

# THE ENGLISH HISTORICAL REVIEW

NO. CXXX.—APRIL 1918\*

## *The Office of Sheriff in the Early Norman Period*

THE generation after the government of England was assumed by Norman officials was the time at which the sheriff's power was at its highest. It was the golden age of the baronial shrievalty, the period during which the office was generally held and its tradition established anew by the Conqueror's comrades in arms. The strength of William of Normandy was in no small measure derived from this latter fact. The sheriff in turn profited from the vast access of power which the turn of events and the insight of experience had brought to the king. With the exception of the *curia regis*, the greatest institution at the king's disposal was now the shrievalty. It is the aim of the present article to trace the activity and development of the office in this period for which no systematic detailed study of the subject now exists.<sup>1</sup>

There was a strong likeness between the English sheriff and the Norman *vicomte*, and the conquerors naturally identified the one with the other.<sup>2</sup> As the English of the chancery gave place

<sup>1</sup> Stubbs treats the Norman shrievalty in an incidental fashion, covering only its barest outlines (*Constitutional History*, 6th edition, i. 127-8, 295, 299, 425-30). Dr. Round in his various works throws much light particularly upon its financial and genealogical aspects (*Feudal England*, pp. 328-31, 422-30; *Communes of London*, pp. 72-5; *Geoffrey de Mandeville*, especially appendix P; and numerous chapters in the *Victoria History of the Counties of England*). Mr. Stenton (*William the Conqueror*, pp. 420-4) has treated briefly but with insight and originality the changes in the office brought by the coming of the Normans. Writers both upon constitutional and social history have usually directed their attention to the county court rather than to the local representative of Norman autocracy. The best brief account of the constitutional position of the Norman shrievalty is by Dr. George B. Adams, *The Origin of the English Constitution*, pp. 72-5.

<sup>2</sup> On the Norman *vicomte* in the time of William the Conqueror see C. H. Haskins, 'Normandy under William the Conqueror', *American Historical Review*, xiv. 465-70

to Latin *vicecomes* became the official designation; the title *viceconsul* is sometimes found.<sup>3</sup> In the Norman-French of the period the sheriff is the *vescunte*,<sup>4</sup> a name which in the legal language of later times becomes viscount. The employment of Normans in the office gave effect to their administrative ideas. Changes in the shire system soon made the sheriff, like the *vicomte*, the head of government in his bailiwick. At first sight he seems a *vicomte* rather than a *scirgerefa*.<sup>5</sup> Yet the Conqueror did not bodily transplant the Norman office.<sup>6</sup> The legal basis of his shrievalty was that of Edward the Confessor. The history, character, and tradition of the English county were very different from those of the Norman *vicomte*. The Norman official had greater advantages and importance in the capacity of sheriff than in that of *vicomte*. The greatest change, moreover, was in the new power behind the sheriff.

It was in accordance with the position claimed by King William as the heir of King Edward that he retained in office a number of English sheriffs, for a time demanded by administrative necessity. Edward's sheriffs who had served during the few months of Harold's rule seem to have been considered in rightful possession of their shires unless they had resisted the invasion. Godric, the sheriff of Berkshire who fell fighting with Harold, is mentioned in Domesday Book as having lost his sheriffdom,<sup>7</sup> presumably, as Freeman suggested,<sup>8</sup> because the office was regarded as *ipso facto* forfeit when its occupant moved against William. Oswald, the sheriff of Kent, also lost his office,<sup>9</sup> and the proximity of his shire to the place of conflict as well as the known hostility of the Kentishmen to William<sup>10</sup> suggests the same explanation. Esgar, sheriff of Middlesex, who as staller seems to have commanded against the Normans after the battle of Hastings, was not only superseded by a Norman in his office<sup>11</sup> and his lands,<sup>12</sup> but is said to have suffered lifelong imprisonment.<sup>13</sup> In regions more remote from the conflict Englishmen remained in office. Their names,

[*Norman Institutions*, 1918, ch. i]. The shrievalty of the Anglo-Saxon period is treated by the present writer, *ante*, xxxi. 20-40.

<sup>3</sup> Domesday Book, iv, fo. 312 b.

<sup>4</sup> *Leis Willelme*, 2, 1; 2, 2 a, in Liebermann's *Gesetze*, i. 492, 494.

<sup>5</sup> This is well brought out by Mr. Stenton, *William the Conqueror*, p. 422.

<sup>6</sup> The personnel of the two offices was of course different. Roger of Montgomery, viscount of the Hiemois (Ordericus Vitalis, *Hist. Eccles.* ii. 21) became an earl in England. <sup>7</sup> D. B. i. 57 b.

<sup>8</sup> *History of the Norman Conquest*, iv. 729. Godric's lands were seized and granted to a Norman with the exception of the single hide given to his widow for the humble service of feeding the king's dogs: D. B. i. 57 b; cf. Freeman, iv. 37.

<sup>9</sup> D. B. i. 2 b.

<sup>10</sup> Ordericus Vitalis relates that after the battle of Hastings they came to terms with William and gave hostages: *Hist. Eccles.* ii. 153.

<sup>11</sup> See note 51.

<sup>12</sup> See D. B. i. 129, 130 b.

<sup>13</sup> *Liber Eliensis*, p. 217.

therefore, throw light on Harold's last campaign. Edric was still sheriff of Wiltshire in 1067<sup>14</sup> and Toid or Tofig of Somerset apparently as late as 1068.<sup>15</sup> Alwin or Ethelwine of Warwickshire<sup>16</sup> and Robert fitz Wymarc<sup>17</sup> both remained in office; and the latter, if not the former as well, was succeeded by his son. Marloswein or Maerleswegen, whom Harold had left in charge of the north,<sup>18</sup> retained his position in Lincolnshire until he joined the Danes in their attack on York.<sup>19</sup> The names of several others who continued in office are probably<sup>20</sup> to be added. There is evidence that the families of Toli,<sup>21</sup> the Confessor's sheriff of Norfolk and Suffolk, and Elfric, his sheriff of Huntingdon,<sup>22</sup> enjoyed King William's favour. So few of Edward's sheriffs are known that their importance to William and his attitude towards them is evident.

But changes in the shrievalty were rapid. By 1071 it is rare to find an Englishman continued in the office.<sup>23</sup> By 1068 there

<sup>14</sup> Round, *Feudal England*, p. 422; Davis, *Regesta*, i, no. 9.

<sup>15</sup> Davis, *ibid.*, nos. 7, 23.

<sup>16</sup> Alwin appears as sheriff in a document which Eyton ascribes to the year 1072 (*Salt Arch. Society Publications*, ii. 179). He was permitted to acquire land by special licence of the Conqueror (D. B. i. 242 b). His son Thurkil seems to have been sheriff of Staffordshire (*Salt Soc. Publ.* ii. 179; Davis, *Regesta*, i, no. 25). His style, Turchil of Warwick (D. B. i. 238), suggests that he may have succeeded to the shrievalty of his father (Freeman, *Norm. Conq.* v. 792). He became an important tenant-in-chief: D. B. i. 240 b; Ballard, *Domesday Inquest*, p. 100.

<sup>17</sup> Robert fitz Wymarc had been staller to King Edward, and is said to have sent to William the news of Stamford Bridge (Freeman, *Norm. Conq.* iii. 413, n. 3). He was succeeded by his son, Swein of Essex, before 1075: Davis, *Regesta*, i, nos. 84-6. Eyton dated his death or superannuation 1071-2: *Shropshire Arch. and Nat. Hist. Society Publications*, ii. 16.

<sup>18</sup> Gaimar, *Estoire des Engles* (Rolls Series), l. 5255.

<sup>19</sup> *Anglo-Saxon Chronicle*, a. 1067, 1069; see Davis, *Regesta*, i, no. 8.

<sup>20</sup> Cyneward (Kinewardus) was sheriff in Worcestershire, but mention of him in 1072 (Heming, *Chartulary*, ed. Hearne, i. 82; Thorpe, *Diplom.*, p. 441) hardly proves his occupation of the office at that time, as Mr. Davis (*Regesta*, i, no. 106) assumes. See Freeman, *Norm. Conq.* v. 763. The statement of William of Malmesbury (*Gezja Pontificum*, p. 253) that Urse was sheriff when he built the castle at Worcester, which was before 1069, makes it probable that the English sheriff was superseded by Urse d'Abetot at an earlier date. The names of Swawold, sheriff of Oxfordshire in 1067 (Parker, *Early History of Oxford*, Oxford Historical Society, p. 301; Davis, *Regesta*, i, no. 18), and of Edmund, sheriff of Hertfordshire (*ibid.*, no. 16), suggest that they may be sheriffs of King Edward who were not displaced. One Edwin, who had been the Confessor's sheriff in an unknown county, was probably retained for a time (D. B. i. 238 b, 241): *H. tenet de rege et III hidas emit ab Edwino vicecomite* (*ibid.* i. 157 b).

<sup>21</sup> Toli seems to have died about 1066. His successor, Norman, may have been the same person as King Edward's sheriff of Northampton: Kemble, *Cod. Dipl.*, nos. 863, 904. As to Norman's shrievalty in East Anglia see D. B. ii. 312 b; Davis, *Regesta*, i, no. 41; Round, *Feudal England*, pp. 228-30. Toli's widow was still a tenant in Suffolk in 1086 (D. B. ii. 299 b).

<sup>22</sup> Elfric's wife and sons were permitted to retain the manor he had held: D. B. i. 203. This Aluric may have been the same as Aluric Godricson, named in 1086 as formerly sheriff of Cambridgeshire: *ibid.* i. 189.

<sup>23</sup> Moreover, Swein of Essex and Thurkil of Warwick (above, notes 16, 17), despite their names, are to all practical intents Norman barons.

were Norman sheriffs in fortress cities like London and York, and apparently in Exeter and Worcester.<sup>24</sup> Furthermore, gradual changes in the constitution of the shire added greatly both to the power and the dignity of the office. Whether or not the bishop for a time continued as a presiding officer of the county court,<sup>25</sup> the establishment of separate ecclesiastical courts<sup>26</sup> soon turned his interest in another direction. The earldom also quickly lost its old significance.<sup>27</sup> Domesday Book still carefully records the earl's rights and perquisites, but to all appearances no earl remains except in Kent and a few counties of the extreme west and north.<sup>28</sup> In Kent the sheriff was certainly the creature of the king, rather than of Earl Odo.<sup>29</sup> In the palatinates of Chester<sup>30</sup> and Durham<sup>31</sup> the sheriff was long to be the official of the earl and of the bishop respectively. The Montgomery earls in Shropshire,<sup>32</sup> and probably for a short time the Fitz Osbern earls in Herefordshire,<sup>33</sup> and Count Robert of Mortain in Corn-

<sup>24</sup> See below, p. 162 and notes.

<sup>25</sup> The present writer does not believe with Mr. Davis (*Regesta*, i, 7) that mention of the bishop's name in writs to the county court demonstrates his actual presidency of that body. There is too much evidence of the sheriff's activity. See pp. 158-9.

<sup>26</sup> See Liebermann, *Gesetze*, i, 485.

