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## *The Early Sheriffs of Norfolk*

IN the article by Professor William Morris, of the University of California, on 'The Office of Sheriff in the Early Norman Period'—the fruit of long and patient research—he has dealt, as his foot-notes show, with a subject of special interest to myself. There are three points which have always attracted me and on which it may be useful to supplement the information in his paper. The first is the connexion, in Norman times, between sheriff and castle; the second is the system of hereditary (or quasi-hereditary) tenure of certain shrievalties; the third is the practice, in such cases, of a sheriff adopting the name of the county town as his own surname.

In the three eastern counties we find indications of these notable developments, at a rather later time than that of which Mr. Morris treats, namely, from the reign of Henry I to that of John. The shrievalty of East Anglia is traced by him as held by Roger Bigod, possibly as late as his death in 1107.<sup>1</sup> Later in the reign of Henry I we find it held<sup>2</sup> by a Robert Fitz Walter, of whom little is known, but two of whose sons held it in turn after him. I worked out the family history in 1901, and it may be of use to refer to my paper<sup>3</sup> for further details on the subject. In it I made full use of the information contained in the monograph on *St. William of Norwich* by the late Dr. Jessopp and Dr. M. R. James,<sup>4</sup> to which the former contributed a paper on 'East Anglia in the Time of Stephen' (pp. xxvi-xxix), in addition to the foot-notes on the text, 'which are principally concerned with points of East Anglian history, and demanded a somewhat intimate acquaintance with Norfolk topography and family history' (p. vi). I hope also, in the present paper, to

<sup>1</sup> *Ibid.*, xxxiii. 150 n.

<sup>2</sup> *Ramsey Cartulary*, i. 148-9.

<sup>3</sup> 'The Origin of the Stewarts and their Chesney Connexion' (*Genealogist*, xviii. 1-16).

<sup>4</sup> Cambridge, 1896.

throw fresh light on a passage in the *Gesta Stephani* and on two of the *cartae* returned in 1166, which are left unexplained in the *Red Book of the Exchequer*.

The name of 'Robert Fitz Walter' is so familiar to our ears as that of the leader of the barons in the struggle for the Great Charter, that the above-mentioned sheriff of East Anglia, as bearing the same name—and perhaps as connected with the same region—has been confused by some with the 'Marshal of the Army of God' in 1215, or at least assumed to have been a member of his great baronial house.<sup>1</sup> As a matter of fact, the latter Robert died about a century later than the sheriff of East Anglia. The elder Robert was styled 'Fitz Walter' as being the son of Walter de Caen (*de Cadomo*),<sup>2</sup> a considerable tenant, *temp.* Domesday, on the great fief of William Malet, which was forfeited by Henry I and was thenceforth known as the honour of Eye (Suffolk). Dr. Jessopp observed of this Walter :

In the next generation his son Robert appears to have been known as Robert of *Caen*, and this name, spelt in the charters of the twelfth century phonetically, assumes quite surprising varieties of form from *de Kayni* to *Cazineto* and even more unrecognizable contortions. In the Pipe Rolls of Henry II, from 1158 to 1169, the name is variously spelt *de Caineto*, *de Caisnei*, and *de Caisne*, &c., &c.<sup>3</sup>

There is often confusion, in early records, between the names of this family and of that which took its name from Cahagnes<sup>4</sup> (Calvados); but I have not found it anywhere else confused with the name of Caen (*de Cadomo*). On the early Pipe Rolls of Henry II we find the forms *de Caisneto*, *de Chaisneto*, *de Caisnei*, &c., which represent, according to Stapleton, the French *du Quesnai*.<sup>5</sup> Dr. Jessopp's error was the more unfortunate because it threw the family history into utter confusion. The surname of 'Du Quesnai'<sup>6</sup> was not that of the above Robert Fitz Walter,

<sup>1</sup> For instance, the Robert Fitz Walter who occurs on p. 402 of the *Red Book of the Exchequer* is the earlier Robert, but is grouped in its index as identical with the later one (p. 1280). So too Mr. Walter Rye speaks of the earlier Robert (*Red Book*, p. 402) as 'Robert Fitz Walter, i. e. de Clare' (*Norfolk Families*, p. 105), by which he means a member of the Fitz Walter family, who were cadets of the Clares. He further confuses here that great baronial house with the Norfolk family of Clare (p. 104), as he also does on p. 93 of his *General Index to Coat Armour used in Norfolk before 1563* (1918), where he states that 'Robert Fitz Walter gave Filby . . . to Ralph de Clare, who was presumably one of his own family'.

<sup>2</sup> This is not absolutely proved, but is practically certain.      <sup>3</sup> *Op. cit.* p. xxxiii.

<sup>4</sup> This was anglicized as 'Keynes', e. g. Horsted Keynes, Tarrant Keynton, Somerford Keynes, &c.

<sup>5</sup> *Rot. Scacc. Norm.* II. cxvii. The other name was latinized on them as *de Cahuignis*.

<sup>6</sup> If that is its correct form. Stapleton observed that 'Lo Quesnai, near St. Saens, was apparently the fief from which this family had name'. One must hesitate to differ, on such points, from Stapleton, but no such place is shown on a modern map or on his own. He gives its form there as 'terra de Quesneto', which is not its form in English records.

but, as I have shown, of his (first) wife Sibil 'de Caisneto'.<sup>1</sup> Her nephew, John de 'Caisneto', was the founder of the Augustinian priory of Cokesford (or Coxford) in Norfolk. She also joined her husband, Robert Fitz Walter, who founded the Benedictine house of Horsham St. Faith's, in the same county, in endowing it on her *maritagium* at Rudham.<sup>2</sup> Their third son, William du Quesnai (*de Caisneto*), became eventually their heir. He was the third sheriff of his line and was founder of Sibton Abbey, a Cistercian house in Suffolk. We owe to this foundation a statement of the highest value for the true history of his family.

