained a fairly common practice in the twelfth century when baronial administration had not developed far enough to keep a check on the direct farming of numerous demesne manors. On the Clare lands, the manors were being directly exploited by the 1230's, and by that time the hierarchy of professional officials at Clare was rapidly developing.<sup>10</sup> The thirteenth century was a time of great agricultural prosperity; in the country as a whole there was a rising population, expanding settlement, more intensified farming and the growth of demesne land,<sup>11</sup> and the great lords made a considerable profit by producing for the market on a large scale. The Clare policy of expansion in the second half of the thirteenth century is a sure indication of the value of demesne land, and considerable sums were paid for new parcels of land and for rents. Expansion was most marked on the Clare manor of Standon in Hertfordshire, but was also to be found at Clare, Hundon, Sudbury and elsewhere.<sup>12</sup>

Agricultural profits formed the main part of the income from the manors, but the Inquisitions *post mortem* (descriptions of the Clare estates taken by the Crown after an earl's death), although generally unreliable as to the total value of a manor, show that rents, mills and trading profits brought in a reasonable sum in the late thirteenth and early fourteenth centuries. Rents were to become far more important as a source of income later in the fourteenth century. In Clare manor and borough after the death of earl Gilbert IV in 1295, the four mills were said to be worth £10, the rent of assize in the manor £9 2s. 4½d., the rent of the borough 70s., the market and fair £6, and the total of judicial perquisites

<sup>8</sup> R. Lennard, *Rural England, 1086-1135*, (1959), p. 152.

<sup>9</sup> *Domesday Book*, vol. II, f. 390a.

<sup>10</sup> See below, p. 107.

<sup>11</sup> M. Postan, 'The Chronology of Labour Services', in *Transactions of the Royal Historical Society*, 4th series, vol. xx (1937), p. 186.

<sup>12</sup> B. M. Additional MS. 6041, *passim*.

£5;<sup>13</sup> the valuation of the whole manor and borough in 1317 amounted to £191 6s. 6d.<sup>14</sup>

The demesne manors were administered by bailiffs and reeves. Contemporary treatises extolled the rôle of the bailiff, the official appointed by the lord, and made him responsible for supervising all the farming on the manor. According to the 'Seneschaucie', 'the bailiff ought to be faithful and profitable, and a good husbandman, and also prudent'.<sup>15</sup> It was assumed that he would live on the manor for it was said, 'The bailiff ought to rise every morning and survey the woods, corn, meadows and pastures, and see what damage may have been done' before proceeding to his other work.<sup>16</sup> In practice however, it was the reeve who was indispensable for running the manor.<sup>17</sup> The reeve, being a villein, was unfree, but as a permanent resident he had the advantage of intimate knowledge of local conditions, whereas the bailiff was an outsider. On most of the Clare manors, there was both a bailiff and a reeve, but the reeves generally had the most responsible task of accounting for the manor year by year. In certain cases, when a Clare official was bailiff of several manors at the same time, his supervision can only have been general; in the Christmas term of 1308, for instance, John de Toucestre, constable of Clare, was bailiff of the manors of Clare, Hundon, Wood Hall in Sudbury, Haverhill, Desning in Gazeley, and Great Bardfield, and, for the rest of the year, of Clare, Hundon, Wood Hall and Haverhill.<sup>18</sup>

Quite apart from their profits, the manors were often a source of sport for the Clares, as many had their own parks where the earls could hunt. In days when hunting deer was the main sport, the Clares were well provided for. Deer were kept in the great park at Hundon,<sup>19</sup> and at Desning in Gazeley,<sup>20</sup> and there were two more parks at Great Bardfield and Thaxted in Essex.<sup>21</sup> None existed at Clare. Often, these parks were looked after by men who held their land by serjeanty tenure, in return for doing this particular work. In the course of the thirteenth century, many of these serjeanties lapsed, and the later park-keepers were paid wages. The post of looking after the park of Hundon was quitclaimed to

<sup>13</sup> P.R.O. Chancery Inquisitions *post mortem*, Edward I, file 77 (3), m. 19. These amounts are almost the same as in the later Ministers' Accounts.

<sup>14</sup> P.R.O. Chancery Miscellanea, bundle 9, No. 25.

<sup>15</sup> 'Seneschaucie', in *Walter of Henley's Husbandry*, ed. E. Lamond (1890), p. 89.

<sup>16</sup> *Ibid.* p. 91.

<sup>17</sup> H. S. Bennett, 'The Reeve and the Manor in the fourteenth century', in *English Historical Review*, vol. XLI (1926), p. 359.

<sup>18</sup> P.R.O. Ministers' Accounts (General Series), bundle 1109, No. 12. As in the Royal Exchequer, accounts ran from Michaelmas to Michaelmas.

<sup>19</sup> P.R.O. Chancery Inquisitions *post mortem*, Edward I, file 77 (3), m. 17.

<sup>20</sup> *Ibid.* Edward II, file 42, m. 1.