<sup>27</sup> In the counties of Derby, Nottingham, and Lincoln the earl is mentioned in 1086 as if still existent: D. B. i. 280 b, 336 b. In Yorkshire the earl may recall persons who have abjured the realm, and proclaim the king's peace: *ibid.* i. 298 b. In Worcester the earl is still said to have the third penny: *ibid.* i. 173 b. But there is no earl.

<sup>28</sup> This striking result was due to the merger of the earldom of Wessex with the Crown, the extinction of the earls of the house of Godwin, the disappearance of Edwin and Morcar by 1071, and finally the revolt of 1075, leading to loss of rank for Roger fitz Osbern and Ralph Guader, the heads of two newly created earldoms, and to the execution of Waltheof, the last surviving English earl.

<sup>29</sup> Concerning Haimo, the sheriff, see note 48. He was in office before, though probably not immediately before, the arrest of Odo in 1082, and held the position for years after the earl's overthrow. His family and that of his brother, Robert fitz Haimo (note 71), remained loyal to William Rufus during the great feudal revolt of 1088 in which Odo was involved.

<sup>30</sup> The earl of Chester held of the king the whole shire except what belonged to the bishopric: D. B. i. 262 b.

<sup>31</sup> The bishop of Durham had his own sheriff at least as early as Ranulf Flambard's time: Lapsley, *The County Palatine of Durham*, pp. 80-1. Compare Symeon of Durham, ii. 209.

<sup>32</sup> Freeman, *Norman Conquest*, iii. 501; Davis, *England under the Normans and Angevins*, p. 517. Earl Roger held Shrewsbury and all the demesne which the king had held in the county. It is obviously he who renders to the king the *ferm* of three hundred pounds one hundred and fifteen shillings for the city, demesne, manors, and pleas of the county and hundreds (D. B. i. 254). Compare the farming of county revenues in Cheshire by the earl (*ante*, xxxi. 33). The sheriff at Shrewsbury was the earl's official (Davis, *l.c.*). The shrievalty was successively held by the two husbands of Roger's niece, Warin the Bald and Rainald: Ordericus Vitalis, *Hist. Eccles.* iii. 29 and n. 6; D. B. i. 254-5.

<sup>33</sup> Heming (*Chartulary*, i. 250) regards Radulf de Bernai (D. B. i. 181), the sheriff, as the henchman of William fitz Osbern; but this could only have been previously to 1075.

wall,<sup>34</sup> appointed and controlled the sheriff. In the reign of William Rufus the sheriff of Northumberland was the relative and steward of Earl Robert Mowbray.<sup>35</sup> But elsewhere the subordination of the sheriff to the earl was ended. The burghal third penny generally passed from the earl's into the king's hands,<sup>36</sup> and, as if to emphasize the change, it was occasionally regranted to a sheriff.<sup>37</sup> Except in rare cases like those just mentioned, and soon limited to the palatinates, earls after 1075 did not as such hold administrative office.<sup>38</sup> It was the sheriff and not the earl<sup>39</sup> who had charge of public justice and the maintenance of the peace,<sup>40</sup> and the earl's military headship of the shire was at an end. The conquest of Carlisle from the Scots in 1092 was followed by the appointment of a sheriff.<sup>41</sup> Soon after 1066 a county was being called a *vicecomitatus* or sheriffdom.<sup>42</sup> Unobscured by any greater official the sheriff now stands out as the sole head of the shire.

The importance and power of the Norman shrievalty were further enhanced by a tenure of office usually long and by a personnel of remarkable character. The removability of the

<sup>34</sup> Robert held of the king, his brother, almost the whole shire. Thurstin, the sheriff, held land of him (D. B. iv. 204 b, 234 507 b), and as *Tossetin vicecomes* witnessed one of his charters (*Monasticon Anglicanum*, vi, pt. 2, p. 989). Mr. Davis thinks (*Regesta*, i, p. xxxi) that Cornwall could not have been a palatinate as late as 1096, when Warin, the sheriff, is addressed by the king in a writ of the form (*ibid.*, no. 378) usually addressed to county courts.

<sup>35</sup> Davis, *England under the Normans and Angevins*, p. 105; *A.-S. Chronicle*, r. 1095. Roger the Poitevin, son of Roger of Montgomery, had a *vicecomes* when his brother Hugh was earl (*Monasticon*, iii. 519), apparently in the region between the Ribble and the Mersey (Freeman, *William Rufus*, ii. 57). It is to be observed, however, that the heads of feudal baronies sometimes had *vicecomites* of their own. See Round, *Calendar of Documents in France*, no. 1205; also 'Some Early Sussex Charters', in *Sussex Archaeological Collections*, vol. xlii.

<sup>36</sup> This was true of the burghal third penny at Bath (D. B. i. 87), and in the boroughs of Wiltshire (*ibid.* i. 64 b), and must have held for Worcester (note 27) and Stafford (D. B. i. 246). Bishop Odo has revenues at Dover which appear to be derived in part from the third penny which Earl Godwin has held (*ibid.* i. 1), but he is not rightfully entitled to Godwin's portion of certain dues at Southwark (*ibid.* i. 32). The record concerning Northampton and Derby shows that the third penny might not be appropriated without grant (*ibid.* i. 280 b).

<sup>37</sup> Baldwin was the recipient of the third penny at Exeter, Hugh of Grantmeanil at Leicester (see Ballard, *Domesday Boroughs*, p. 37, n. 6), and Robert of Stafford at Stafford (D. B. i. 246).

<sup>38</sup> The old practice of conferring the third penny upon them and of naming them in writs to the county court has become mere form.

<sup>39</sup> For the theory of the Anglo-Saxon period see *ante*, xxxi. 27.

<sup>40</sup> Below, pp. 158-9.

<sup>41</sup> Davis, *Regesta*, i, no. 478; *Monasticon Anglicanum*, i. 241.

<sup>42</sup> Herman's *Miracula Sancti Eadmundi*, written about 1070, has *Aerfasto duarum Eastengle vicecomitatum episcopo*: Liebermann, *Ungedruckte Anglo-Normannische Geschichtsquellen*, p. 248. In the Domesday inquest for Bedfordshire appears the expression, *Omnes qui iraverunt de vicecomitatu* (D. B. i. 211 b); and in the record of the judgement in the case of Bishop Wulfstan against Abbot Walter, 1085-6, we read *iudicante et testificante omni vicecomitatu* (Heming, *Chartulary*, i. 77).

sheriff was still an effective principle, the usefulness of which by no means ended with its application to the cases of English sheriffs who fought for Harold. William dismissed from the office Normans of no little importance.<sup>43</sup> Yet the *crementum* or sum of money occasionally paid for the privilege of farming the shire<sup>44</sup> seems to represent a bid for the appointment. The influence of feudal usage was also strong. It has been held justly that William I could not have dismissed sheriffs wholesale as did Henry II without risking a feudal rebellion.<sup>45</sup> The Norman viscounty was, in some instances, hereditary.<sup>46</sup> The sheriff was appointed for no specified term, and the tendency of the age was to treat offices like fiefs.

Personal claims to the king's friendship or gratitude did much to lengthen the tenure of office. The leading sheriffs of the Conqueror often held office for life, and some of them survived until the reign of Henry I.<sup>47</sup> A few who stood especially high in

<sup>43</sup> Among these was Froger, sheriff of Berkshire: *Chron. Monast. de Abingdon*, Rolls Series, i. 486, 494. About 1072 Ilbert lost the shrievalty of Hertfordshire: D. B. i. 133. For the date compare Round, *Feudal England*, pp. 459-61, with Liebermann, *Gesetze*, i. 485. Swein of Essex lost his place, to be followed by Ralph Bainerd (D. B. ii. 2 b). This was before 1080 (Davis, *Regesta*, i, no. 122). The latter by 1086 (D. B. ii. 1 b) had been superseded by Peter of Valognes, who was sheriff of Essex (*Vict. County History of Essex*, i. 346). Peter, Swein, and Ralph were all Domesday tenants-in-chief.

See below, p. 167.

<sup>44</sup> Stenton, *William the Conqueror*, p. 423.

<sup>45</sup> See Haakins in *American Histor. Rev.* xiv. 470 [*Norman Institutions*, p. 47].

<sup>46</sup> Haimo, who has been identified as son of Haimo Dentatus, slain at Val-es-Dunes (Freeman, *William Rufus*, ii. 82; *Norman Conquest*, ii. 244, 257), and who was a distant relative of William the Conqueror (see *Dict. of Nat. Biogr.*, art. 'fitz Haimon, Robert') and *dapifer* both to him and to William Rufus (Davis, *Regesta*, i, nos. 340, 351, 372, 416), is mentioned as sheriff of Kent about 1071 (Bigelow, *Placita Anglo-Norm.*, p. 8) and also in 1086. Though apparently superseded in the period 1078-83 (Davis, no. 188; no. 98 shows that he was sheriff in 1077), he seems later to have remained in office until his death, which Mr. Davis shows was in 1099 or 1100 (*ibid.*, nos. 416, 451). He was succeeded both in his household office (*Monasticon Anglicanum*, v. 100, 149; *ante*, xxvi. 489) and his shrievalty (*Monasticon*, i. 164; iii. 383; Round, *Cal. of Documents in France*, no. 1378) by another Haimo, who was undoubtedly his son. The elder Haimo was one of the king's special envoys at the inquest made on the oath of three shires at Keneteford in 1080 (Davis, no. 122).

Roger Bigod, probably son of a knight closely attached to the fortunes of the Conqueror (*Dict. of Nat. Biogr.*, art. 'Bigod, Hugh'), became the greatest noble in East Anglia and *dapifer* to William II. He was sheriff of Norfolk by 1069 (Davis, *Regesta*, i, no. 28), sheriff of Suffolk for two different terms (D. B. ii. 287 b) prior to 1086, as well as under Henry I (*Cartul. Monast. de Ramessaia*, Rolls Series, i. 249), and Domesday sheriff of both counties. He was present in 1082 at a trial held before the king in Normandy (Davis, *Regesta*, i, app. xvi). For his share in the rebellion of 1088 he apparently lost his estates temporarily (*Victoria County History of Norfolk*, ii. 469), and surrendered his office for a time to Herbert, the king's chamberlain (Davis, *ibid.*, no. 291 and app. lxii), but he served as sheriff later than 1091 (Goulburn and Symonds, *Letters of Herbert de Loringa*, p. 170; *Memorials of St. Edmund's Abbey*, Rolls Series, i. 79, 147), and probably until his death which occurred in 1107 (Ordericus Vitalis, *Hist. Eccles.* iv. 276). The title of earl was gained by his son.

Urse d'Abetot, a trusted agent of the Norman kings for a period of forty-five years or more following the Conquest, was the brother of Robert the dispenser of the

the king's favour held great household offices at court.<sup>48</sup> Another group are known to have been in his special employment at the *curia* or elsewhere.<sup>49</sup> To practically all of these he

Conqueror (Heming, *Chartulary*, i. 268) and William II (Davis, *Regesta*, i, no. 326). He became the greatest lay landholder in Worcestershire, of which county he was sheriff apparently (note 20) from 1068. He is still mentioned as sheriff about 1110 (Liebermann, *Gesetze*, i. 524), and at his death, probably about 1115 (Round, *Feudal England*, p. 170), he was succeeded by his son (note 63).