Domina Sibilla soror Iohannis de Cayneto, filia Radulphi de Cayneto, . . . maritata fuit Roberto filio Walteri fundatori domus sanctae Fidis de Horsham, qui genuit ex ea filium nomine Rogerum et Iohannem Vic[ecomitem] et Willelmum de Cayneto, fundatorem abbacie de Sybeton. Rogerus et Iohannes Vic[ecomites] obierunt sine prole de se. Willelmus vero accepit uxorem et genuit ex ea tres filias, videlicet Margaretam, Clemenciam, et Saram.<sup>3</sup>

According to Dr. Jessopp, Robert Fitz Walter 'appears as sheriff in 1131, by the appendix to the 31st Deputy Keeper's Report'.<sup>4</sup> This is an error; for the list of sheriffs in that report was compiled from the Pipe Rolls and therefore does not extend beyond 1130. Moreover, Robert is shown by the roll of 1130 (p. 90) to have gone out of office at Michaelmas 1129. He lived on, however, into the reign of Stephen, as I shall show below, and received a writ from that king directing him to restore seisin to St. Peter's, Gloucester, of the church of (Chipping) Norton, Oxon., which had been confirmed to that abbey, in 1126, by him and his second wife, Aveline. She had inherited lands in Oxfordshire from her mother Emmeline, wife of Ernulf de Hesdin,<sup>5</sup> the original donor of the church.

In the Horsham document Robert Fitz Walter and his wife Sibil (du Quesnai) spoke of Roger as if he were their eldest son, and the Sibton Abbey document mentions him as the eldest of their three sons and as dying childless. He seems to be last spoken of in 1141, when, with his younger brother, William, he joined Stephen's queen, who was then besieging the besiegers of Winchester. This we learn from a notable passage in the *Gesta Stephani*:

Habuerat et rex proceres secreti sui privos, privataque familiaritate sibi coniunctiores, non quidem terris amplificatos, sed in castris tantum merentes, quorum digniores fuerunt Rogerius de Casneto et Willelmus

<sup>1</sup> *Genealogist*, xviii. 6-12.

<sup>2</sup> 'Ego Robertus Walteri filius et uxor mea nomine Sibilla edificavimus ecclesiam de Horsham. . . . Sciatis insuper quod predicta Sibilla eisdem concessit terram suam de Rudham, quam pater suus dedit in liberum maritagium': *Mon. Angl.* iii. 635-7.

<sup>3</sup> *Mon. Angl.* v. 559, from the Sibton Register among the Arundel MSS.

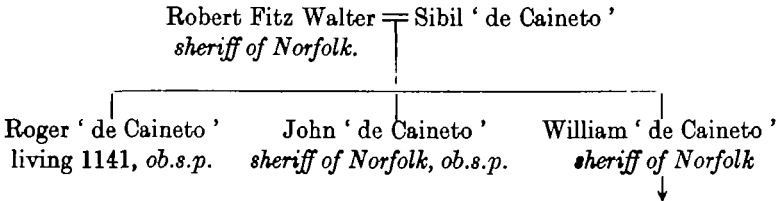
<sup>4</sup> *Op. cit.* p. xxxiii n.

<sup>5</sup> See *Genealogist*, xviii. 3.

frater illius, viri bellaces nullisque militari industria vel quavis probitate secundi; qui, capto rege, fidem tamen ei indisruptam servantes, intestinum eiusdem adversariis semper et ubique habuere conflictum.<sup>1</sup>

This devotion to Stephen, even after his capture, will have to be borne in mind; for he was probably as strong in the East Anglian region as the empress in the south-west.<sup>2</sup>

John, the remaining brother of the three, appears as the third witness to Stephen's charter creating Geoffrey de Mandeville earl of Essex, which I assign to the latter half of 1140.<sup>3</sup> The pedigree, therefore, is as follows: <sup>4</sup>



This pedigree enables us to interpret the following Norfolk *carta* of 1166.

#### CARTA ROBERTI FILII WALTERI

[A] Robertus filius Walteri tenuit Mor et Fileby dono Regis Henrici anno et die quo ipse Rex H[enricus] fuit vivus et mortuus, per servitium j militis. Et [B] Iohannes, filius eius, post ipsum; et postea [C] Willelmus. Et ipse Willelmus dedit Galfrido, Cantuariensi archidiacono, Mor per servitium j militis, et Radulfo de Clera Fileby per servitium j militis.

Dominus autem voluntate sua seisivit in manu sua Mor et Fileby; sed postea reddidit Galfrido Archidiacono Mor, quod debet servitium j militis et retinet in manu sua Fileby. Et [C] Willelmus habet, de dono domini Regis Blieburcum in Suthfolcia per servitium j militis.<sup>5</sup>

Another Norfolk *carta* on which the pedigree throws light is that of the bishop of Norwich.<sup>6</sup> After enumerating his knights, Bishop William proceeds:

Isti milites feffati de novo feffamento ante mortem Henrici Regis.<sup>7</sup> Post mortem eius, tempore Guerrae,<sup>8</sup> dedit Eborardus Episcopus [B]

<sup>1</sup> p. 80, ed. Howlett, 1886, Rolls Series.

<sup>2</sup> One is bound to add that in his *Cartulary of the Abbey of Eynsham* (Oxford Hist. Soc.), i. 415 f., Mr. Salter claims that the passage quoted applies to two of the Oxfordshire family of the name, and that its William 'de Chesney must be kept distinct from a contemporary who had the same name' who was, like himself, a supporter of Stephen. <sup>3</sup> 'Iohanne filio Roberti filii Walteri': *Geoffrey de Mandeville*, p. 52.

<sup>4</sup> I only give as much of the pedigree as is needed to illustrate the succession of those members of the family who were sheriffs of Norfolk.

<sup>5</sup> *Red Book of the Exchequer*, p. 402.

<sup>6</sup> *Ibid.* p. 392.

<sup>7</sup> This is a contradiction in terms. The bishop here appends to his list of knights the statement that they were enfeoffed 'de novo feffamento ante mortem Henrici Regis', although he had (rightly) headed it 'de veteri feffamento' (p. 391).

<sup>8</sup> i. e. 1139-46.

Iohanni filio Roberti manerium de Bliccling de dominio Episcopi Norwicensis pro servitio j militis, quod modo tenet [c] Willelmus, frater eius.