<sup>21</sup> *Ibid.* Edward I, file 77 (3), m. 20, 21.

earl Richard IV,<sup>22</sup> and in 1308-9 the fee of the park-keeper amounted to 60s. a year.<sup>23</sup>

Only a relatively small part of the honour was held in demesne. The rest was subinfeudated, given by the Clares to their friends and knights, to be held of them by knight service; the principal obligation, early in the history of the honour, was fighting in the Clare retinue when the king summoned the feudal host. In discussing the general development of subinfeudation, the incompleteness of sources is sometimes hampering—the Honour Court Rolls, for instance, do not begin until the early fourteenth century—but there is more twelfth century material than for the demesne manors, and it is possible to trace the rise and decline of the feudal system in the early Middle Ages. The golden age of the honour, the time when it was virtually a self-contained unit, was limited to the late eleventh and the first half of the twelfth centuries. By the thirteenth century, the system was collapsing although many attempts were made to strengthen it; many of the feudal incidents, such as personal military service and wardship, had lost their meaning, the honour courts were declining, and lords had often lost control of their sub-tenants, although the Clare lord's position in the early fourteenth century was stronger than on many other lay estates.

At the time of the Domesday Survey in 1086, somewhat over one-half of the Clare lands in Essex and Suffolk had been subinfeudated; this seems to have been normal.<sup>24</sup> Of the sub-tenants whose Norman origins can be traced, the majority came from the neighbourhood of Orbec, one of the possessions of Richard son of count Gilbert before the Conquest, and some may have been his vassals in Normandy. For instance, Roger de Saint Germain came from Saint-Germain-la-Campagne, five kilometres to the north of Orbec, and the same distance east of Bienfaite, Richard's other possession in Normandy.<sup>25</sup> His descendants held land at Cavendish in the thirteenth century.<sup>26</sup>

In all probability, most of the principal followers of Richard son of count Gilbert had been rewarded with land by 1086, but there is no indication as to how many knights were still landless, and were maintained in the lord's household. As on other honours, the bulk of subinfeudation was complete by Henry I's death in

<sup>22</sup> B. M. Additional MS. 6041, f. 71.

<sup>23</sup> P.R.O. Ministers' Accounts (General Series), bundle 1109, No. 12.

<sup>24</sup> S. Painter, *Studies in the History of the English Feudal Barony*, (1943), p. 21.

<sup>25</sup> L. C. Loyd, *The Origins of some Anglo-Norman Families*, Harleian Society, CIII (1951), p. 94.

<sup>26</sup> *Book of Fees*, p. 918.

1135.<sup>27</sup> In the returns to Henry II's *Cartae* in 1166, inquiring into the number of knights' fees on each honour, earl Roger de Clare had approximately 133 fees of the old enfeoffment (created before 1135) and only  $8\frac{1}{4}$  of the new (set up since that date).<sup>28</sup> Of these, about  $86\frac{1}{3}$  knights' fees lay in the honour of Clare in Essex, Suffolk and Norfolk. The number of knights which the Clares had to find for the feudal host is unfortunately not known, but it is clear from the *Carta* that they had provided for the whole of their service due to the Crown by enfeoffing knights on their honours; it is likely that they had enfeoffed more than were needed to fight in the royal army.

In both Domesday Book and the *Carta*, two types of vassal stand out—the less important men, and the lords of valuable manors, well qualified to advise the Clares in the honour court, and to serve them as stewards in the twelfth century. The most notorious of these honorial barons, as they were called, was Walter Tirel, the lord of Langham in Essex, who was the son-in-law of Richard son of count Gilbert, and who killed William Rufus when out hunting in the New Forest in 1100.

The twelfth century has well been called the golden age of the honour, for at that time it was almost an autonomous unit, although the judicial changes of Henry I and Henry II in popularising the royal courts may have taken business from the honour courts. Personal military service in the twelfth century was a reality, and fractional fees were possibly combined for this purpose.<sup>29</sup> Feudal incidents were meaningful and generally necessary; the lord had rights of wardship, since he would be responsible for the military service due from the fee while the heir was a minor. On all honours, castle guard by the military tenants was an important service in the eleventh and early twelfth centuries when baronial castles were essential for the defence of England, but it had generally been commuted for a money payment by 1200.<sup>30</sup> Little is heard of it on the Clare lands, although it was clearly due; an attempt was made to enforce it as late as 1321 when it is obvious that a large number of military tenants were avoiding the obligation.<sup>31</sup>

The relationship of the lord with his sub-tenants was altogether more personal in the twelfth than in the succeeding centuries. The lord was president of the honour court (the steward only acting

<sup>27</sup> F. M. Stenton, *First Century of English Feudalism*, 1066–1166, (1961), p. 138.

<sup>28</sup> *Red Book of the Exchequer*, ed. H. Hall, Rolls Series (1897) vol. 1, pp. 403–7, 410.

<sup>29</sup> B.M. Harley Charters, 76, F. 35. It is equally possible that the holders of fractional fees only paid scutage; this payment, varying with the size of the fee, was made in lieu of personal service.

<sup>30</sup> Stenton, *op. cit.*, p. 209.