Edward of Salisbury, a great landholder in the southern and south-western counties (Parker, *Early History of Oxford*, p. 246; also D. B. i. 154; iv. 16), and another *curialis* (Davis, *Regesta*, i, nos. 247, 283, 292-4), was sheriff of Wiltshire in 1081, and possibly as early as 1070 (*ibid.*, nos. 135, 167). He seems to have been sheriff so late as 1105 (*ante*, xxvi. 489-90). The Edward of Salisbury who fought under Henry in 1119 (Ordericus Vitalis, *Hist. Eccles.* iv. 357) was probably a younger son (Eyton, *Analysis and Digest of Dorset Survey*, p. 77). His daughter Matilda married the second Humphrey de Bohun, who shared his vast possessions with his son, Walter of Salisbury (*Monasticon*, vi. 134, 338, 501).

Baldwin de Menles or Baldwin de Clare, son of Count Gilbert of Brionne (Ordericus Vitalis, ii. 181), one of the guardians of the Conqueror's minority, was delegated to build a castle at Exeter after the revolt of 1068 (*ibid.*). He became a great landholder and enjoyed the rare distinction of having a castle of his own (D. B. i. 105 b), which was situate at Okehampton. He was sheriff of Devon by about 1070 (Davis, no. 58), and without doubt held the office until his death a little before 1096 (Round, *Feudal England*, p. 330, n. 1).

Durand of Gloucester was another Domesday sheriff who served for fifteen years or more (note 62) preceding his death.

Hugo de Port, who was sheriff of Hampshire possibly as early as 1070 (Davis, no. 267), and a great landholder, seems to have held office until in 1096 he became a monk (*ibid.*, no. 379). He was sheriff of Nottingham also in the period 1081-7 (*Monasticon*, i. 301).

<sup>48</sup> As to Haimo and Roger Bigot see note 47.

Robert d'Oilly, who has been tentatively identified as sheriff of Warwickshire in 1086 (*Victoria County History of Warwick*, i. 279), and who was certainly at the head of this shire at an earlier time (Davis, *Regesta*, i, nos. 104, 130, 200), his shrievalty beginning about 1070 (*ibid.*, no. 49), was constable under William I and William II (*ibid.*, p. xxxi).

Robert Malet, son, and probably successor in office (note 82) of a well-known follower and sheriff of the Conqueror (see p. 162), sheriff of Suffolk from 1070 (Davis, no. 47) to at least 1080 (*ibid.*, no. 122), and an important tenant-in-chief in several shires, was the king's great chamberlain (Round, *Geoffrey de Mandeville*, p. 180).

Aiulf, the chamberlain, Domesday sheriff of Dorset (note 82), and in the reigns of William II and Henry I sheriff of Somerset (Davis, nos. 315, 417; *Montacute Chart.*, Somerset Record Soc., p. 120), was a tenant-in-chief both in Dorset (D. B. i. 82 b) and Wiltshire (*ibid.* 75), and probably at court a deputy to Robert Malet.

Edward of Salisbury is believed to have been a chamberlain of Henry I (*ante*, xxvi. 489-90).

<sup>49</sup> These are Urse d'Abetot (Heming, *Chartulary*, ii. 413; Round, *Feudal England*, p. 309; Davis, *Regesta*, i, nos. 10, 416, 422; see also below, p. 162 and note 130), Edward of Salisbury (notes 48, 49; Davis, nos. 247, 283), Hugo de Port (*ibid.*, nos. 207, 220), Baldwin of Exeter (above, note 48), Hugo de Grantmesnil (note 58), and Peter de Valognes (Davis, no. 368). The last named was the Domesday sheriff of Essex and Hertfordshire, and tenant-in-chief both in these shires and in Lincolnshire, Norfolk, and Suffolk. His wife, Albrede, was the sister of Eudo the *dapifer* (*Monasticon*, iii. 345; iv. 608). He was sheriff of Hertfordshire about 1072 (note 43), and still sheriff of Essex in the reign of William II (Davis, nos. 436, 442). Hugh de Beauchamp was sheriff of Buckinghamshire in the reign of William II (Davis, no. 370), at whose court he

made large grants of land *in capite*, usually in several shires. Similar grants prove his friendship for a still larger group.<sup>50</sup> With the exception of a very few of whom little is recorded,<sup>51</sup> and a very few in the counties still under an earl,<sup>52</sup> the known sheriffs<sup>53</sup> at or near the date of Domesday, some twenty in number, are all tenants-in-chief<sup>54</sup> of the Crown, and as a rule was employed (*ibid.*, nos. 419, 446, 447). Hugh de Bochland witnessed writs of William II (*ibid.*, nos. 444, 466), and in 1099 was delegated to execute a judgement of the king's court (*ibid.*, no. 416).

<sup>50</sup> Geoffrey de Mandeville, sheriff of London and Middlesex from the Conquest (Round, *Geoffrey de Mandeville*, p. 37, n. 2, p. 439; Davis, *Regesta*, i, nos. 15, 93), though not at the date of Domesday (D. B. i. 127; Davis, *ibid.*, no. 306), and at some period of his career sheriff of Essex and Hertfordshire (Round, *ibid.*, pp. 141-2), is well known as a landholder in eleven different shires.

Hugh fitz Grip, sheriff of Dorset, was dead by 1086, but his wife was a tenant-in-chief, holding some forty manors (D. B. i. 83 b).

Ralph Bainard, a Domesday tenant-in-chief in Essex, Norfolk, and Suffolk (D. B. ii. 68, 247, 413), a pre-Domesday sheriff of Essex (Davis, no. 93), possibly of London as well (*ibid.*, no. 211), and his brother, Geoffrey Bainard, a noted adherent of William II (Freeman, *William Rufus*, ii. 63), who, in the reign of the latter, seems to have been sheriff of Yorkshire (Davis, nos. 344, 421, 431; *ante*, xxx. 283-4), bear the name of a well-known baronial family; as does Ralph Taillebois, sheriff of Bedfordshire and Hertfordshire (*Victoria County History of Buckinghamshire*, i. 220), who died before 1086 (D. B. i. 211 b), and Ivo Taillebois, *dapifer* to William II (Davis, nos. 315, 319, 326), *tenens* in Norfolk, and presumably sheriff of Lincolnshire before 1086 (*ante*, xxx. 278).

Hugh fitz Baldric, sheriff of Yorkshire from 1070 to about 1080 (*ante*, xxx. 231-2), and also sheriff of Nottinghamshire, was a Domesday *tenens* not only in these shires but also in Hampshire (D. B. i. 48, 356) and Lincolnshire.

An-culf de Picquigny, sheriff of Buckinghamshire (D. B. i. 148 b) and Surrey (*ibid.* i. 36), also deceased before 1086, was father of the prominent Domesday baron, William de Picquigny.

William de Mohun, sheriff of Somerset in 1084 and 1086, and probably for a considerable period (Maxwell-Lyte, *History of Dunster*, pp. xiii and 3), was a great landholder and founder of a well-known house.

Durand of Gloucester (D. B. i. 168 b, 186 b), though himself not a great tenant, represents an important family interest.

Robert of Stafford (Davis, no. 210 and app. xxvi; see D. B. i. 225, 238, 248 b) held much land of the Crown.

Picot, the notorious sheriff of Cambridgeshire, one of the barons who attended the *curia regis* in the time of William II (*Deputy Keeper's 29th Rep.*, app., p. 37), who was in office as early as 1071 (Davis, no. 47), and as late as some date in the period 1090-8, was a tenant-in-chief in his own shire (D. B. i. 200).

Eustace of Huntingdon, of almost equally evil memory, sheriff by 1080 (Davis, no. 122) and superseded by 1091 (*ibid.*, nos. 321, 322, 329), was a Domesday *tenens* in Cambridgeshire and Northamptonshire as well as in Huntingdonshire.

William of Cahaignes, sheriff of Northamptonshire under both William I and William II (*ibid.*, nos. 288 b, 283), was also a Domesday tenant-in-chief (D. B. i. 201 b).

<sup>51</sup> Ranulf of Surrey (D. B. i. 32), Roger of Middlesex (D. B. i. 127), and Gilbert (D. B. i. 20 b), who may be sheriff of Sussex or *vicomte* of the honour of Pevensay.

<sup>52</sup> Rainald, formerly sheriff of Shropshire (D. B. i. 181), Gilbert or Ilbert of Hereford (notes 149, 212), and Thurstin of Cornwall (note 34).

<sup>53</sup> The counties whose sheriffs I am unable to name are Berkshire, Oxford, Leicester, Rutland, Derby, Cheshire, and Northumberland. It seems impossible to tell how long Froger, the first Norman sheriff of Berkshire, remained in office.

<sup>54</sup> See notes 47, 50. Haimc, one of the smallest landholders among these, had in Kent three whole manors and parts of others (D. B. i. 14) lands in Essex besides

great tenants-in-chief. Four of them left heirs, who within two generations became earls.<sup>55</sup> The baronial status of the shrievalty is thus well established. As important barons or household officials a number of them frequently appear at meetings at the *curia regis*,<sup>56</sup> even as *vicomtes* usually attended the duke's *curia* in Normandy.<sup>57</sup> Rank, importance, or official position, moreover, entitled the sheriff of more than one English shire to a place in this Norman body.<sup>58</sup>

The greater power and prestige of the Norman as compared with the Anglo-Saxon sheriff are evident. No longer was he a man of moderate means, overshadowed by the nobility and prelates of the shire; on the contrary, he was often himself the greatest man in all his region, and was not infrequently a benefactor of the church.<sup>59</sup> Since no official superior stood between him and the king he enjoyed great freedom of action. As a baron

(*ibid.* ii. 54 b). Durand, another small tenant, had lands in the south-west (D. B. iv, fo. 8 b), as well as in Gloucestershire (*ibid.* i. 168 b) and Herefordshire (*ibid.* i. 179).

<sup>55</sup> Hugh, second son of Roger Bigod; Patrick, grandson of Edward of Salisbury; Miles of Gloucester, grandnephew of Durand; and Geoffrey de Mandeville, grandson of the sheriff of the same name.

<sup>56</sup> This appears in connexion with the trial of Bishop William in 1088: see *Columbia Law Review*, xii. 279.

<sup>57</sup> Haakins in *Amer. Histor. Rev.* xiv. 469 [*Norman Institutions*, p. 47].

<sup>58</sup> Robert d'Oilly, the constable, and Robert Malet, the chamberlain (above, note 48), both appear at William's *curia* in Normandy (Davis, *Regesta*, i, nos. 199, 207), as do also Hugo de Port and Baldwin of Exeter (*ibid.*, nos. 125, 220). Hugo de Grantmesnil appears in attendance even before the conquest of England (*ibid.*, no. 2). In 1050 along with his brother Robert he founded the monastery of St. Evroul. Present at Hastings, he was employed by the Conqueror about 1068 to hold Hampshire. Subsequently he received an important post at Leicester (Ordericus Vitalis, *Hist. Eccles.* ii. 17, 121, 186, 222). He was a great landholder in the midlands in 1086, and appears as witness to one of the writs of William II (Davis, no. 392). The language of Ordericus (*praesidatum Leyrestrae regēbat*, iii. 270) and his possession of the third penny at Leicester (note 37) indicate that he was sheriff (Freeman, *Norman Conquest*, iv. 232). He died in the habit of a monk, 22 February 1093 (Ordericus Vitalis, iii. 453). His son Ivo, who succeeded to his English possessions, was one of the four lords of Leicester and *municeps et vicecomes et firmarius regis* (*ibid.* iv. 169).