In both documents the dividing point is the death of Henry I; in both it is now possible to identify, as early sheriffs of Norfolk, Robert Fitz Walter and his sons. This has not been done before: indeed, the *Red Book* index (p. 1219) merely enters the sons, under 'Iohannes', as 'filius Roberti', and 'Willelmus frater eius' as occurring on pp. 392, 402, with no cross-reference to 'Chesneto', under which (p. 1139) the various forms of this name are grouped.<sup>1</sup>

Even the well-known local antiquary, Mr. Walter Rye of Norwich, has plunged the evidence in confusion. Although he knows that the Clares, a great baronial house, were quite distinct from the Cleres, a local Norfolk family,<sup>2</sup> he asserts that 'in 1166 Ralph de Clere held Filby of John, son of Robert Fitz Walter, i. e. de Clare',<sup>3</sup> and bases a theory thereon. He again alleges, on the same evidence, that 'By 1166 Robert Fitz Walter gave Filby to Ralph de Clere, who was presumably one of his own family' (i. e. the Clares).<sup>4</sup> Yet, as we shall see, the above John died some twenty years before 1166, and was not a 'de Clare', while Filby was given to Ralf de Clere, not by Robert Fitz Walter, but (as the *carta* states) by William (*de Caisneto*).<sup>5</sup>

Every *carta* drawn up in 1166 has, or ought to have, its correlative on the Pipe Roll of 1168 (14 Henry II), for this roll records the payments in respect of the knights' fees enumerated in the *cartae*. But the 'Carta Roberti filii Walteri' has no correlative, —or rather, it has two:

Gaufridus Archidiaconus Cantuar' redd. comp. de i marca . . . pro dominio suo de Mor. In perdon' per breve Regis ipsi Archidiacono i m.

Willelmus de Norwico redd. comp. de i marca . . . pro i Mil. In thesauro liberavit.<sup>6</sup>

The so-called 'Carta Roberti filii Walteri', which I have printed above, explains how the archdeacon of Canterbury came to be holding Mor, and his position as an official explains why his

The sequence in the *cartae* is confirmed by a charter granted to Castle Acre priory, 'pro anima [A] Roberti filii Walteri et [B] Iohannis filii eius et pro anima [C] Willelmi de Chaineto' (*Genealogist*, xviii. 3).

<sup>1</sup> See his *Norfolk Families* (1911), pp. 103, 104-5.

<sup>2</sup> *Ibid.* p. 105. He is here citing the *carta* printed above.

<sup>3</sup> *General Index to Coat Armour used in Norfolk before 1563* (1918), p. 93.

<sup>4</sup> I have found that there was a papal confirmation, in 1163, of the vill of Horsham (with Alderford mill) and of Horsford church, as well as of tithes from Filby and 'Mor', to William's foundation at Horsham St. Faith's (Cotton MS. Aug. ii. 136).

<sup>5</sup> *Pipe Roll* 14 Hen. II, p. 21.

quota was remitted.<sup>1</sup> More important is the name of William 'de Norwico'; for this was no other than William du Quesnai (*de Caisneto*<sup>2</sup>), the William of the two *cartae*. His knight's fee was at 'Blieburc' (Blythburgh, Suffolk), from which he drew, as William 'de Caisneto', £13 *numero* a year,<sup>3</sup> and which had been given him, as a knight's fee, by Henry II.<sup>4</sup>

Filby, the remaining manor mentioned in the *carta*, is yearly entered on the Pipe Rolls as accounted for by the sheriff,<sup>5</sup> having been resumed by the Crown, as is stated by the *carta*. But who compiled the *carta* as that of Robert Fitz Walter? And how did the exchequer know that its 'William' was William 'de Caisneto' *alias* William de Norwich? Even in our own time, the editor of the *Red Book* was ignorant of both these identities, and has consequently failed to help the student, as he might have done, in his index.

I must return, however, to John, William's elder brother. Succeeding his father, as both the *cartae* show, when interpreted, he figures, as sheriff of Norfolk, in *St. William of Norwich*, from 1143 to 1146 (?).<sup>6</sup> His name, however, raises a chronological difficulty. Some time back I noted a document among the duke of Norfolk's muniments,<sup>7</sup> in which William, bishop of Norwich, grants 'that portion of the church of Stoches<sup>8</sup> which pertains to the fee of Hugh de Polsted'. This grant is dated by Mr. Rigg, its editor, as '1239-40', but the whole character of the deed suggests a distinctly earlier date. Among its witnesses are the prior of Bricett,<sup>9</sup> the parish priests of Cavendish, Athlington (?), and Newton, and two knights—'Ebrardo milite de Bocsteda; Fulcone milite de Geddinges'. Of these the former is identified as connected, not with the Suffolk Boxtead (as indexed), but with the Essex Boxted; for the Colchester cartulary<sup>10</sup> contains charters relating to Boxted church, from which we learn that Everard de Boxted married Alice, sister of Hugh de Polsted, and became a monk at

<sup>1</sup> He is, at this period, a well-known witness to the king's charters.

<sup>2</sup> This form is found on pp. 14, 17, &c., of the roll.

<sup>3</sup> p. 14. The Pipe Roll of 4 Hen. II (p. 125) shows that he had held it from Christmas 1157.

<sup>4</sup> See the *carta*, as above, in *Red Book*, p. 402, and the *Testa de Nevill*, p. 294 b: 'Bliburgh fuit dominicum domini Regis H. . . et dominus Rex Henricus dedit manerium illud Willelmo de Kenet [*sic*] pro servicio unius militis et modo tenet Robertus filius Rogeri', etc. (return of 1212). Robert, we shall see, was William's son-in-law.

<sup>5</sup> On the Pipe Roll of 1165 (11 Hen. II), the sheriff accounts for 47*s.* from Filby (p. 10), and thenceforth for £5 yearly.

<sup>6</sup> See the index under 'Caineto' and the 'Chronological Table' on p. lxxxix.

<sup>7</sup> *Report on Manuscripts in Various Collections*, vii. 229.

<sup>8</sup> This was not, as indexed, 'Stoke' (Norfolk), but Stoke by Nayland, adjoining Polstead (Suffolk).

<sup>9</sup> For Bricett Priory, Suffolk, see my *Ancient Charters* (Pipe Roll Soc.) pp. 67-9.

<sup>10</sup> pp. 150-2.

St. John's Abbey, Colchester. This is definite evidence that the bishop was William Turbe and that John the sheriff who heads the witnesses was the John (d. 1146) of whom we have spoken above.