<sup>31</sup> P.R.O. Court Rolls (General Series), Portfolio 212, No. 38, m. 6, 6d.

in his absence) where the military tenants probably had to do suit every three weeks as in the early fourteenth century. The honorial barons were expected to advise the lord and give him information. In the case of Stephen de Danmartin, several of Richard III's men had been ordered to swear that they saw Stephen seized of land at Pitley farm in Great Bardfield, Essex, as part of his inheritance. But Richard had been informed by some of his older tenants that while Stephen was Gilbert II's steward he had wrongfully seized the land which belonged to William, the reeve of Bardfield, and he had one of William's sons murdered because he knew that he was his father's heir. Richard pointed out in his letter that he did not want his men to incur God's wrath for committing perjury.<sup>32</sup> Another letter of earl Richard III shows that the lord might make a personal intervention on behalf of a sub-tenant; he wrote to the archdeacons of Norwich on behalf of Roger de Gyney, asking for their help in carrying out a grant made by Roger's grandfather to the priory of Stoke by Clare.<sup>33</sup>

In the thirteenth century, there are numerous signs that the Clare lords, like most of the English baronage, were losing some of their control over sub-tenants. The development of a bureaucratic administration, and the acquisition of the great honour of Gloucester in 1217 broke the personal link between the lord and tenants. As the century progressed, feudal incidents lost their meaning although they were exploited by the lord in order to secure occasional windfalls of revenue. Military service was no longer performed, and instead each tenant paid scutage, a levy which proved extremely difficult to collect by the end of the century. Honours became increasingly dependent on the king, and the lord's freedom of action was much restricted; his levy of scutage had to be authorised by a royal writ, and the honour court was limited by royal legislation, and, in comparison with the royal courts, its procedure was somewhat antiquated. The lord could no longer depend on his honorial barons as many became tenants in chief of the Crown, and were attracted by the growing prestige of royal service. Whereas the eleventh-century knights had been no more than mounted soldiers, the knights in the thirteenth century were prosperous men, farming their own manors, and becoming increasingly responsible for the smooth running of local government.

All these factors contributed to the decline of the honour and to the lord's loss of control, but more crucial than these are the problems of the subdivision of fees and alienation by sub-tenants. It became more and more difficult for a lord to obtain the service due from his fees, and lords were losing their escheats, marriages

<sup>32</sup> B.M. Cotton MS. Appendix xxi, f. 27.

<sup>33</sup> *Ibid.*, f. 28.

and wardships. The existence of fractional knights' fees was probably causing difficulties by the end of the twelfth century, and the number of such fees was bound to increase when there was no male heir and co-heiresses divided the land. Before the thirteenth century there is no means of knowing how many fees the sub-tenants had granted to others, but the royal inquiries of Henry III and Edward I reveal long scales of tenure as well as excessive subdivision. In 1242-3, for instance, Robert Darnel held  $\frac{1}{3}$  fee in Poslingford of the heirs of Robert de Alwarton, who held of Ralph son of William, the immediate sub-tenant of the earl.<sup>34</sup> In 1302-3 in Cavendish, John Pecche and Adam de Greinton held  $\frac{1}{4}$  fee of Peter de Taleworthe who held it of the Clares;<sup>35</sup> this had formerly belonged to the family of Roger de Saint Germain. An extreme example of subdivision is the  $\frac{1}{2}$  fee in Little Sampford in Essex, held by John son of Simon and nineteen other tenants.<sup>36</sup> The lord had no power to interfere in alienations by his vassals and the legislation to restrict alienation in the reign of Edward I came too late to be of real benefit to the lords.

From the earliest surviving Court Rolls of the beginning of the fourteenth century, it is clear that the Clares had lost control over their most important vassals, but it is to the credit of their officials that they had kept track of the smaller sub-tenants, and that the court was much busier than many other honour courts at that time; there was a constant stream of litigation concerning theft, slander, assault, debt and detinue, besides fines for entry on land, and feudal business.

In the early fourteenth century, the court met at Clare on Wednesdays, generally every three weeks. The court was held for the Clare tenants in Norfolk, Suffolk, Essex and Cambridgeshire.<sup>37</sup> The steward acted as president, although the court might meet in his absence.<sup>38</sup> In contrast to the twelfth century, the earl never seems to have been present, although he occasionally intervened in the proceedings by letter. The profits of the court were high; in 1308-9, they yielded £69 9s. 8d.,<sup>39</sup> and in 1312-13 £46 6s. 11d.<sup>40</sup> Of the counties involved, Norfolk was the most valuable, yielding

<sup>34</sup> *Book of Fees*, p. 918.

<sup>35</sup> *Inquisitions and Assessments relating to Feudal Aids, 1284-1431*, vol. v, p. 29.

<sup>36</sup> *Ibid.*, II, p. 147.

<sup>37</sup> The Clare lands in Cambridgeshire were not extensive.

<sup>38</sup> W. O. Ault, *Court Rolls of the Abbey of Ramsey and of the Honor of Clare* (1928) pp. 78, 85. P.R.O. Court Rolls (General Series), Portfolio 212, No. 37, m. 5d.

<sup>39</sup> Ault, *op. cit.* pp. 75-110. P.R.O. Court Rolls (General Series), Portfolio 212, No. 33. The Court Rolls, like the Ministers' Accounts, ran from Michaelmas to Michaelmas.

<sup>40</sup> P.R.O. Court Rolls (General Series), Portfolio 212, No. 35.