<sup>59</sup> Peter of Valognes and his wife founded the priory of Binham (*Monasticon*, iii. 345; iv. 608), Roger Bigod that of Thetford (*ibid.* v. 148-9), Ivo Taillebois the monastery of Spalding (*ibid.* iii. 215, 217), Picot a church at Cambridge (Miss Norgate, *England under the Angevin Kings*, ii. 463). Hugo de Grantmesnil endowed the monastery of St. Evroul (Ordericus Vitalis, *Hist. Eccles.* ii. 14 ff.), and later gave it some of his English property (Davis, *Regesta*, i, no. 140). Robert d'Oilly endowed the church at Abingdon (*Chron. Monast. de Abingdon*, ii. 12-15). Warin gave land to the monastery of Shrewsbury (*Monasticon*, iii. 518), Haimo to the church of St. Andrew at Rochester (Davis, *Regesta*, i, no. 451), and Hugh fitz Baldric tithes to the abbey of Preaux (*ibid.*, no. 130). Baldwin of Exeter and both his sons who succeeded him were benefactors of Bec (Round, *Feudal England*, table facing p. 473). Geoffrey de Mandeville founded the priory of Hurley (Round, *Geoffrey de Mandeville*, p. 38), and also gave land to St. Peter of Westminster for his wife's soul (Davis, *Regesta*, i, no. 209), Durand to St. Peter of Gloucester *pro anima fratris sui Rogerii* (D. B. i. 18), Thorold to St. Guthlac of Croyland *pro anima sua* (*ibid.* i. 346 b), Rainald to the church of St. Peter *pro anima Warini antecessoris sui* (D. B. i. 254).

and a personal adherent of the king he combined the prestige of a local magnate and the status of a trusted official. He was, as it were, a sheriff of King Edward who had grown into a great landholder and a prominent king's thegn. The effective control exercised over the office by the early Norman kings<sup>60</sup> is thus largely explained, though its basis could not be expected to survive the generation which followed the Conqueror at Hastings.

The hereditary nature of some of the Norman shrievalties is well understood,<sup>61</sup> but the known instances are not numerous. The families of Roger de Pistri and of Urse d'Abetot each supplied four sheriffs, the former in Gloucestershire,<sup>62</sup> the latter in Worcestershire.<sup>63</sup> The power of these families, already strong through their local baronial standing, was further increased by the fact that in each case the custody of a castle was held together with the shrievalty.<sup>64</sup> Baldwin of Exeter, another great tenant-in-chief and custodian of Exeter castle,<sup>65</sup> was succeeded as sheriff of Devon by two of his own sons.<sup>66</sup> The Grantmesnil and Malet shrievalties seem to have passed from father to son,<sup>67</sup> but both sons were ruined in consequence of their adherence to Duke Robert of Normandy in the early years following the accession of Henry I.<sup>68</sup> Haimo was succeeded both as *dapifer* and as sheriff of Kent by his son Haimo,<sup>69</sup> and his son Robert<sup>70</sup> is no doubt the Robert fitz Haimon who was sheriff of Kent in the earlier years of Henry I.<sup>71</sup> Ralph Taillebois and Ivo Taillebois

<sup>60</sup> See Adams, *Origin of the English Constitution*, p. 72.

<sup>61</sup> Stubbs, *Constitutional History*, i. 295.

<sup>62</sup> Roger de Pistri was sheriff of Gloucester as early as about 1071 (Davis, *Regesta*, i, no. 49). His brother Durand, the Domesday sheriff, seems to have succeeded him before 1083 (*ibid.* 186). After the death of Durand about 1096 (Round, *Feudal England*, p. 313), his nephew, Walter fitz Roger (D. B. i. 169), better known as Walter of Gloucester, became sheriff, although Durand's son Roger, who seems to have succeeded to his lands, lived until 1107. Walter is mentioned as holding the office in 1097 (Davis, *ibid.*, no. 389), and again in 1105-6 (*Monasticon*, i. 544). He evidently served for many years, for his son Miles, who was sheriff in 1129, still owed a sum which he had recently engaged to pay for the land and *ministerium* of his father (Pipe Roll, 31 Henry I, p. 77). Miles was constable of England until he was superseded in Stephen's time by Walter de Beauchamp. Subsequently he was created by Matilda earl of Hereford (Round, *Geoffrey de Mandeville*, pp. 263, 285).

<sup>63</sup> Urse d'Abetot held the Worcestershire shrievalty from about 1068 (above, note 20). The office passed at his death, about 1115, to his son Roger, and after the latter's disgrace to Walter de Beauchamp, the husband of Urse's daughter (Round, in *Dict. of Nat. Biogr.*, art. 'Urse d'Abetot', and in *Victoria History of Worcestershire*, i. 263). Walter's son, William de Beauchamp, held the position in the reign of Henry II.

<sup>64</sup> Below, p. 162.

<sup>65</sup> Baldwin was the patron of the church of St. Mary within the castle (*Devonshire Association for Advancement of Science*, xxx. 27).

<sup>66</sup> Round, *Feudal England*, p. 330, n. 37.

<sup>67</sup> Ordericus Vitalis, *Hist. Eccles.* iv. 167.

<sup>68</sup> See notes 48, 58, 82.

<sup>69</sup> Above, note 47.

<sup>70</sup> See Davis, *Regesta*, i, no. 451.

<sup>71</sup> At some time in the period, 1103-9 (*Monasticon*, iii. 383; Round, *Cal. of Documents in France*, no. 1377). He was still prominent in 1130 (Pipe Roll, 31 Henry I, pp. 95, 97). Robert fitz Haimon, the conqueror of Glamorgan, and brother of the

seem both to have been sheriffs of Bedfordshire before the Domesday inquest.<sup>72</sup> Swein of Essex and probably Turchil of Warwickshire were hereditary sheriffs of a slightly earlier date.<sup>73</sup> The surname of Walter of Salisbury indicates that he succeeded Edward, his father.<sup>74</sup> Henry de Port, sheriff of Hampshire in 1105, was the son, though not the immediate successor, of Hugo de Port.<sup>75</sup> The second Geoffrey de Mandeville in the time of King Stephen greatly increased the strength of his newly acquired earldom by regaining the three shrievalties held by his grandfather in the days of the Conqueror.<sup>76</sup> By this time such power was a menace to the state. In the great majority of counties there was no life tenure nor hereditary succession, and sheriffs follow each other in more rapid succession.<sup>77</sup>

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>78</sup> The title of Swein of Essex affords almost the only case of a different usage for this period.<sup>79</sup> Sometimes a sheriff was placed over two counties, but this double tenure in nearly every case seems to have been of brief duration.<sup>80</sup> The Conqueror and his sons limited the hereditary sheriff to one

elder Haimo (William of Jumièges, Migne, *Patrolog. Lat.* cxlix. 898), was injured and lost his reason in 1105 (*ante*, xxi. 507-8). He left no son.

<sup>72</sup> D. B. i. 209, 209 b. Ivo exacted the sheriff's *crementum* for demesne manors. See note 50.

<sup>73</sup> Above, notes 16, 17.

<sup>74</sup> Walter, moreover, was the father of Patrick, earl of Salisbury (*Monasticon*, vi. 338, 501), sheriff of Wiltshire in the seventh year of Henry II.

<sup>75</sup> Davis, *Regesta*, i, nos. 377, 379; *ante*, xxvi. 489-90.

<sup>76</sup> Round, *Geoffrey de Mandeville*, pp. 141-2.

<sup>77</sup> For the sheriffs of Lincolnshire and Yorkshire see *ante*, xxx. 277 ff.; for the sheriffs of Essex and Hertfordshire prior to 1086, above, notes 43 and 50. In Warwickshire also the succession was comparatively rapid. In London, Geoffrey de Mandeville (note 50), Ralph Bainard (Davis, no. 211), and Roger (D. B. i. 127) all served before 1086.

<sup>78</sup> See Round, *Feudal England*, p. 168, where a list of instances is given. To this may be added Durand of Gloucester (D. B. i. 168 b) as well as Peter of Oxford, who belongs to the reign of William II (*Chron. Monast. de Abingdon*, Rolls Series, ii. 41). Urse d'Abetot appears as *Urso de Wircestre* (D. B. i. 169 b).

<sup>79</sup> Yet Turchil de Warewiccyre appears in Thorpe, *Diplomatarium*, p. 441.

<sup>80</sup> The shrievalty of Osbern in Yorkshire and Lincolnshire belongs to a slightly later period (*ante*, xxx. 280, 284). Mr. Round has shown that the Domesday reference to Urse d'Abetot in Gloucestershire (i. 163 b) does not prove that he ever had this shire along with that of Worcestershire (*Victoria County History of Worcester*, i. 283). Roger Bigod, the famous sheriff of Norfolk, was sheriff also of Suffolk at various times (note 47). Ralph Taillebois, who died before 1086, served both Bedfordshire (D. B. i. 218 b) and Hertfordshire (*Victoria County History of Buckinghamshire*, i. 220), but in Hertfordshire Edmund was sheriff at the opening of the reign (Davis, no. 16), and Ilbert probably before 1072 (above, note 43). Concerning the length of time during which Ansculf held the shrievalties of Buckinghamshire (D. B. i. 148 b) and Surrey (*Ibid.* i. 38), and Geoffrey de Mandeville those of Essex and Hertfordshire (see note 50), there is no definite information. Hugh fitz Baldric, sheriff of Yorkshire (note 50), was also sheriff of Nottinghamshire in 1074 (*ante*, xxx. 282).

shire.<sup>81</sup> Occasionally a sheriff held two shires in succession.<sup>82</sup> Hugh de Bochland, one of the new *curiales* of William Rufus,<sup>83</sup> who in the reign of Henry I was *carus regi* and sheriff of eight shires,<sup>84</sup> held nearly all of these before 1107.<sup>85</sup> The circumstance proves the king's resourcefulness on the eve of Tinchebrai, and marks a new era in the history of the shrievalty. New men will in the future be utilized to check the influence of the powerful sheriff with baronial interests. The participation in the rebellion of 1088 by two such officials doubtless recalled the dangerous revolt of Norman *vicomtes* in 1047.<sup>86</sup>

The perquisites of the office, both legitimate and other, were probably greatest in the generation following the conquest of England. The view that the Danegeld was farmed and constituted the sheriff's greatest source of profit<sup>87</sup> is untenable,<sup>88</sup> but there are indications in Domesday that the farming of the king's lands and the local pleas yielded a handsome margin.<sup>89</sup> How the oppressive sheriff might turn his power to financial advantage will appear later. The fact that so great a tenant as Urse d'Abetot might apparently gain exemption from the relief of 1095<sup>90</sup> hints what influence at court might do. Sheriffs are mentioned as having certain lands for the term of their office.<sup>91</sup> The reeve-land<sup>92</sup> as well as certain pence pertaining to the shrievalty, which Edward of Salisbury received,<sup>93</sup> might add to the sheriff's profits, though the latter and probably the former were held subject to certain official obligations.