The difficulty is that this bishop (who had been prior of Norwich) was not consecrated earlier than 1146, while John the sheriff is stated in *St. William of Norwich*<sup>1</sup> to have died just afterwards. The story there told (pp. 111-12) is that

when William, the Prior of Norwich, was . . . consecrated Bishop, this John was so gravely vexed with his disease that he was quite unable to return to Norwich from London, where this business was being done; but turned out of his way to Mileham,

which he reached with difficulty, dying 'a few days' later. As Dr. James puts it, he died 'shortly after the consecration of William Turbe, whose election he had done his best to prevent.'<sup>2</sup> If the narrative implies that John had been opposing the bishop's election in London ('ubi haec gerebantur'), and died on his way back to Norwich, it is very difficult to determine when and where Bishop William and the sheriff can have met for the purpose of the Stoke charter. The names of the three parish priests and of the two knights do not suggest either London or Norfolk. Again, if the sheriff was too ill to reach Norwich, why should he turn aside out of his way to Mileham ('ab itinere divertens Mileham, eoque vix perveniens'), which he was hardly able to reach (p. 112)? Mileham is further north than Norwich.<sup>3</sup>

Dr. Jessopp, indeed, claimed that 'the mention of Mileham completes the identification of John the sheriff with John de Cheyney (*de Caineto*); the Cheyneys were lords of Mileham' (p. 112). But Mileham was the head of a small barony which was given by Henry I to Alan fitz Flaald,<sup>4</sup> the Breton, who was the ancestor of the English Fitz Alans and the royal Stewarts, and whose successor William Fitz Alan held it under Henry II.<sup>5</sup> Dr. Jessopp, indeed, vouched Carthew's *History of the Hundred*

<sup>1</sup> See the chronological table (p. xc).

<sup>2</sup> p. lxxiv.

<sup>3</sup> Dr. Jessopp must have known it well, for it is only four or five miles from Scarning, where he was rector.

<sup>4</sup> See my *Calendar of Documents preserved in France*, no. 1149.

<sup>5</sup> 'Melham cum pertin' fuit dominicum domini Regis, quam Willelmus filius Alani tenuit in capite de domino Rege per servitium feodi unius militis': *Testa*, p. 294 f. I take this extract from the survey which I assign to 1212. See also the *Red Book* entry (p. 271): 'De feodo Willelmi filii Alani de Northfolcia' (1166). The knights' names which follow should be carefully compared with the returns to the inquest of sheriffs (1170) on p. cclxxx of the *Red Book*, and were identified by me. Cf. Eyton's *Shropshire*, vii. 217 f. I have dealt, in *Genealogist*, xviii. 11-12, with the mysterious Simon 'de Caineto' alias Simon 'de Norfole', who speaks of the day 'quo conquisivi honorem de Meleham', and have there suggested that Stephen forfeited the honour, as held by the Fitz Alans, and bestowed it on this Simon.

of *Launditch* for his statement that the family of 'Caisnei' had 'their chief place of residence at Mileham' in that hundred, where are still to be seen the remains of an important Roman camp, extensive earthworks, indicative of Saxon or Danish occupation, and the ruins of the castle, which Robert Fitz Walter occupied, and where his eldest son John de Caisnei died; <sup>1</sup>

but Robert's chief seat was at Horsford (near Norwich), adjacent to which was Horsham St. Faith's, where he founded a religious house.<sup>2</sup> Mr. Rye states, in his *opusculum* on Norfolk 'Castles and Manor Houses' (1916), that neither Carthew nor he 'can trace the site of the castle ascribed in Blomefield', though he speaks of 'the earthworks' (p. 44). In his 'Roman Camps and Remains in Norfolk' (p. 38) he states that 'Haverfield doubts if the earthworks are Roman'. In any case there seems to be no basis for the assertion that Robert Fitz Walter had a castle there.

On the death of John the sheriff in 1146 (?), 'his brother William', Dr. Jessopp wrote, 'appears to have been appointed in his place and continued to hold the office till 1163, when it seems he was dismissed from it'.<sup>3</sup> This is a very strange statement. For William was certainly not in office in the earliest years of Henry II. Mr. Howlett, in his preface to the *Gesta Stephani*,<sup>4</sup> states that in the cartulary of St. Benet-at-Hulme,<sup>5</sup> 'charters in the years 1146-9 show us . . . a sheriff, William de Chesney, installed in the county'. Better known, however, is the remarkable account<sup>6</sup> from Blomefield's *Norfolk*,<sup>7</sup> of 'a court of the county' of Norfolk held in the bishop's garden at Norwich. William de Chesney is mentioned as present, but not as sheriff; there is mention, however, of two sheriffs as assenting to the court's decision, namely Roger Gulafer and William Frechnei.<sup>8</sup> Why is there mention of *two* sheriffs? I would suggest, as the explanation, that they were the sheriffs of Norfolk and Suffolk.<sup>9</sup> For

<sup>1</sup> *Op. cit.* p. xxxiii.

<sup>2</sup> *Genealogist*, xviii. 6.

<sup>3</sup> *Op. cit.* p. xxxiv.

<sup>4</sup> p. 1.

<sup>5</sup> Cotton MS. Galba, E. ii, fo. 57 b.

<sup>6</sup> Cited in the same preface, p. xxxv.

<sup>7</sup> Blomefield took it from a register of Bury St. Edmunds, which has not been identified.

<sup>8</sup> Howlett, *ut supra*, p. xxxvi; Dr. Jessopp refers to this meeting (*op. cit.* p. xxxii), and Mr. Rye speaks of it as 'the earliest instance in our records of the County Hundred Court or Shire Mote which is given in Blomefield iv, under the date of 1250' (*Hundred Courts and Mote Hills in Norfolk*, 1916). The Norfolk *curia comitatus* seems to have been held within the castle precinct, where a 'shire house' stood. Harrod's *Castles and Convents* (p. 132) cites a deed of 14 Edw. I as speaking of 'via que ducit ad curiam comitatus'.