£44 19s. 9d. in 1308-9, compared with £10 10s. from Suffolk, and £12 13s. 6d. from Essex.

Both military and free tenants owed suit of court, and the freeholders outnumbered the tenants by knight service. As seen in the Domesday Survey, these free or socage tenants were very numerous in eastern England; they paid a rent to their lord and were not liable for feudal incidents. There was no economic distinction between the tenant by fractional knight service and the freeholder. The suitors ranged from the earls of Oxford and Pembroke (who never attended) to knights and local lords, the equivalent of the twelfth century honorial barons, and from them to yeomen and peasants. At the bottom of the scale were suitors so poor that the bailiffs reported that they had nothing whereby they could be distrained or attached.<sup>41</sup>

Of the military tenants, the wealthiest group, the descendants of the honorial baronage, played little part in the court. They preferred to pay fines for the respite of their suit, fines which often included respite of homage. The amounts varied enormously, but not according to the size of the fee; probably they represented an individual bargain between the tenant and the earl, and they remained the same from one year to the next. Thus, Walter son of Humphrey, lord of 5½ fees in Suffolk and Essex, paid 3s. 4d. a year for respite of suit,<sup>42</sup> William de Badele, lord of 4½ fees in Suffolk, paid 4s.,<sup>43</sup> whilst John de Flore who with two others was lord of 1½ fees in Norfolk paid 6s. 8d.<sup>44</sup> The first two sums were ludicrously low for the size of the holding, and may represent early respites. Perhaps the important suitors had seldom attended the court in the mid-thirteenth century. In 1259, a case of assault on a knight, which had previously been heard in the Clare court, was brought before the king's justices in eyre. The earl's steward explained that the damages had not been assessed at Clare, because he wanted to obtain advice, since this trespass had been done to a knight.<sup>45</sup> Clearly the steward did not know how to proceed in a case in which a knight was involved.

The Court Rolls indicate that the earl was not willing to let suit of court lapse. In 1310, the abbot of Savigny was distrained for homage and fealty and for several defaults of court. The abbey's attorney, however, produced Richard IV's charter confirming to the monks all their lands in Field Dalling, Norfolk, to be held in perpetual alms, quit of all services, including suit of court, as in the

<sup>41</sup> *Ibid.*, Portfolio 212, No. 37, m. 4; *ibid.*, Portfolio 212, No. 40, m. 8.

<sup>42</sup> *Ibid.*, Portfolio 212, No. 34, m. 1; *ibid.*, Portfolio 212, No. 35, m. 1.

<sup>43</sup> Ault, *op. cit.* p. 84.

<sup>44</sup> P.R.O. Court Rolls (General Series), Portfolio 212, No. 35, m. 2.

<sup>45</sup> *Select Cases of Procedure without Writ under Henry III*, ed. H. G. Richardson and G. O. Sayles, Selden Society LX, (1941), p. 96.

previous confirmation of earl Roger. The attorney gave earl Gilbert V one mark (13s. 4d.) to accept the charter.<sup>46</sup>

The majority of the cases heard comprised personal actions where the damages amounted to less than 40s.—cases of debt, detinue, trespass and covenant. The procedure, as in other medieval courts, was slow, and many cases were settled by amicable agreement, and not by the court. The procedure comprised a mixture of old and new methods, and much had been borrowed from the royal courts. When the plaintiff brought his case, he had to make his claim and produce his *secta*, a body of witnesses to testify that his complaint was genuine; by the early fourteenth century, however, the *secta* was merely a formality.<sup>47</sup> The defendant would then make his defence which had to be verbally accurate; otherwise, he would lose his case. The issue before the court was decided either by the older method of compurgation or oath-helpers, or by jury. The jury was the more popular method, although difficulties were often encountered in assembling the jurors.

The most interesting of the cases are those in which the honour court acted as a court of reference. It was not competent to deal with cases of false judgment in the earl's lower courts, although some of the cases approximated to this, particularly one in 1308.<sup>48</sup> William Underwode complained that, at the leet at Norton in Essex, the chief pledges<sup>49</sup> wrongly informed John de Rattlesden, the steward's clerk, that William broke into a man's house, with the result that William was amerced 6d. and his damages amounted to half a mark. William's contention was not however upheld when the case was tried by compurgation, and he was amerced again.

An unusual case occurred in 1309 when Hugh de Carlholm complained of a distraint made by the prior of Newton Longville in Norfolk.<sup>50</sup> In defence, the prior claimed that Hugh was his villein, and that he therefore need not answer him in the honour court where villeins were not permitted to plead. The distraint was said to be just, because Hugh had been elected reeve, and had refused to perform his duties. Hugh denied that he was a villein and obliged to be reeve. It was decided that a jury should be summoned to the forinsec (or minor) court of the honour at Walsingham in Norfolk, and we do not know the outcome.

<sup>46</sup> P.R.O. Court Rolls (General Series), Portfolio 212, No. 34, m. 2.

<sup>47</sup> W. S. Holdsworth, *A History of English Law* (1927), vol. 1, pp. 300-1.

<sup>48</sup> Ault, *op. cit.* pp. 81, 90-1.