<sup>81</sup> The case of the younger Geoffrey de Mandeville (above, p. 155) is hardly an exception. Miles of Gloucester, however, was sheriff of Staffordshire and Gloucestershire, 1128-30 (Pipe Roll, 31 Henry I, pp. 72, 76).

<sup>82</sup> Aiulf, sheriff of Dorset in and before 1086 (D. B. i. 83), was in office in the period 1082-4 (Davis, *Regesta*, i, no. 204), and was sheriff of Somerset before 1091 (*ibid.*, nos. 315, 316), and also (above, note 48) in the reign of Henry I. William Malet, sheriff of Yorkshire from 1067 to 1069 (*ante*, xxx. 281), seems to have been sheriff of Suffolk before April 1070 (Round, *Feudal England*, pp. 429-30).

<sup>83</sup> Above, note 49. Ordericus Vitalis (*Hist. Eccles.* iv. 164) mentions him only as one of the men *de ignobile stirpe* raised from the dust by Henry I.

<sup>84</sup> *Chron. Monast. de Abingdon*, ii. 117.

<sup>85</sup> He held Bedfordshire (Davis, *Regesta*, i, nos. 395, 471) and Berkshire (below, note 112) in the reign of William II, and is also mentioned as sheriff of the latter county under Henry I (*Monasticon*, i. 523). He held Hertfordshire by 1105 and in 1107 (*ante*, xxvi. 490; *Liber Eliensis*, p. 298), London and Middlesex before September 1106 (*Chron. Monast. de Abingdon*, ii. 56; *Monasticon*, iv. 100; Round, *Cal. of Documents in France*, no. 1377), and Buckinghamshire (*Chron. Monast. de Abingdon*, ii. 98, 106) and Essex (*Monasticon*, i. 164; vi. 105) by about the same time.

<sup>86</sup> William of Malmesbury, *Gesta Regum*, ii. 286.

<sup>87</sup> Stubbs, *Constitutional History*, i. 412.

<sup>88</sup> Round, *Feudal England*, pp. 499-500.

<sup>89</sup> Below, p. 170.

<sup>90</sup> Round, *Feudal England*, p. 313.

<sup>91</sup> A manor in Dorset held by Aluric, presumably the sheriff in the time of King Edward, is held by Aiulf of the king as long as he shall be sheriff (D. B. i. 83); *Quam terram dederat Ilbertus cuidam suo militi dum esset viccomes* (*ibid.* i. 133).

<sup>92</sup> D. B. i. 181; Maitland, *Domesday Book and Beyond*, p. 169.

<sup>93</sup> D. B. i. 69.

The Domesday sheriff had personal agents or *ministri*. Among these may possibly be under-sheriffs, for the spirited denunciation written by the monk of Ely indicates that Picot of Cambridge had such a subordinate.<sup>94</sup> It is clear that among these *ministri* were reeves, and there is a presumption that by 1086 the sheriff was the head of the royal and public reeves of the shire. The *ministri regis* are sometimes seen to perform the same duties as reeves,<sup>95</sup> and the *ministri vicecomitis* have the same functions.<sup>96</sup> The sheriff of the period is known to have had reeves with fiscal duties.<sup>97</sup> Since the authority of the sheriff regularly extended to manors of the royal demesne,<sup>98</sup> it follows that the king's reeve of Domesday was his subordinate. This is attested by fairly convincing evidence.<sup>99</sup> The dependence of the hundredmen upon the sheriff is shown by the fact that in Devonshire they as well as king's reeves were collectors of the king's *ferm*, including the portion derived from the pleas of the hundred.<sup>100</sup> In Norfolk

<sup>94</sup> *Gervasius . . . irae artifex, inventor sceleris, confudit fas nefasque ; cui dominus eius dictus Picotus tamquam caeteris fideliori pro sua pravitate totius comitatus negotia commiserat.* The account ends with the story that St. Etheldreda and her sisters appeared and punished Gervase with death for his offences against this church (*Liber Eliensis*, p. 267). At the inquest of several shires taken at Keneteford the sheriffs of Norfolk and Suffolk were represented by a deputy (Davis, *Regesta*, i, no. 122).

<sup>95</sup> *De his ii hidis nec geldum nec aliquod debitum reddiderunt ministri regis* (D. B. i. 157 b, Oxfordshire). Certain customs which the king formerly had at Gloucester neither he nor *Robertus minister eius* now has (*ibid.* i. 162). *Hanc forisfacturam accipiebat minister regis et comitis in civitate* (*ibid.* i. 262 b, Chester). According to *Leges Henrici*, 9, 10 a (Liebermann, *Gesetze*, i. 556), the *ministri regis* are officials who farm the local pleas.

<sup>96</sup> The *ministri* of Roger Bigot increased a render to fifteen and later to twenty pounds (D. B. ii. 287 b, Suffolk). The Conqueror granted a hundred to the abbot of Evesham, *quod nullus vicecomes vel eorum ministri inde se quicquam intromittant vel placitent vel aliquid erigant* (Davis, *Regesta*, app. xiii). At the Domesday inquest for Hampshire the *ministri regis*, contrary to the testimony of the men of the shire and the hundred, declare that a certain piece of land belongs to the king's *ferm* (D. B. i. 50).

<sup>97</sup> The Domesday sheriff of Wiltshire was responsible for the *ferm* collected by reeves, and when there was a deficiency had to make it good (D. B. i. 69). Roger Bigot as sheriff of Suffolk warranted to a reeve a free man who had been joined to the *ferm* of Brunfort (*ibid.* ii. 282). William II enjoined a sheriff to make reparation for wrong done by his reeve Edwy and his other *ministri* (*Chron. Monast. de Abingdon*, ii. 41). Haimo's agents who seized some of Anselm's property during his absence from England are mentioned by the latter as *vestri homines* (epist. lvii, Migne, *Patrolog. Lat.* clix. 233).

<sup>98</sup> Maitland, *Domesday Book and Beyond*, p. 167 ; see also *ante*, xxi. 31, note 97.

<sup>99</sup> A *praepositus regis* claimed land for pasturing the king's cattle, but was met by the witness of the shire that he might have it only through the sheriff (D. B. i. 49, Hants). A sheriff made certain estates reeve-land for the *praepositi regis* (*ibid.* i. 218 b). Moreover, these officials are mentioned as taking part in the collection of the *ferm* (*ibid.* iv, fo. 513 b). Roger Bigot is shown to have been closely associated with the act of the *praepositus regis* in his shire who seized unto the king's hand the land of an outlawed person: D. B. ii. 176 b ; cf. *ibid.* ii. 3. According to D. B. iv, fo. 513, the *ferm* of a manor was rendered *praeposito regis de Winesford*, who seems to be the ordinary official of the manor (D. B. i. 179 b).

<sup>100</sup> *Comes [de Moritonio] habet i. mansionem quae vocatur Ferdendella . . . De hac*

one of the hundred-reeves had for more than a decade held land *per vicecomites regis*.<sup>101</sup> Finally, Mr. Ballard's conclusion,<sup>102</sup> that except at Hereford and Dover the borough *praepositus* of Domesday was the sheriff's subordinate, appears to be well founded.

Under the early Norman kings the sheriff's judicial position was most important, and his independence in judicial matters greatest. The usage which in the reign of Henry I regarded the sheriff as solely responsible for holding the sessions of the hundred and the shire was evidently not new.<sup>103</sup> According to Domesday Book the sheriff holds local courts even in Herefordshire,<sup>104</sup> which for a time has probably been a palatinate, and in Shrewsbury,<sup>105</sup> where the earl's authority over sheriff and shire-mote is still great.<sup>106</sup> The essence of one of the very greatest franchises is exemption of a hundred from the jurisdiction of the sheriff and his reeves.<sup>107</sup> In separating ecclesiastical from secular jurisdiction the Conqueror forbade any sheriff or reeve or *ministri regis* to interfere in matters which belonged to the bishop. If any one contemns the bishop's summons three times the *fortitudo et iustitia regis vel vicecomitis* are to be invoked.<sup>108</sup> In all but most exceptional causes the Norman sheriff for a time must have been the justice.<sup>109</sup> To commission some one else required a special exercise of the royal prerogative. The pleas of the Crown, the income from which was not farmed, and went to the king *in toto*,<sup>110</sup> as well as the ordinary causes triable in the

*mansione calumniantur hundremani et praepositi regis xxx. denarios et consuetudinem placitorum ad opus firme Ermtone mansione regis* (D. B. iv, fo. 218). The reeve who held the hundredmote was apparently a dependent of the sheriff in the time of King Edward (*ante*, xxxi. 28).

<sup>101</sup> D. B. ii. 120. The land had been given to the reeve originally by Earl Ralph, who was overthrown in 1075.

<sup>102</sup> *The Domesday Boroughs*, pp. 45-7. Certainly this was true at Canterbury, for the sheriff, Haimo, held this city of the king (D. B. i. 2).

<sup>103</sup> The writ of 1109-11 (Liebermann, *Gesetze*, i. 524) establishes no new principle in this regard, but merely directs the sheriff how these sessions are to be held.

<sup>104</sup> Of the Welsh of Archenfield we read, *si vicecomes evocat eos ad siremot meliores ex eis vi aut vii vadunt cum eo. Qui vocatus non vadit dat ii. solid. aut unum bovem regi et qui de hundret remanet tantandem persolvit* (D. B. i. 179).

<sup>105</sup> *Siquis burgensis* [of Shrewsbury] *frangebat terminum quem vicecomes imponebat ei emendabat x. solid.* (D. B. i. 252).

<sup>106</sup> Above, note 32. See also Davis, *England under the Normans and Angevins*, p. 517.

<sup>107</sup> *Ante*, xxxi. 28. See also above, note 96. The church of St. Mary of Worcester had a hundred with similar liberty (D. B. i. 172 b), and the exclusion of the sheriff from the hundred of Hornmere, held by the monastery of Abingdon (*Chron. Monast. de Abingdon*, ii. 164), was of long standing.

<sup>108</sup> Liebermann, *Gesetze*, i. 485; Stubbs, *Select Charters*, p. 85.

<sup>109</sup> The king's court is in the main 'only for the great man and the great causes': Pollock and Maitland, *History of English Law*, 1899, i. 108.

<sup>110</sup> The usual five-pound *forisfacturae* (*ante*, xxxi. 32-3), which were *extra firmas*, the king had everywhere on his demesne in Worcestershire from all men (D. B. i. 172), and in Kent from all *allodiaris* and their men. The list in the last-named county (D. B. i. 2) included the felling of trees upon the king's highway. For grithbreach

shire and hundred, seem to be dealt with by him and his subordinates. It has been shown, however, that as early as the reign of William Rufus there were special royal justices locally resident.<sup>111</sup> Hugh de Bochland, sheriff of Berkshire in this reign, seems to combine the two offices,<sup>112</sup> but they are already separable.