<sup>9</sup> At the great Kentford gathering of the magnates of the adjacent counties in 1080 (*Inq. Com. Cant.* p. xvii—not, as in Davis, *Regesta*, 32, 'p. 17')—there was present 'Walterus pro Rodgero et Roberto vicecom', whom Mr. Davis identifies (*ibid.*) as 'sheriffs [of Norfolk and Suffolk]'. It would be too speculative, save in a foot-note, to suggest that this Walter, acting, Mr. Morris writes (p. 157) as 'a deputy', was father of Robert Fitz Walter, sheriff under Henry I.



the point at issue was raised by Ording, abbot of St. Edmunds (1146-56), who claimed for his own court, against the Norfolk authorities, jurisdiction over two of his knights. My reason for doing so is that the Pipe Roll of 1156 (2 Henry II) shows us Norfolk and Suffolk under separate sheriffs, of whom William *de Fraxineto* (*alias* 'de Fraisen' or 'de Fraisnei') was the Suffolk sheriff,<sup>1</sup> as he had been also for part of the previous exchequer year.<sup>2</sup> One can, therefore, hardly doubt that he was the William 'de Frechnei' of Blomefield's narrative.<sup>3</sup>

Returning to William 'de Caisneto' (or 'Chaisneto' or 'Caisnei'<sup>4</sup>) he appears to have become sheriff for both the counties (which had previously been separate) at Easter 1157.<sup>5</sup> Thenceforth he held office till Michaelmas 1163, when he was succeeded by Oger 'dapifer'.<sup>6</sup> He was then crippled by accumulated debt, owing £319 9s. 8d. blanch, from his arrears of the county's *firma*, and £150 for three years' increment (*crementum*) on the old *firma*. He was also indebted to the Crown for £200 'de misericordia' from the seventh year (1161). In the eleventh year (1165) we find, appended to his debt, a memorandum: 'sed fuit attornatus inde Isaac Iudeo per Rotulum Camere et per Rotulum archidiaconi.' In the twelfth year he paid off 20 marcs out of his £200 fine (p. 20), and in the next year (1167) he had a reprieve, because he was one of those who escorted the king's daughter to Saxony for her marriage.<sup>7</sup> On the same roll (p. 32) we find an important equation: the 'homines Willelmi de Caisn' of the Pipe Roll are found on the chancellor's roll as 'Homines Willelmi de Norwich'. In the Colchester cartulary<sup>8</sup> he is styled William 'de Chaineto' and William 'Vicecomes de Norwico'.<sup>9</sup>

I have shown above<sup>10</sup> that he is found on the roll of the fourteenth year (p. 21) paying, as William 'de Norwico', one marc for the knight's fee which he held as 'William' simply. On this same roll (p. 222) this identification enables us to

<sup>1</sup> *Pipe Rolls* 2-4 Hen. II, pp. 8, 75, 126.

<sup>2</sup> *Ibid.* p. 8.

<sup>3</sup> Mr. Howlett gives, in a foot-note, the reasons for assigning to 'about 1150' the gathering in the bishop's garden.

<sup>4</sup> *Pipe Rolls* 2-4 Hen. II (Record Commission). It is a most curious coincidence that the name of 'de Fraisnei' (latinized as *de Fraxineto*) must have been derived from the French *frênaie* (an ash-grove) and that of 'de Caisnei' (latinized as *de Caisneto*, &c.) from the French *chênaie*—which implies an earlier form *chesnaie*—(an oak-grove). Fresnai, La Frenaye, Fresney, Fresnaye, &c., are place-names in Normandy, and so are Quesnay and Cesney (Calvados). 'Filius Willelmi de Fraxineto' occurs as a knightly tenant of Earl Hugh Bigod in 1166 (*Red Book*, p. 395).

<sup>5</sup> *Pipe Roll* 3 Hen. II, p. 76. He is there found accounting 'de firma dimidii anni', of the two counties jointly, at Michaelmas 1157. Part of the roll for this year is missing.

<sup>6</sup> Oger held office till the inquest of sheriffs in 1170.

<sup>7</sup> 'sunt in respectu quia vadit cum filia Regis in Saxoniam': p. 18; cf. p. 19.

<sup>8</sup> There is no index of personal names to this cartulary.

<sup>9</sup> *Genealogist*, xviii, 10.

<sup>10</sup> p. 485.

explain an entry on the dorse of the schedule of combustions. This entry runs as follows :

Episcopus Iu[de]us recognovit coram Baronibus de Scaccario quod Willelmus de Norwico pers[ol? ]uerat Isaac Iudaico DCCC m. et III m. et dim. unde fuerat ei atturnatus de Debito quod debebat Regi.

Under Norfolk and Suffolk (p. 17) we read on this roll :

Willelmus de Caisneto redd. comp. de DC et quater xx et XI li. et II s. de debito suo quod summatum est per omnes partes debiti sui de Rotulo anni preteriti.

In Soltis per breve Regis Ysaac Iudeo CCC et LXXIX li.

Et debet CC et XII li. et II s.

This equation is of great importance. In the first place, William's *alias* is shown to have been familiar : my own view is that it is parallel with the cases in which the capital of a county was used as a surname by the holders of more or less hereditary shrievalties.<sup>1</sup> Mr. Morris, citing my *Feudal England*, observes that 'the sheriff was in so many known instances surnamed from the chief town of his shire that this usage has been assumed to be the rule'.<sup>2</sup> He seems to have ignored William 'of Norwich', possibly as being outside 'the early Norman period'. He writes that 'the title of Swein of Essex affords almost the only case of a different usage for this period'.<sup>3</sup> I think, however, that this is only an apparent exception, due to the fact that Essex had no county town. Chelmsford was only an episcopal manor, and Colchester stood, practically, in a corner of the county.

The proof that William 'of Norwich' was identical with William du Quesnai is also of value as enabling us to detect the latter under that name. Further, it supplies the evidence needed for dating one of the difficult returns for the great honour of Boulogne. In the *cartae* of 1166, on which were based the payments in 1168 (14 Henry II), he is once entered as William 'de Chaisneto de Norum'<sup>4</sup> and once as William 'de Norwico' simply.<sup>5</sup> These entries, therefore, have to be added to those in which he appears under his surname of 'Caisnei', 'Caisneto', &c., as well as to those in which he occurs as 'William' only, in the two *cartae* which I have printed above.