<sup>49</sup> The chief pledges were the leaders of the tithings, groups of men and boys over the age of twelve, into which villages were divided for police purposes. The tithing lists were checked at the view of frankpledge which generally formed part of the leet's business. At this leet, the chief pledges reported on the crimes in the village since the last court.

<sup>50</sup> Ault, *op. cit.* pp. 100-1.

The feudal cases at Clare were undoubtedly in a minority. There is no mention in the Court Rolls of military service or of scutage, and the obligation to pay money for castleguard was clearly being avoided. The fines for respite of homage and suit of court have already been mentioned. A feudal lord was allowed to levy aids for his own ransom, the knighting of his eldest son, and the marriage of his eldest daughter, but none of these contingencies arose in the time of Gilbert V. The feudal cases in the Court Rolls are in fact limited to the action taken at Clare after a military tenant's death, and to wardships and reliefs.

The Clares copied royal procedure closely on the death of one of their vassals. Inquisitions *post mortem* were drawn up in order to keep a check on the obligations of both military and serjeanty tenants. On the death of a tenant, an order was made in the honour court for his lands to be taken into the lord's hands. A jury was then summoned to inquire into the lands held of the lord on the day the tenant died, the services due, and the name and age of the next heir. The jury would also be used to take a proof of age, to find out if the heir was twenty-one years old, and entitled to take up his father's land.

To quote a specific example from Suffolk, John de la Kersonere died in 1325.<sup>51</sup> His eldest son, John, appeared at the honour court, and asked to be admitted to his father's land. An inquisition was taken, and the jurors reported that his father had held divers tenements in Hawkedon by the service of  $\frac{1}{2}$  knight's fee, and that he had done suit at the honour court every three weeks. They also declared that John, the son, was the rightful heir and of age. John did fealty and homage, and was ordered to pay his relief of 50s. at Whitsun and Michaelmas.

A widow was entitled to  $\frac{1}{3}$  of her husband's land as dower, and questions of a widow's remarriage as well as of dower occasionally arose in the honour court. Thus, Isabella, the widow of William Walgor, was summoned to give security that she would not remarry without permission;<sup>52</sup> the security proved unnecessary, for she died soon after her husband.<sup>53</sup> Apparently, dower could only be acquired after obtaining the earl's writ; Elena, the widow of Philip de Broughton, paid 20s. to have her dower without this writ.<sup>54</sup>

The relief when a tenant entered on his inheritance was calculated on the basis of 100s. per knight's fee, the sum laid down in Magna Carta in 1215. In the early fourteenth century, the earl's officials were encountering difficulties in enforcing payment. Some

<sup>51</sup> P.R.O. Court Rolls (General Series), Portfolio 212, No. 42, m. 3.

<sup>52</sup> *Ibid.*, Portfolio 212, No. 39, m. 7d. Isabella was a Norfolk tenant.

<sup>53</sup> *Ibid.*, m. 11d.

<sup>54</sup> *Ibid.*, Portfolio 212, No. 35, m. 5. Elena was also a Norfolk tenant.

of the more important tenants appear unwilling to pay; Simon son of Richard, lord of  $12\frac{1}{4}$  fees in Essex and Norfolk, owed relief in 1309 which was still being demanded nearly two years later.<sup>55</sup> It was difficult to collect the relief due from John son of Simon, as he shared his  $\frac{1}{2}$  fee in Little Sampford, Essex, with nineteen others.<sup>56</sup> Some vassals were avoiding relief altogether by being enfeoffed before the deaths of their fathers.<sup>57</sup>

In the thirteenth and early fourteenth century, the number of wardships falling to the earls was gradually diminishing. The earls' rights were considerably restricted by the Crown's exercise of prerogative wardship. If a tenant held of a number of lords and also held land by knight service of the king, all his lands, together with the custody of the heir and his marriage, passed to the Crown in a minority. Some of the earls' most valuable wardships were thus lost to the king, and the number of prerogative wardships was constantly increasing. Moreover, by the end of the thirteenth century, several sub-tenants were succeeding in avoiding wardship altogether. The simplest method was by a joint enfeoffment to husband and wife; after the husband's death, the wife continued to hold the estate, and the lord obtained only the custody of the heir and his marriage. Another device used was a collusive enfeoffment. For instance, in 1309, Walter son of Humphrey, lord of  $5\frac{1}{2}$  fees in Essex and Suffolk, gave 50s. to have a licence to enfeoff anyone he liked of his manor of Borley in Essex;<sup>58</sup> this feoffee, probably a friend of Walter's, could then give back the manor to Walter and his wife, to hold to them and their heirs. Henceforth, the land would be held of this friend, and not of the earl as formerly, and in the event of a wardship the custody would pass to Walter's friend as his superior lord and not to the Clares.

The orders of the court were enforced by distraint, the taking of goods or land by the lord as security that his orders would be obeyed. The lord's power of distraint was liable to abuse, and was the subject of considerable regulation in the statute of Marlborough of 1267 and the legislation of Edward I. Moreover, by Edward I's reign, distraint was on chattels alone, and the fief could not be taken by the earl. Small tenants would be hard hit by the lord's distraint, but it is doubtful whether distraint on chattels alone was sufficient to coerce the more substantial landholders. There are numerous instances in the Court Rolls of distrains being levied on

<sup>55</sup> Ault, *op cit.* pp. 87, 91-2; P.R.O. Court Rolls (General Series), Portfolio 212, No. 34, m. 2d.