The sheriff's position as head of the judicial system of the shire is the central fact in Norman local government. It involved numerous duties and responsibilities. The law of the king's court being as yet unformed and fitful in operation, the most important law-declaring body was still the county court.<sup>113</sup> A strong sheriff could exert a decided influence upon customary law.<sup>114</sup> His control tended towards uniformity of practice. About 1115 the observances of judgement, the rules of summons, and the attendance in the counties convened twice a year are said to be the same as those in the hundreds convened twelve times a year.<sup>115</sup> In the one instance in which Domesday affords data for comparison the sum collected for absence from the hundred is the same as that for absence from the shire.<sup>116</sup> All this means

in Kent in certain cases eight pounds was paid, and in Nottingham (*ibid.* i. 280) the same amount for impeding the passage of boats down the Trent or for ploughing or making a ditch in the king's highways toward York. Manslaying on one of the four great highways (*Leis Willelme*, 26, Liebermann, *Gesetze*, i. 510) counted as breach of the king's peace. In Yorkshire (D. B. i. 298 b) and Lincolnshire (*ibid.* i. 336 b) the king was entitled in twelve hundreds, the earl in six, to eight pounds for breach of peace given by the king's hand or seal. At Oxford the housebreaker who assailed a man (*ibid.* i. 154 b), and in Berkshire the man who broke into a city by night (*ibid.* i. 56 b), paid five pounds to the king. Burghers in some towns (*ibid.* i. 154 b, 238) who failed to render the due military service paid the same amount, although sums collected for various other offences in boroughs were often less. In Cheshire the lord who neglected to render service toward repairing the bridge and the wall of the city (*ibid.* i. 262 b) incurred a *forisfactura* of forty shillings, which is specifically stated to have been *extra firmas*. On a Berkshire manor *latrocinium* is mentioned among the great *forisfacturae* (*ibid.* i. 61 b). The *murdrum* fine (*Leis Willelme*, 22, Liebermann, *Gesetze*, i. 510) was already being collected (Davis, *Regesta*, i. no. 202) in the Conqueror's reign. Half the goods of the thief adjudged to death in some places went to the king (D. B. i. 1); for certain offences a criminal's chattels were all confiscated. According to the *Leis Willelme* (2, 2 a-2, 4, Liebermann, *Gesetze*, i. 494-5) the *forisfactum regis* of forty shillings in the Mercian law and that of fifty shillings in Wessex belong to the sheriff, while in the Danelaw the man with sake and soke who is impleaded in the county court forfeits thirty-three ora, of which the sheriff retains ten for the king.

<sup>111</sup> Davis, *England under the Normans and Angevins*, p. 520. As to the local justiciar of the twelfth century see Round, *Geoffrey de Mandeville*, pp. 106-9. A writ of William II, directed to his *iudicibus*, sheriffs, and officials (Davis, *Regesta*, i. no. 393), seems to show the change.

<sup>112</sup> *Et Berchescire vicecomes et publicarum iusticiarius compellationum a rege constitutus* (*Chron. Monast. de Abingdon*, ii. 43).

<sup>113</sup> Vinogradoff, *English Society in the Eleventh Century*, p. 91.

<sup>114</sup> Mr. Davis (*England under the Normans and Angevins*, 522) suggests that the sheriff's influence contributed to the great diversity of local judicial usage.

<sup>115</sup> *Leges Henrici Primi*, 7, 4-7, 8, Liebermann, *Gesetze*, i. 553-4.

<sup>116</sup> Above, note 104. Compare *Rex habet in Dunwic consuetudinem hanc quod duo vel tres ibunt ad hundred si recte moniti fuerint et si hoc non faciunt forisfacti sunt de ii. oris* (D. B. ii. 312).

activity for the sheriff and the reeves under him.<sup>117</sup> The two great sessions of each hundred held annually to make view of frankpledge<sup>118</sup> met in this period under the sheriff's presidency,<sup>119</sup> no less than in the reign of Henry II.<sup>120</sup> Sentence of outlawry was pronounced by the sheriff in the county court,<sup>121</sup> and Mr. H. W. C. Davis<sup>122</sup> has found indications that in the time of the Conqueror the forest law was sometimes enforced in the same way. It is usually assumed that this machinery was turned to financial oppression in the king's interest during the reign of Rufus.<sup>123</sup> So far as we can judge it was through the sheriff's jurisdiction that the king's financial claims were enforced.<sup>124</sup> Nothing but the sheriff's power could have enabled Ranulf Flambard to drive and supervise 'his motes over all England'. To the sheriff in the shire-mote<sup>125</sup> were communicated the king's grants, proclamations, and administrative orders. About him turned the administrative as well as the judicial system of the shire.

The sheriff might be directed by royal writ to reserve certain cases to the king's court,<sup>126</sup> and he was sometimes commissioned to assume its judicial powers, as were *vicomtes* in Normandy.<sup>127</sup> The mention of a resident justice in the shire<sup>128</sup> shows, on the

<sup>117</sup> Thus a writ of Henry I addressed to Roger Bigot and *omnibus ministris de Suffolcia* directs them to permit a vill of St. Benedict of Ramsey to be quit of shires and hundreds and of all other pleas except *murdrum* and *latrocinium* (*Ramsey Cart.* i. 249). There is evidence that the sheriff summoned men to the shire-mote (note 104).

<sup>118</sup> *Leges Henrici*, 8, 1-3, 2, Liebermann, *Gesetze*, i. 554: cf. *Leis Willielme*, 25, *ibid.* i. 511.

<sup>119</sup> Dr. Liebermann even believes that this was true in the reign of Edward the Confessor (*ante*, xxxi. 29, note 28), when the sheriff is known to have held sessions of the hundred. See the present writer's *Frankpledge System*, pp. 113-14.

<sup>120</sup> Assize of Clarendon, § 9, Stubbs, *Select Charters*, p. 144.

<sup>121</sup> *Siquis pro aliquo reatu exulatus fuerit a rege et comite et ab hominibus vicecomitatibus* (D. B. i. 336). Since there was no longer an earl the presidency of the sheriff follows.

<sup>122</sup> *Regesta*, i, p. xxxi.

<sup>123</sup> Stubbs, *Constit. Hist.* i. 327; Freeman, *William Rufus*, i. 344.

<sup>124</sup> *Ante*, xxxi. 33; see below, pp. 164-5, 169.

<sup>125</sup> See W. H. Stevenson, *ante*, xxi. 506-7. Of a grant addressed in the familiar form, *Willielmus rex Anglorum, Gilleberto de Britteville et omnibus fidelibus suis, Francigenis et Angligenis, de Berkascire*, the Abingdon chronicler (*Chron. Monast. de Abingdon*, ii. 26) says: *rex Willielmus iunior . . . concessit istas ad comitatum Berkascire inde litteras dirigere*. Dr. Liebermann finds evidence (*Trans. of the Royal Hist. Society*, new ser. viii. 22) that the coronation charter of Henry I was to be read in every shire court in the kingdom: cf. Davis, *England under the Normans and Angevins*, p. 119, n. 4.

<sup>126</sup> See the writ of William II to the sheriffs in whose shires the abbot of Evesham held lands (Davis, *Regesta*, i, no. 429; *Monasticon*, ii. 22).

<sup>127</sup> See Davis, *Regesta*, i, nos. 117, 132; Haskins in *American Historical Review*, xiv. 469 [*Norman Institutions*, p. 46].

<sup>128</sup> See the case of Hugh de Bochland dating from the reign of William II (above, p. 159). A charter of William I which mentions the sheriffs and justiciars of Devon has been explained by Mr. Davis (*Regesta*, i, no. 59) as probably a variant of later date. The charter of Henry I to London (*Gesetze*, i. 525) not only shows that the sheriff and *iustitarius* are two different persons, but shows that the function of the latter was *ad custodiendum placita coronae meae et eadem placitanda*.

other hand, that some other agent of the king might be entrusted with judicial functions which the sheriff had formerly discharged. During the Conqueror's reign a sheriff is known in but one instance to have sat alone as a commissioned royal justice;<sup>129</sup> but the earliest known eyre, some time in the period 1076-9, was held before two sheriffs<sup>130</sup> along with other barons. Precepts of William II order sheriffs to dispose of certain assigned cases.<sup>131</sup> Through such royal mandates the sheriff first came into contact with that royal inquest for ascertaining facts which constituted the original form of the jury. The king's writ enjoining such procedure might come direct to the sheriff<sup>132</sup> or to a person serving as the king's justice at whose instance the sheriff sometimes acted.<sup>133</sup>

The military functions of the sheriff in the period under consideration were derived both from English and from Norman usage. The principle of the general levy provided a fighting force exceedingly useful in an emergency, though inferior to that yielded by the system of knight service now imported from Normandy. The sheriff of King Edward led both the shire levies and the special forces sent by the boroughs.<sup>134</sup> Vestiges of such arrangements still appear in Domesday Book.<sup>135</sup> Florence of Worcester mentions the military service rendered by Urse d'Abetot against the rebellious earls in 1074 in terms which suggest that he commanded a general levy.<sup>136</sup> Robert Malet, sheriff of Suffolk, was one of the leaders of the king's forces which put down the revolt of 1075 in East Anglia.<sup>137</sup> The *inward*, which in the Confessor's time was rendered in the west and

<sup>129</sup> *Yale Law Journal*, xxiii. 506.

<sup>130</sup> Round, *Feudal England*, p. 329. Urse d'Abetot may have sat as justice in his own shiremote under the presidency of Geoffrey of Coutances (Davis, *Regesta*, i, no. 230; compare no. 184).

<sup>131</sup> To do right to the abbot of Westminster concerning the churches of Scotland (Davis, no. 420) or to summon three and a half hundreds to deal with a case concerning the rights of the abbot of Ramsey (nos. 448, 449). Humphrey the Chamberlain, in the latter case, seems to be acting as sheriff.

<sup>132</sup> *Hist. Monast. St. Augustini* (Rolls Series), pp. 353-4, 356; Davis, *Regesta*, i, no. 448.

<sup>133</sup> See the case in which Picot and Odo of Bayeux were concerned, below, p. 173.

<sup>134</sup> *Ante*, xxxi. 30.

<sup>135</sup> The Welsh of the district of Archenfield, who in King Edward's time served under the sheriff of Hereford, number 196 in 1086. They are required to make expeditions into Wales only when the sheriff goes (D. B. i. 179). To this service *in exercitu regis* they are so firmly bound that if one of them dies the king has his horse and arms (D. B. i. 181). At Taunton all were under obligation to go *in expeditione* with the bishop's men (D. B. iv, fo. 174). The quota demanded of boroughs was usually fixed at a comparatively small figure. See Maitland, *Domesday Book and Beyond*, p. 155, n. 8.

<sup>136</sup> *Wulfstan cum magna militari manu et Angelwinus Eveshamensis abbas cum suis ascitis sibi in adiutorium Ursone vicecomite Wigorniae et Wallero de Lacey cum copiis suis et cetera multitudine plebis*: Florence of Worcester, a. 1074.