In the year 1170 (16 Henry II) he is found as William 'de Caisneto' in the interesting fragments of the returns to the

<sup>1</sup> Stapleton, however, held that it was 'from his frequent residence at the castle of Norwich that William du Quesnai had also the surname *De Norwiz*' (*Magn. Rot. Scacc. Norm.* II. cxvii. note m).

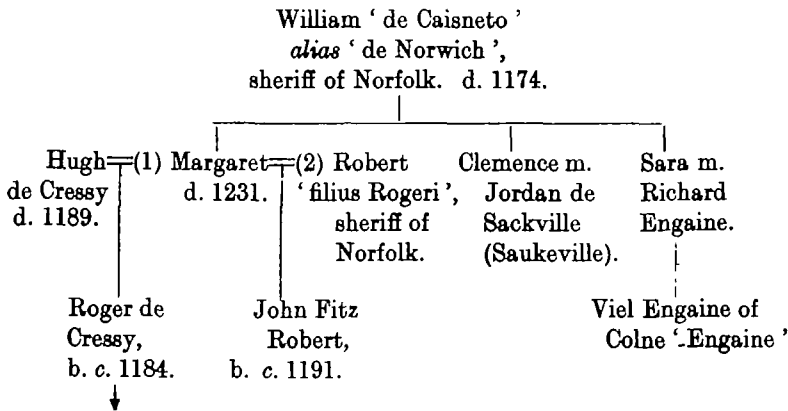
<sup>2</sup> *Ante*, xxxiii. 155. Cf. *Genealogist*, xviii. 5 n. 3.

<sup>3</sup> *Ibid.* His son Robert and grandson Henry also used Essex as a surname.

<sup>4</sup> *Red Book*, p. 410.

<sup>5</sup> *Ibid.* p. 365.

inquest of sheriffs.<sup>1</sup> These returns illustrate his holdings on the fiefs of the earl of Arundel, Hubert de Rye, and Clare.<sup>2</sup> In 1174 William died: the Pipe Roll of that year (20 Henry II) records the fact and tells us that the king had placed Hugh de Cressy in possession of his land.<sup>3</sup> The roll also gives us the significant information that Hugh was now in charge of Norwich Castle;<sup>4</sup> for Hugh was married to the eldest daughter (and heir) of William, whose land (and debt to the Crown) passed with her to that active officer of the king.<sup>5</sup> Of the said debt there was still owing £190 in 1175. Hugh still owed £10 in 1176, and the king forgave him the balance (*Pipe Roll* 22 Henry II, p. 62). At this point it may be convenient to the reader to have a short pedigree set out, in order to make the descent of the shrievalty and castle clearer.



Although the fact has been overlooked, this appears to have been a notable instance of the king having exercised his theoretical prerogative of selecting one of a man's coheirs as virtually his sole heir.<sup>6</sup>

<sup>1</sup> *Red Book*, app. A, pp. cclxxi, cclxxiii, cclxxix, cclxxx. They were so identified by me, and although Mr. Hall rejected my view (*ibid.* pp. cc-coxi), he has since withdrawn his criticisms and accepted my vindication of my view (*Commune of London*, pp. 125-36).

<sup>2</sup> *Red Book*, pp. 400, 404. It is unfortunate that he is indexed, not as William, but as *Walter*.

<sup>3</sup> 'Mortuus est et Hugo de Creissi habet terram per regem.' This statement is appended to an entry of William's debt of £190 'de misericordia' (p. 40), which was the balance of his fine of £200 in 1163 (9 Hen. II).

<sup>4</sup> 'Et in guar[n] Castri de Norwic' postquam Hugo de Creissi recep[it] custodiam': p. 37.

<sup>5</sup> See Foss's *Judges*, i. 228; Stapleton's *Magn. Rot. Scacc. Norm.* ii. cxvii-cxix.

<sup>6</sup> I have dealt, in a paper on the manor of Colne Engaine (*Essex Arch. Trans.* viii. 192-8), with the assignment to Sara, the youngest of the three daughters, of this manor, derived from her paternal ancestors, in lieu of a third of the inheritance as her share. Her son, however, claimed a third of Blythburgh (Suffolk) as his mother's

Stapleton, the recognized authority on the subject, wrote that Hugh de Cressie had married Margaret, daughter and heir [sic] of William du Quesnay [de Caisneio], hereditary sheriff of Norfolk and Suffolk, and was in her right lord of several manors in those counties. He had by her a son named Roger, and was deceased before 3 Richard I, 1192, in which year Robert Fitz Roger was sheriff of Norfolk and Suffolk in right of the same Margaret, then his wife.<sup>1</sup>

This is rather a confusing statement, but the chart pedigree printed above will make the relationship clear. It will have been observed that Stapleton here speaks of William as 'hereditary sheriff' of East Anglia, which is one of the very points that I discuss in this paper. For the moment, however, I am concerned with his description of Margaret as her father's 'heir'. This statement is also found in Dugdale's *Baronage* (i. 106, 708), where it is taken from monastic cartularies, in Foss's *Judges*,<sup>2</sup> &c. Even the *Red Book* (citing the Pipe Roll of 13 John) styles Margaret his *heres* (p. 142).<sup>3</sup> Whatever may have been the rights of Margaret, she brought them all to her second husband, Robert Fitz Roger, who held the shrievalty in several years<sup>4</sup> and, in Stapleton's words, was, in her right, sheriff of Norfolk and Suffolk and 'lord of several manors in those counties'. He was also, in his own right, a man of some consequence, being son and heir of Roger Fitz Richard, lord, by the king's gift, of the northern stronghold of Warkworth and the Essex lordship of Clavering.<sup>5</sup>

We can now turn to the light thrown on a return for the honour of Boulogne by the *alias* 'William of Norwich', which is found therein. This return is given on p. 273 of the *Testa*

purparty in 1223. The Pipe Roll of 1175 (21 Hen. II) shows Hugh de Cressy already seized of Blythburgh (p. 107).

<sup>1</sup> *Rot. Scacc. Norm.* ii. cxix.

<sup>2</sup> i. 228, 'The daughter and heir of William de Caynete or Quesnay'.

<sup>3</sup> See below.

<sup>4</sup> He was sheriff of Norfolk and Suffolk for six years in all, viz Michaelmas 1190 to Easter 1194, and Michaelmas 1197 to Easter 1200.