<sup>56</sup> Ault, *op cit.* p. 99; *Inquisitions and Assessments relating to Feudal Aids, 1284-1431*, vol. II, p. 147.

<sup>57</sup> *Calendar of Inquisitions post mortem*, vol. II, No. 18.

<sup>58</sup> Ault, *op. cit.* p. 93.

the sub-tenants of vassals in an attempt to force their lords to fulfil their obligations. These tenants sometimes paid a fine in order to avoid distraint; Bartholomew de Castell paid 40d. not to be distrained for the suit of the earl of Oxford until Michaelmas.<sup>59</sup>

Norfolk, Suffolk and Essex each had a bailiff of fees. These men, with their sub-bailiffs, were responsible for carrying out the orders of the court, and so for maintaining the lord's control over his tenants. In Essex and Suffolk, the bailiff's office was a serjeanty tenure; in 1308 in Suffolk, an inquiry was ordered into the tenants of a particular tenement whose duty it was to find a bailiff of fees,<sup>60</sup> but it is not clear where this land was. The bailiff received a money-fee in the early fourteenth century, amounting to 33s. 4d. in Suffolk.<sup>61</sup> Besides making distrains and attachments, summoning juries, and carrying out inquiries, bailiffs are found testifying in the honour court, acting as pledges, collecting information for the lord, and carrying out a settlement on behalf of a successful litigant.<sup>62</sup>

The bailiffs' work could be dangerous; the 10s. fine paid by Walter Oliver in 1308 included, among other things, reparation for trespasses to the earl's bailiffs.<sup>63</sup> They were bound to be unpopular, and the Norfolk and Suffolk *Hundred Rolls* (the inquiry into franchises ordered by Edward I) underlined the dislike felt for the earl's officials, particularly the bailiffs. An impression is gained that the bailiffs were wilfully abusing their powers, and, one suspects, paying off a few private grudges. In the early fourteenth century, although the bailiffs obviously could not coerce the most important tenants, the very amount of business in the court is a tribute to their efficiency. It is rare to find a bailiff reporting that he had been unable to do anything.<sup>64</sup> The bailiffs by no means had a free hand; they were closely supervised by the court, and were often accused of not doing their duty,<sup>65</sup> or of being in arrears with their payments.<sup>66</sup>

By the early fourteenth century, the Clare earls had an elaborate system for keeping track of their sub-tenants. In contrast to the twelfth century, they relied heavily on their officials for their information about the honour, and on the whole they seem to have

<sup>59</sup> P.R.O. Court Rolls (General Series), Portfolio 212, No. 34, m. 7.

<sup>60</sup> Ault, *op. cit.* pp. 79, 82-3; *cf.* p. 85.

<sup>61</sup> P.R.O. Ministers' Accounts (General Series), bundle 1109, No. 14.

<sup>62</sup> P.R.O. Court Rolls (General Series), Portfolio 212, No. 43, m. 6; *ibid.*, No. 34, m. 3; *ibid.*, No. 43, m. 7; Ault, *op. cit.* p. 102.

<sup>63</sup> Ault, *op. cit.* p. 75; *cf.* pp. 82, 87.

<sup>64</sup> *Ibid.*, p. 81.

<sup>65</sup> *Ibid.*, pp. 79, 83, 98; P.R.O. Court Rolls (General Series), Portfolio 212, No. 42, m. 8.

<sup>66</sup> Ault, *op. cit.* p. 77; P.R.O. Court Rolls (General Series), Portfolio 212, No. 39, m. 10d.

been well served. Much had been learnt from royal practice, both in court procedure, and in the custom of making inquisitions *post mortem*. Although the work of the court had been limited by royal legislation, it still dealt with a considerable amount of business, and the profits were a useful addition to the earl's income. In spite of the growing complexities of feudal tenure, the earl's control over the smaller military tenants and freeholders was well maintained, although he could no longer coerce the descendants of the honorial barons of the twelfth century. Later in the fourteenth century, a further decline set in, and eventually the Court Rolls became merely a list of respites and defaults.

The successful running of the honour—both as regards the exploitation of the demesne manors and the control over sub-tenants—depended primarily on the efficiency of the administration at Clare. The organisation was relatively simple in the twelfth century, but soon after 1200 it became more complicated and bureaucratic. Instead of having sub-tenants as officials as had often happened in the twelfth century, the earls appointed professional administrators who normally had legal experience, had often served the Crown or other lords, and who stayed only a few years at Clare before going on elsewhere. This contrast between the twelfth and thirteenth centuries is found on all great estates,<sup>67</sup> and it cannot be attributed to any one cause. It was doubtless partly due to the need for increasing manorial supervision in the great age of demesne exploitation. On the feudal side, lords were losing control of their great tenants; and consequently had to rely more on their officials for advice and information. The lords had to keep pace with changes in the royal courts, and in the thirteenth century professional pleaders were employed before the king's justices. On the Clare lands in particular, the administration was bound to become more impersonal after the acquisition of the honour of Gloucester in 1217; the thirteenth century earls had far wider landed interests and were increasingly drawn into politics, and by the second half of the century were relying on their council to co-ordinate the administrations of their various estates.