<sup>137</sup> Davis, *Regesta*, i, no. 82.

midlands under the sheriff's direction,<sup>138</sup> still prevails in the Domesday period.<sup>139</sup> In Kent the tenants of certain lands guarded the king for three days when he came to Canterbury or Sandwich.<sup>140</sup> The Norman *vicomte*, on the other hand, was keeper of the king's castles,<sup>141</sup> and the earlier sheriffs of the Conqueror often appear in this capacity.<sup>142</sup> William Malet held the castle at York, and in 1069 unsuccessfully defended it against the Danes.<sup>143</sup> The story of the excommunication of Urse d'Abetot shows that he was the builder of the castle at Worcester; <sup>144</sup> he was also its custodian,<sup>145</sup> a post to which his daughter's husband, Walter de Beauchamp, and his grandson, William de Beauchamp, succeeded in turn. The custodianship of the castle at Exeter likewise became hereditary in the family of Baldwin, the sheriff who erected it.<sup>146</sup> The constablership of Gloucester was attached to the shrievalty at least as early as the time of Walter of Gloucester.<sup>147</sup> There is evidence of such an arrangement elsewhere,<sup>148</sup> although sheriffs were not necessarily *custodes castelli*.<sup>149</sup> When Roger Bigot rebelled in 1088 he seized Norwich Castle,<sup>150</sup> and so as sheriff he was hardly its guardian. Both he and Hugh de Grantmesnil, however, must have been materially strengthened in

<sup>138</sup> *Ante*, xxxi. 29, 35.

<sup>139</sup> See, for example, D. B. i. 132 b, 190.

<sup>140</sup> *Ibid.* i. 1. This obligation was commuted in one Kentish district by rendering for each *inward* two sticks of eels, and in another by a payment of twelve pence for each *inward*.

<sup>141</sup> See Haskins in *Amer. Hist. Review*, xiv. 469 [*Norman Institutions*, p. 46].

<sup>142</sup> This suggests that William Peverel (Ordericus Vitalis, *Hist. Eccles.* iv. 184), in whose hands the castle of Nottingham was placed when it was built in 1068, may have been sheriff.

<sup>143</sup> *Habuit Willelmus Malet quamdiu tenuit castellum de Euruic . . . Dicunt fuisse sacritum Willelmum Malet et habuisse terram et servitium donec fractum est castellum*: D. B. i. 373. Florence of Worcester (*Engl. Hist. Soc.*), ii. 4, adds details.

<sup>144</sup> William of Malmesbury, *Gesta Pontificum*, ii. 253.

<sup>145</sup> Round, *Geoffrey de Mandeville*, pp. 313-14; *Dict. of Nat. Biogr.*, art. 'Urse d'Abetot'.

<sup>146</sup> Ordericus Vitalis, *Hist. Eccles.* ii. 181; Round, *Geoffrey de Mandeville*, p. 439; above, p. 154.

<sup>147</sup> His son Miles in the reign of Henry I held its custody *sicut patrimonium suum* (Round, *Geoffrey de Mandeville*, p. 13, n. 1; *Monasticon*, vi. 134). Walter also had charge of the castle of Hereford.

<sup>148</sup> It has not been proved that Geoffrey de Mandeville held the tower of London, but both his son and grandson did so (Round, *Geoffrey de Mandeville*, pp. 37-8, 166). Similarly the shrievalty of Wiltshire in the twelfth century included an hereditary custodianship. In Dorset Hugh fitz Grip cleared ground for work on the castles (D. B. i. 75), and the sheriff at Lincoln performed a similar service (*Ibid.* i. 336). The same was true at York and apparently at Gloucester and Cambridge. See below, note 249.

<sup>149</sup> *Custodes castelli* are mentioned in Sussex (D. B. i. 21). Robert the despoiler, brother of Urse d'Abetot, held the castle and honour of Tamworth (Round, *Geoffrey de Mandeville*, p. 314). Gilbert the sheriff of Herefordshire had the castle of Clifford to farm, but it was actually held by Ralph de Todeni (D. B. i. 173). Robert d'Oilly, castellan of Oxford in the reigns of William I and William II, was sheriff of Warwickshire (*Monasticon*, i. 522; *Chron. Monast. de Abingdon*, ii. 12).

<sup>150</sup> *Anglo-Saxon Chronicle*, a. 1088; W. Malmesbury, *Gesta Regum*, ii. 361.

this revolt by the resources of their office. After the failure of the movement in the north Durham Castle was delivered to the sheriffs of Lincolnshire and Yorkshire.<sup>151</sup> During this rebellion the sheriffs also took possession of the men, lands, and property of Bishop William of Durham,<sup>152</sup> one of the rebels.

The retirement of the earl left the sheriff the authority for keeping the peace and administering matters of police within his bailiwick. At Shrewsbury, in a region where the sheriff had been exceptionally prominent, it was he and not the earl who proclaimed the king's peace in the time of King Edward.<sup>153</sup> After the earl has disappeared throughout the greater part of England the Domesday inquest for Warwickshire shows that this function belongs to the sheriff,<sup>154</sup> and an entry for Yorkshire proves that the realm may be abjured before him, and that he has the power of recalling and giving peace to a person who has thus made abjuration.<sup>155</sup> The sheriff's well-known power of arresting malefactors<sup>156</sup> was extended when he was made responsible for enforcing the forest laws.<sup>157</sup> This phase of his activity can hardly have been new,<sup>158</sup> but the severity of Norman forest regulations<sup>159</sup> certainly gave it new significance. A letter of Bishop Herbert de Losinga implores the lord sheriff and God's faithful Christians in Norfolk and Suffolk to seek and give up those who have broken into his park at Homersfield and killed a deer.<sup>160</sup> The sheriff's duties were further increased through the enactment of the Conqueror providing that he was to deal with those who contemned the authority of the episcopal court.<sup>161</sup> A writ of Henry I, addressed in 1101 to the shiremote of Lincolnshire, and presumably sent to other shires, orders the sheriff and certain notables to administer to the king's demesne tenants the oath to defend the realm against Robert of Normandy.<sup>162</sup>

The sheriff was the recipient of royal mandates of many

<sup>151</sup> *Ante*, xxx. 282-3. They were possibly former sheriffs.

<sup>152</sup> *Monasticon*, i. 245.

<sup>153</sup> D. B. i. 252.

<sup>154</sup> D. B. i. 172.

<sup>155</sup> *Si vero comes vel vicecomes aliquem de regione foras miserint ipsi eum revocare et pacem ei dare possunt si voluerint* (*ibid.* i. 298 b).

<sup>156</sup> *Ante*, xxxi. 30-1.

<sup>157</sup> Mr. Davis (*Regesta*, i, p. xxxi) has established such a responsibility. Not only does the sheriff of Kent serve on a commission to judge forest offences (*ibid.*, no. 260), but a precept of the king to his sheriff and liegemen of Middlesex forbids any one to hunt in the manor of Harrow which belongs to Archbishop Lanfranc (*ibid.*, no. 265). In the Confessor's time the guarding of the forest might be a manorial duty for which commutation was made by money payment (D. B. i. 61 b). So in the reign of the Conqueror (D. B. i. 180 b, Herefordshire), *Willelmus comes misit extra suos manerios duos forestarios propter silvas custodiendas*. Mr. Davis associates foresters with the enforcement of forest law only by the time of William Rufus.

<sup>158</sup> See II. Canute, 80, 1, Liebermann, *Gesetze*, i. 368-71.

<sup>159</sup> See *Anglo-Saxon Chronicle*, a. 1087; Freeman, *Norm. Conq.* v. 124-5.

<sup>160</sup> Goulburn and Symonds, *Herbert de Losinga*, pp. 170-2.

<sup>161</sup> Above, p. 158.

<sup>162</sup> *Ante*, xxi. 506-9.

varieties. The king's writs, whether addressed directly to the sheriff or to the county court to be published by the sheriff,<sup>163</sup> imposed special administrative no less than judicial duties. They attest the prerogative powers of the Norman kingship and reveal the shrievalty as an arm of a central executive. Notices to shiremotors of royal grants of lands or privileges<sup>164</sup> incidentally warrant the surrender by the sheriff and reeves of part of the king's rights. Sheriffs made livery of lands,<sup>165</sup> and placed grantees in possession of customs or privileges by writ or order of the king.<sup>166</sup> To the usual clause of the king's writ-charter forbidding any one to disturb the grantee<sup>167</sup> may sometimes be added another restraining the sheriff or another officer from doing so,<sup>168</sup> or else ordering the sheriff to see that no injustice is done in the matter.<sup>169</sup> A common method of enforcing the decision of the king's court, especially when held locally by a royal justice, was by writ to the sheriffs.<sup>170</sup> A form of peremptory command bids the sheriff see that a given person shall have certain property or rights, and let the king hear no further complaint on the matter.<sup>171</sup> The sheriffs may be ordered to seize the property of rebels or other persons under the royal ban.<sup>172</sup> Henry I commands the sheriffs of Kent and Essex to prohibit fishing in the Thames before the fishery at Rochester on pain of the king's *forisfactum*.<sup>173</sup> William I causes Lanfranc and Geoffrey of Coutances to summon the sheriffs and tell them in the king's name to restore lands, the alienation of which had been permitted by bishops and abbots.<sup>174</sup> William II orders the sheriffs of the shires wherein the abbot of Ramsey has lands to alienate none of his demesne without the king's licence.<sup>175</sup> The Conqueror's writ to William de Curcello, presumably sheriff of Somerset, enjoins that payment of Peter's pence shall be made at next Michaelmas by all thanes and their men, and that William,

<sup>163</sup> Of a mandate of the Conqueror in the usual form confirming its lands to the church of Abingdon it is said, *Quarum recitatio litterarum in Berkescire comitatu prolata plurimum et ipsi abbati et ecclesiae commodi attulit* (*Chron. Monast. de Abingdon*, ii. 1).

<sup>164</sup> See Davis, *Regesta*, i, nos. 160, 162, 176, 209, 210, 212, 245. Nos. 244, 277, 289 give possession with *sac* and *soc*.

<sup>165</sup> The sheriff of Yorkshire gave possession of land to Bishop Walcher *per brevem regis* (D. B. i. 298). See also *ibid.* i. 167, and Davis, *Regesta*, i, no. 442. In some places an act of livery must have been usual when the writ was read. In the Domesday inquest *as*, for instance, i. 36, 50, 62, 164, both the men of the shire and the hundred seem to doubt that a grant of land has been made, because they have never seen the king's writ nor act of livery.

<sup>166</sup> Davis, *Regesta*, i, no. 37.

<sup>167</sup> *Ibid.*, nos. 14, 17, 85, 243, 244, 294.

<sup>168</sup> As in Round, *Cal. of Doc. in France*, no. 1375.

<sup>169</sup> *Monasticon*, ii. 18; Davis, *Regesta*, i, no. 104.

<sup>170</sup> Davis, *Regesta*, i, nos. 129, 230, 238 b.

<sup>171</sup> Above, p. 163.

<sup>172</sup> Davis, *Regesta*, i, no. 50.

<sup>173</sup> *Ibid.*, no. 329.

<sup>174</sup> *Monasticon*, i. 164.