<sup>5</sup> *Red Book*, pp. 442, 562; Dugdale's *Baronage*, i. 107. One has to lay stress on this identity because it serves to illustrate the importance of punctuation in the editing of manuscripts. The *Red Book* (p. 142), citing the Pipe Roll of 13 John, contains, according to its editor, this passage:

'Et ij milites de feodo Roberti filii Rogeri de Mor, et Blihung[i] hereditatis uxoris suae, haeredis Willelmi de Norwico.'

The entry in the index (p. 1262) runs accordingly:

Mora, Mor

—, Rob. fil. Rog. de, 142.

There was, of course, no such person: Robert Fitz Roger de Mor owes his existence solely to erroneous punctuation. A no less serious error is that of Mr. Walter Rye, who speaks of 'Robert Fitz Robert, sheriff in 1190' (*Norfolk Families*, p. 218; *Coat Armour used in Norfolk*, p. 24).

*de Nevill* and p. 575 of the *Red Book*.<sup>1</sup> The entry in question runs thus :

*Testa* (p. 273)

Willelmus de Norwich modo Robertus filius Rogeri vij mil. in Thorp Wydon Andigau' Massingham Anemere Wythingham in Norff' et in Chishull' in Essex' j feodum Summa vij.

*Red Book* (p. 576)

Willelmus de Norwicho, modo Robertus filius Rogeri, vij milites in Torp, Widone, Andagane, Massingeham, Anemere, Freinge, Wichingeham, in Norfolcia, scilicet vj milites, in Chishulle in Essexia, j.<sup>2</sup>

This entry admirably illustrates my own theory that the above return was largely based on one of earlier date, which was posted up by the addition of the names of those tenants who were holding when it was compiled. Of the earlier tenants, William de Mustroil (six knights), Pheramus de Boulogne (six), Gervase de Cornhill, and Richard de Lucy<sup>3</sup> of Ongar (four), were all certainly dead before Richard I's accession ; nor is this list exhaustive. The case, however, of William 'de Norwich' (seven) is perhaps the most decisive ; for William 'de Caisneto', whose identity with himself I have proved, died no later than the year 1174, so that the date of the earlier return of which I postulate the existence cannot have been later than this year.

Moreover, I have been able to show that Robert Fitz Roger appears, in the later list, as the holder, because his wife had inherited almost all the holdings of her father, William 'de Caisnei'. The only other case of his so appearing to which I need refer is in the return for the honour of Eye. This return is found on p. 411 of the *Red Book of the Exchequer*, where Robert is entered as second on the list of its knights and as holding no fewer than ten of its knights' fees. These were probably inherited from his wife's Domesday ancestor, Walter de Caen, who held under the lord of that vast honour. This return, in the *Red Book*, is assigned by a marginal note, like the other *cartae*, to 1166, although the name of the earl of Norfolk, which stands fourth on the list, is 'Comes Rogerus'. The earl who made his return in 1166<sup>4</sup> was not Roger, but Hugh. It is obvious, therefore, that this list cannot have been compiled earlier than 1177, when Earl Roger's father died ; possibly, indeed, not earlier than 1189,<sup>5</sup> when the earldom was definitely granted to him by Richard I. Again, the very first name on the list<sup>6</sup> is that of Hubert de

<sup>1</sup> It is headed in the latter : 'Inquisitiones de honoribus exhaetis aliquo tempore, factae anno XIII<sup>o</sup> Regis Iohannis, de servitiis militum eorundem. Honor Coloniae, secundum inquisitiones inde factas tempore Regis Iohannis.'

<sup>2</sup> Compare list of *errata* (pp. 1363-8) after the index.

<sup>3</sup> d. 1179.

<sup>4</sup> *Ibid.* pp. 395-7.

<sup>5</sup> It will be found that even so late as Michaelmas 1189, he was still only styled 'Rogerus Bigot' officially (*Pipe Roll* 1 Ric. I, p. 39) and not recognized as earl.

Montchensy, who held of the honour no fewer than twelve knights' fees. I have shown that this Hubert was not even born till 1164, and that his father Stephen was the holder under Henry II.<sup>1</sup> The name of Robert Fitz Roger is, we have seen, decisive; for he cannot have obtained possession before his marriage to Margaret, its holder, in 1189.

The returns to the great inquest of service in 1212 show him holding (in her right) a considerable number of knights' fees, in addition to his large holdings on the honours of Boulogne and of Eye. His wife Margaret, who survived him, had a son and heir by her former husband, Hugh de Cressy, and by Robert Fitz Roger, a son, John Fitz Robert, ancestor of the Claverings. The Pipe Roll of 1214 (16 John) records her payment to the Crown, after her husband's death, of no less than a thousand pounds for seisin of her whole inheritance, as her husband had held it, and for her dower, according to the custom of the realm, if her son should refuse to give it her, &c. This record is of so much importance, not merely for its actual contents, but also for its date and circumstances, that I here give it *in extenso* from Madox's *Exchequer* (ed. 1711, p. 340 *b*).

Margareta quae fuit uxor Roberti filii Rogeri [debet] Mille libras, pro habenda saisina de tota hereditate sua, de qua predictus Robertus vir suus fuit saisitus die quo obiit; ita tamen quod stet recto si quis versus eam loqui voluerit; *retento in manu Regis Castro de Norwiz quamdiu Regi placuerit*; <sup>2</sup> et per sic quod habeat ius in Curia Regis de hereditate sua quam pater suus habuit die quo obiit [i.e. 1174], et de tota hereditate sua quam viri sui aliis dederunt; <sup>3</sup> et per sic quod non distringatur ad se maritandam; et per sic quod omnibus diebus vitae suae queta sit de debitis Iudaeorum quae pater suus debuit Iudaeis in vita sua; et quod habeat dotem suam secundum consuetudinem Regni Angliae, si filius suus eam ei dare noluerit.

The charter by which Margaret secured these concessions was dated 22 December 1214, according to Stapleton, who gives an English abstract of it.<sup>4</sup>

I have claimed importance for the date of this transaction, because the charter was granted only six months before Magna Carta, and for its circumstances, because the breach between the king and the barons was already open and acute. One of the principal causes of this widening breach was the extortionate treatment of barons' widows by the king. Even so far back as 1185, Margaret, countess of Warwick, was called upon to pay 700 marcs 'pro habenda terra patris sui et dote sua et ut non

<sup>1</sup> *Rotuli de Dominabus* (Pipe Roll Soc.), pp. xlv, 61.