At Clare, among the host of clerks, chaplains, butlers, chamberlains, and others mentioned from time to time, three officials stand out, the constable, the receiver, and, most important of all, the steward. Of these, the constable was only of real importance before the mid-twelfth century, when sporadic outbursts of disorder, particularly during Stephen's reign, made it necessary to have a large force of knights at hand. The constable commanded

<sup>67</sup> Cf. E. Miller, *The Abbey and Bishopric of Ely* (1951), p. 251.

the knights of the household,<sup>68</sup> and was sometimes chosen from the Clare vassals; Robert son of Humphrey, a twelfth century constable, was the brother of Walter son of Humphrey who, like his namesake and descendant mentioned above, held  $5\frac{1}{2}$  knights' fees in Essex and Suffolk.<sup>69</sup> One instance survives of the constable's work. In Stephen's reign, Gilbert II de Clare ordered his constable, Simon son of Lambert, and his knights at the demesne manor of Desning in Gazeley to ensure Colchester abbey's possession of an estate granted by one of the earl's ancestors.<sup>70</sup> Presumably, someone had cast envious eyes on the land, and the abbey had called on Gilbert II to protect it. In the thirteenth century, the constable's duties are obscure; he occasionally acted as receiver, or, as seen above, as bailiff of a number of demesne manors.

Little is known of the financial organisation of the honour before the early fourteenth century, and even then the evidence is scanty. Payments were made out of the lord's chamber in John's reign,<sup>71</sup> but in the early fourteenth century they were normally made out of the wardrobe, although wages and some expenses were entered on the receiver's account. Mr. Denholm-Young has however pointed out that at this time there was often no distinction between the wardrobe and the chamber;<sup>72</sup> the difference between them became marked later in the fourteenth century. It was usual to have two financial officials, one with more authority than the other;<sup>73</sup> in 1308-9, £81 9s. 8d. was handed over by the receiver to the forinsec wardrobe, Richard de Loughborough, whereas £729 17s. 2d. passed to the wardrober, John de Bruges. Richard's fee for the year amounted to £20, but no mention was made of the amount paid to John.<sup>74</sup>

The financial official of whom most is heard is the receiver. Payments from the demesne manors and the bailiffs of fees were made to him, and he was responsible for paying the fees of the earl's central officials, the bailiffs and the park-keepers. His own fee is not known, but in 1308-9 the fees of the constable and receiver (then two people) were given together, as if the offices were often combined, and they amounted to £11 10s.<sup>75</sup> The receiver's position was not an enviable one because of his responsibility for

<sup>68</sup> Stenton, *op. cit.* p. 79.

<sup>69</sup> B.M. Cotton MS. Appendix xxi, f. 21. *Red Book of the Exchequer*, ed. H. Hall, Rolls Series (1897), vol. I, p. 403.

<sup>70</sup> *Cartularium Monasterii Sancti Johannis Baptiste de Colecestria*, ed. S. A. Moore, Roxburghe Club (1897); vol. I, p. 171.

<sup>71</sup> *Curia Regis Rolls*, vol. VIII, p. 62.

<sup>72</sup> N. Denholm-Young, *Seignorial Administration in England*, (1937), pp. 30-31.

<sup>73</sup> *Ibid.*, p. 13.

<sup>74</sup> P.R.O. Minister's Accounts (General Series), bundle 1109, No. 12.

<sup>75</sup> *Ibid.*

arrears. When Simon de Henham brought a case against earl Gilbert IV for debts and expenses not allowed to him in his account of 1290 and 1291, it transpired that the earl had imprisoned him at Clare for arrears of £614 4s. 1½d.<sup>76</sup>

Both the receiver and constable fade into comparative insignificance beside the steward who throughout the early Middle Ages was the lord's chief official in the honour. It is in this office that we can see the great contrast between the twelfth century vassal with predominantly local interests, and the thirteenth century professional administrator. In the twelfth century, the steward was supreme on the honour under the lord. He was often a honorial baron; Stephen de Danmartin, steward under Gilbert II and Roger de Clare, was the brother of William de Danmartin who held 11½ knights' fees of the earls.<sup>77</sup> It was usual for the early stewards to have certain household duties,<sup>78</sup> but there is no evidence for this on the Clare lands. Outside the honour, the steward sometimes represented the earl at the royal Exchequer, paying debts, or acting as pledge for their future payment.<sup>79</sup>

His administrative responsibilities on the honour itself are well illustrated by documents in the cartulary of the priory of Stoke by Clare.<sup>80</sup> Richard II de Clare wrote to one of his sub-tenants ordering him to give back to the monks the tithes of Gestingthorpe in Essex; if he did not do this, the order was to be carried out by Adam the steward, so that no complaint was made to Richard for lack of right.<sup>81</sup> The steward was responsible for dispensing justice in the lord's absence; in event of non-payment of rents and tithes, Reginald, earl Roger's steward, was to do justice to the monks of Stoke, just as he would do to the earl over his own rents.<sup>82</sup>

It is hardly surprising in view of the stewards' powers that they sometimes abused their authority. An extreme example has already been mentioned, concerning Stephen de Danmartin's seizure of Pitley farm in Great Bardfield. Possibly, this was an unusual case, partly to be excused by the troublous times of Stephen's reign. On another occasion, it was not only the steward who was at fault; earl Roger ordered his grandmother,

<sup>76</sup> Denholm-Young, *op. cit.* pp. 158-9.