<sup>2</sup> The italics are mine.

<sup>3</sup> i. e. which her husbands might have alienated while she was under coverture.

<sup>4</sup> *Magn. Rot. Scacc. Norm.* II. cxviii–oxix.

nubat nisi cui voluerit'.<sup>1</sup> My comment on this demand was that it was 'an exaction which throws a vivid light on those clauses of the Great Charter which were aimed, this exaction reminds us, at a grievance of long standing'.<sup>2</sup> The sum extorted by John, in 1214, from the widow of Robert Fitz Roger was more than twice as large as that which had been claimed (i.e. 1,500 marcs) from the countess in 1185; but it purchased more extensive concessions.

The words which I have italicized in the charter—'retento in manu Regis Castro de Norwiz quamdiu Regi placuerit'—definitely imply that Margaret had an hereditary claim to the custody of Norwich Castle.<sup>3</sup> The king, therefore, thus excepted it from his concessions. Stapleton wrote that 'Robert Fitz Roger was sheriff of Norfolk and Suffolk in right of the same Margaret',<sup>4</sup> but did not vouch any authority for this statement. He stated, however, that John Fitz Robert (her son by her second marriage) 'succeeded to the charge of *custos* of the castle of Norwich' before 1 May 1215.<sup>5</sup> One has to remember that Roger de Cressy, her son and heir (by her first marriage), was an active supporter of the barons against John, and suffered, in consequence, the wasting of his lands and the penalty of excommunication. He was taken prisoner, however, at the battle of Lincoln<sup>6</sup> (1217). The heir of her second marriage, John Fitz Robert, was (jointly with William Marshall) sheriff of East Anglia and governor of Norwich Castle in 17 John, but was one of the baronial party at the time of the Great Charter.

When we turn to Lincolnshire, a county adjacent to Norfolk, we find much stronger evidence of the connexion between an hereditary shrievalty and the constablenesship (*custodia*) of the chief castle of the county. The admission of a woman's right to hold such an office as this is an obvious recognition of the hereditary principle. No more famous instance could be found than that of Nichole de 'Haia', eldest daughter and coheir of Richard 'de Haia' and wife of Gerard de Camville,<sup>7</sup> who brought to him the shrievalty of Lincolnshire with the charge of Lincoln Castle. In the quaint phraseology of Dugdale, she

being an eminent woman in her days, and stoutly adhering to King John, . . . obtained a grant from him . . . and in 18 John [1216-17] had the

<sup>1</sup> *Pipe Roll* 31 Hen. II, p. 76. In 1189 she still owed 640 marcs of this amount (*Pipe Roll* 1 Ric. I, p. 79).

<sup>2</sup> *Pipe Roll* 31 Hen. II, p. xxx. The passage in the Great Charter is there quoted.

<sup>3</sup> From an early date the Bigods had endeavoured to secure for themselves this important stronghold. Wimer the chaplain, who held the shrievalty from Easter 1170 to Easter 1187, had two colleagues till Michaelmas 1175, but after that held it singly. Mr. Eyton pointed out that, in May 1169, he occurs as a clerk of the earl of Norfolk (Hugh Bigod).

<sup>4</sup> *Magn. Rot. Scacc. Norm.* II. cxvii.

<sup>5</sup> *Ibid.* p. cxix.

<sup>6</sup> *Ibid.*; Dugdale's *Baronage*, i. 708.

<sup>7</sup> See my edition of the *Rot. de Dom.* (*Pipe Roll Soc.*), pp. 12, 84.

shrievalty of Lincolnshire committed to her trust, Philip de Marc being constituted her assistant therein. Which office she also held in 1 Henry III, Geoffrey de Cerland being then her substitute. . . . And in 2 Henry III was again constituted sherifess of Lincolnshire, as also governess of the city and castle of Lincolne,<sup>1</sup> &c.

In his comments on 'the military functions of the sheriff',<sup>2</sup> Mr. Morris observes that 'the Norman *vicomte* was keeper of the king's castles, and the earlier sheriffs of the Conqueror often appear in this capacity . . . although sheriffs were not necessarily *custodes castelli*'.<sup>3</sup> It has always seemed to me that this connexion between the sheriff and the king's chief castle in a county is one of the principal distinctions introduced at the Conquest, between the sheriff's office before and after that event.<sup>4</sup> For the castle itself was a novelty introduced by the Normans. Of the other two points which I mentioned at the outset the hereditary shrievalty has received, I hope, further illustration in this paper, while the assumption, by the sheriff, of a surname derived from the said castle is a practice which seems to account for the style 'William de Norwich'.

J. H. ROUND.

<sup>1</sup> *Baronage*, i. 598.

<sup>2</sup> *Ante*, xxxiii, 161-3.

<sup>3</sup> A foot-note (p. 162) states that 'Gilbert the sheriff of Herefordshire had the castle [*sic*] of Clifford to farm, but it was actually held by Ralph de Todei (*Domesday Book*, i. 173)'. On p. 168, however, another foot-note states that 'Gilbert the sheriff of Herefordshire held at farm the *castelleria* and borough of Clifford (*Domesday Book*, i. 183)'. This (183) is the right page reference; the passage is a difficult one. Stapleton (*Magn. Rot. Scacc. Norm.*, i. xxxv.) observes that 'A *vicecomitatus*, as the name implies, originated in the lieutenancy, . . . of a certain territory within which aid was levied for castle-guard annexed to the *castellum* of the *Comes*, and therefore denominated also a *castellania* or *castellaria*, being conferred upon personages, his *fideles*, for purposes of military defence and governance. These *vicecomites* or *castellani* had, &c. . . . and after the laws of hereditary succession had been embodied in the feudal code, the *vicomité* was not unfrequently converted into an hereditary fief. The charge was, however, purely military,' &c.

<sup>4</sup> 'In the reign of Henry II the hereditary *vicomtes* paid customarily a fixed annual sum by way of form for their *vicomtés*.'

<sup>4</sup> Cf. Powicke, *Loss of Normandy*, pp. 51, 294 f.