<sup>77</sup> B.M. Cotton MS. Appendix xxi, f. 20v, 21-21v, 27. *Red Book of the Exchequer*, ed. H. Hall, Rolls Series (1897), vol. I, p. 405.

<sup>78</sup> Stenton, *op. cit.* p. 74.

<sup>79</sup> *The Great Roll of the Pipe for 5 Richard I, Michaelmas 1193*, ed. D. M. Stenton, in Pipe Roll Society, New Series, vol. III (1927), p. 27; *Memoranda Roll for the Michaelmas term of 1 John, 1199-1200*, in Pipe Roll Society, New Series, vol. XXI (1943), pp. 79-81.

<sup>80</sup> B.M. Cotton MS. Appendix xxi.

<sup>81</sup> *Ibid.*, f. 114v.

<sup>82</sup> *Ibid.*, f. 21v-22.



steward, and men of Norfolk to leave the monks of Stoke in peace, and not lay a hand on their possessions.<sup>83</sup>

The change to professional stewards took place fairly soon after 1200; Walter de Bradefeld, known to have been steward in 1207, acted later as a royal justice.<sup>84</sup> Of the thirteenth-century stewards, Roger de Scaccario, in office about 1258, was the most notorious for seizing franchises in the time of the Barons' Wars from 1258 until 1265. He held the serjeanty of usher at the Exchequer and frequently acted on royal judicial commissions. He was succeeded at Clare by Hervey de Borham, a clerk, who had previously acted as steward of the abbot of Westminster.<sup>85</sup> He served as a royal justice, and occasionally as custodian of land and castles, although he temporarily forfeited royal favour over his support of earl Gilbert IV's occupation of London in 1267. The only steward who became a Suffolk landowner was Robert de Bures who acquired the manor of Acton. His time as steward in 1308-9 lay between long periods of service to Edward I and Edward II. Robert was paid a fee of £26 13s. 4d. a year, a much larger sum than the other officials.<sup>86</sup>

The thirteenth-century stewards had the same administrative responsibilities as before. Contemporary treatises made much of their supervision of the demesne manors,<sup>87</sup> but this facet of their work hardly appears in the Clare documents. They were most prominent in the thirteenth century as holders of courts, and this was why their legal experience was so important. They acted as president of the honour court at Clare, and they sometimes held the forinsec courts of the honour in Norfolk; usually, the bailiff of fees presided over these minor courts whose main work was to carry out the orders of the Clare court. Lastly, the steward took the courts leet, the equivalent of the sheriff's tourn, and known as the leet when the franchise was in private hands; these courts were held twice a year, and dealt with petty criminal business. Compared with some of their other estates, the earls had few leets in the honour of Clare.

The stewards were not as powerful in the thirteenth century as in the twelfth, for they were closely supervised both by the earl's council and his auditors. The council certainly existed in the second half of the century if not earlier, and was a small body of

<sup>83</sup> *Ibid.*, f. 22.

<sup>84</sup> *The Memoranda Roll for 10 John* (1207-8), ed. R. Allen Brown, in *Pipe Roll Society*, New Series, vol. xxxi (1955), p. 52; *Patent Rolls*, 1225-32, p. 353.

<sup>85</sup> *Close Rolls*, 1253-4, pp. 50, 132.

<sup>86</sup> P.R.O. Ministers' Accounts (General Series), bundle 1109, No. 12.

<sup>87</sup> E.g. 'Seneschaucie', in *Walter of Henley's Husbandry*, ed. E. Lamond (1890), pp. 84-9.

friends of the earl, and professional administrators. The auditors were sometimes members of the council, and visited the demesne manors to check the local accounts; they also heard complaints about officials, and might even alter the decisions of the steward.<sup>88</sup> Nevertheless, the *Hundred Rolls* reflect widespread discontent at the misdeeds of the stewards. Not only were they accused of appropriating franchises, but also of extortion, and of trying to extend the bounds of the honour and to force more men to attend the Clare courts. Most of these offences took place during the troubled period of the Barons' Wars when Simon de Montfort led baronial opposition to Henry III.

In spite of incompleteness in the sources, particularly for the twelfth century, it is possible to trace the general development of the honour of Clare between the Norman Conquest and the death of Gilbert V in 1314. In major respects, the honour was similar to other great lay estates of the early Middle Ages whose records have been examined. The thirteenth century was marked everywhere as an age of great demesne exploitation on the one hand, and of decay in the feudal system on the other. As has been seen, the loss of control over the Clare sub-tenants was only partial, but further decline in the fourteenth century was inevitable. The organisation at Clare, as elsewhere, had developed from the baronial household of the twelfth century to the professional body of the thirteenth, and there are signs by 1314 that the central administration was well on its way to becoming the complicated bureaucratic unit which was usual in the later Middle Ages.

<sup>88</sup> Ault, *op. cit.* p. 80.