<sup>175</sup> *Ibid.*, no. 329.

together with the bishop, is to make *inquisitio* concerning all who do not pay and to take them in pledge.<sup>176</sup>

The sheriff has charge of the king's property and of his fiscal rights. Land at the king's farm may be *in manu vicecomitis*,<sup>177</sup> and the sheriff often holds land which is *in manu regis*.<sup>178</sup> Lands which the king holds in demesne are mentioned as having been officially received by the sheriff.<sup>179</sup> The sheriff has the custody of land which has fallen to the king through forfeiture.<sup>180</sup> He seizes land for failure to render service due<sup>181</sup> or to pay geld<sup>182</sup> or gavel,<sup>183</sup> and he brings action against a person who has invaded lands *de soca regis*.<sup>184</sup> We read at times of the king's salt pans as in his charge<sup>185</sup> and of boroughs as held by him.<sup>186</sup> It is his business to see that the king's estates of which he is guardian are kept properly stocked with plough oxen,<sup>187</sup> and he is the custodian of the peasants who till the land.<sup>188</sup> Through an application of the doctrine of seisin the profits from pleas is said to be *in manu vicecomitis*. Bishop Odo sued the sheriff of Surrey in order to obtain the third penny of the port dues at

<sup>176</sup> *Cal. of MSS. of the Dean and Chapter of Wells*, Hist. MSS. Commission, i. 17; Davis, *Regesta*, i, no. 187. Pledge was not to be taken upon the bishop's land until the matter came before him.

<sup>177</sup> *Modo est in manu vicecomitis ad firmam regis* (D. B. ii. 5).

<sup>178</sup> A part of Blountedone held by Edward the sheriff is *in manu regis* (*ibid.* i. 74); *modo custodit hoc manerium Petrus vicecomes in manu regis* (*ibid.* ii. 1). Of the half hundred and borough of Ipswich it is said, *hoc custodit Roger Bigot in manu regis* (*ibid.* ii. 290).

<sup>179</sup> *Rex tenet in dominio Binvede . . . Quando vicecomes recepit, nisi x hidae. Alias fuerunt in Wilt* (D. B. i. 39). Cf. *Quando Haimo vicecomes recepit* (*ibid.* i. 2 b).

<sup>180</sup> *Hoc invasit Berengaricus homo Sancti Edmundi et est in misericordia regis. Hic infirmus erat. Non potuit venire ad placitum. Modo sunt in custodia vicecomitis* (*ibid.* ii. 449). *Quas tenuit i faber T. R. E. qui propter latrocinium interfectus fuit et praepositus regis addidit illam terram huic manerio* (D. B. ii. 2 b).

<sup>181</sup> See below, p. 171.

<sup>182</sup> *Hanc terram sumpsit Petrus vicecomes . . . in manu eiusdem regis pro forisfactura de gildo regis* (D. B. i. 141).

<sup>183</sup> . . . *ille gablum de hac terra dare noluit et Radulfus Taillebois gablum dedit et pro forisfacto ipsam terram sumpsit* (D. B. i. 216 b).

<sup>184</sup> Picot was the sheriff and Aubrey de Vere the trespasser (*ibid.* i. 199 b).

<sup>185</sup> *Ibid.* ii. 7 b; cf. Ellis, *Introduct. to Domesday Book*, p. xli.

<sup>186</sup> Thus Haimo held Canterbury of the king (D. B. i. 2). The see of St. Augustine and Abbot Scotland were in 1077 resealed of the borough of Fordwich which Haimo held (*Hist. Mon. S. Augustini*, p. 352). See also above, note 178.

<sup>187</sup> D. B. ii. 1, 2; see also *Victoria County History of Essex*, i. 365.

<sup>188</sup> The services of the sokemen whom Picot lent Earl Roger to aid him in holding his pleas (D. B. i. 193 b) were regarded as lost to the king. Richard fitz Gilbert in Suffolk held as appurtenant to one of his manors certain *liberi homines* formerly acquired by agreement with the sheriff (*ibid.* ii. 393). In Buckinghamshire the sokeman who has land which he can give and sell nevertheless *servit semper vicecomiti regis* (D. B. i. 143, 143 b). The sheriff's custodianship of some cottiers at Holborn was of longer standing (D. B. i. 127). When in 1088 William of St. Calais was proclaimed a rebel the villeins on his Yorkshire manors were seized or held for ransom by the sheriff (*Monasticon*, i. 245). On a Gloucestershire manor of the royal demesne the sheriff is said to have increased the number of villeins and borders (D. B. i. 164).

Southwark.<sup>189</sup> Control of the king's lands also means control of their issues. It is this which in the past has made the sheriff an attendant upon the royal progresses.<sup>190</sup>

The innate financial genius of the Norman, together with the unusual opportunities which the period afforded for increasing the royal income, render the sheriff's fiscal functions of striking importance both to the king and the realm. The early development of direct taxation in England as compared with the Continent has been pronounced one of the most remarkable facts of English history.<sup>191</sup> Here the sheriff appears both as the agent of a dominant central power and also as its main support.

A *firma comitatus* existed at least in one case before 1066. It is known that by 1086 there are instances of the payment by the sheriff of one sum for the royal revenues of the county which are farmed.<sup>192</sup> The number of such cases casually mentioned suggests that this may long have been the rule in counties where any of the king's lands are held at *ferm*. Not only is there a *ferm* of Wiltshire,<sup>193</sup> but the sheriff is said to be responsible for the *ferm* collected by reeves, and must make good the amount which is due from them.<sup>194</sup> The annual *ferm* from Warwickshire<sup>195</sup> and from Worcestershire<sup>196</sup> consists both of the *firma* of demesne manors and of the *placita comitatus*, as in the days of the Pipe Rolls. Indeed the *Leges Henrici* will speak of the *soke* of sheriffs and royal bailiffs comprised in their *ferms*.<sup>197</sup> Northamptonshire and Oxfordshire<sup>198</sup> each pays a lump sum in commutation of a *ferm* of three nights. Geoffrey de Mandeville held London and Middlesex for an annual *ferm* of £300, and Essex and Hertfordshire for a fixed sum, the amount of which is not stated.<sup>199</sup> William de Mohun, sheriff of Somerset, likewise accounted for a fixed sum;<sup>200</sup> and in Shropshire, which has become a palatinate,

<sup>189</sup> D. B. i. 32. Ranulf the sheriff, apparently overawed, let the matter go by default.

<sup>190</sup> *Ante*, xxxi. 35, 36.

<sup>191</sup> Vinogradoff, *English Society in the Eleventh Century*, p. 140.

<sup>192</sup> Round, *Communes of London*, pp. 72-3.

<sup>193</sup> *Hanc terram tenet Eduardus [de Sarisberie] in firma de Wiltescira iniuste ut dicit comitatus* (D. B. i. 164).

<sup>194</sup> Above, note 87.

<sup>195</sup> £145 *ad pondus*, to which are added certain customary payments, partly in the nature of commutation, *xxiii. libras pro consuetudine canum, xx solidos pro summario et x libras pro accipitre et c solidos reginae pro gersuma* (D. B. i. 238).

<sup>196</sup> . . . *reddit vicecomes xxiii libras et v. sol. ad pensum de civitate et de dominiciis maneris regis reddit cxiiii libras et iiii solidos ad pensum. De comitatu vero reddit xvii libras ad pensum, et adhuc x libras denariorum et de xx. in ora pro summario. Hae xvii. libras ad pensum et xvi libras sunt de placitis comitatus et hundredis et si inde non accipit de suo proprio reddit* (D. B. i. 172).

<sup>197</sup> *Leges Henrici*, 9, 10 a, Liebermann, *Gesetze*, i. 556.

<sup>198</sup> D. B. i. 154 b, 219. For Oxfordshire the amount is £150.

<sup>199</sup> Round, *Geoffrey de Mandeville*, pp. 141-2.

<sup>200</sup> Round, *Commune of London*, p. 73.

the earl in 1086 paid one *ferm* for the king's estates and the pleas of the county and hundreds.<sup>201</sup> The *augmentum* or *crementum* mentioned in Domesday<sup>202</sup> appears to be a premium paid by the sheriff in excess of the regular *ferm* for the privilege of farming the shire, the equivalent of the *gersuma* of the Pipe Roll of Henry I.<sup>203</sup>

There are various other evidences of the sheriff's activity as head of the *ferm* of the shire. Of this the pleas of the hundred formed an important source,<sup>204</sup> the income from which might regularly be included in the *ferm* of lands.<sup>205</sup> There are instances in which the sheriff annexes the revenue from a hundred court to that of a royal manor<sup>206</sup> or borough.<sup>207</sup> Moreover, Maitland's inference that the sheriff lets boroughs to *ferm*<sup>208</sup> has been justified by more recent research. The case of Worcester and the familiar example of Northampton<sup>209</sup> by no means stand alone. The facts collected by Mr. Ballard make it clear that the sheriff was ordinarily accountable for borough renders.<sup>210</sup> In the

<sup>201</sup> Above, note 32.

<sup>202</sup> In Oxfordshire £25 *de augmento* is mentioned (D. B. i. 154 b). Edward of Salisbury paid £80 *ad pondus* as *crementum* (*ibid.* i. 64 b). The *gersuma* of Domesday is smaller, and seems to be in theory a gift. Oxfordshire (D. B. i. 154 b) paid a hundred shillings as the queen's *gersuma*. In Essex a *gersuma* of the same amount was paid by a manor or borough to the sheriff (*ibid.* ii. 2 b, 3, 107). See below, note 205. Six manors in Herefordshire rendered twenty-five shillings *gersuma* at Hereford (*ibid.* i. 180 b).

<sup>203</sup> Pipe Roll, 31 Henry I, pp. 2, 52, 73.

<sup>204</sup> Both the two pence of the king and the third penny of the earl derived from Appletree hundred, Nottinghamshire, are in *masu et censu vicecomitis* (*ibid.* i. 280). Because seven of the hundreds of Worcestershire had been exempted from his control the sheriff lost heavily in *ferm* (*ibid.* i. 172). Swain of Essex had been granted from the pleas of one hundred in Essex a hundred shillings, from those of another twenty-five (Ballard, *Domesday Inquest*, p. 70).

<sup>205</sup> *Viccomes inter suas consuetudines et placita de dimidio hundred receipt inde xxxiii libras et iv libras de gersuma* (D. B. ii. 2, Essex). *De hac mansione calumpniantur hundredmanni et praepositus regis xxx denarios et consuetudinem placitorum ad opus firme Ermtone mansione regis* (*ibid.* iv, fo. 218).

<sup>206</sup> *T. R. E. reidebat vicecomes de hoc manerio quod exibat ad firmam. Modo reddit xv libras cum ii. hundred quos ibi apposuit vicecomes: ibid.* i. 163 (Gloucester).

<sup>207</sup> *Ibid.* i. 162. The income from three hundreds had been combined with that of the borough of Winchcombe.

<sup>208</sup> *Domesday Book and Beyond*, p. 209.

<sup>209</sup> *Ibid.*, pp. 204-5. Mr. Ballard has remarked that this is the only case in Domesday in which burgesses appear to farm a borough (*Domesday Boroughs*, p. 92). It has been pointed out, however (*Victoria County History of Northampton*, i. 277), that it was a century before they acquired the privilege of farming directly of the Crown. As to the *ferm* of the city of Worcester, see note 196.

<sup>210</sup> *Domesday Boroughs*, pp. 44-5. The sheriff is mentioned as increasing a borough render. There is allusion to the time when he received a borough upon entering office (D. B. i. 2, Canterbury; i. 280, Northampton). He is said to account for the burghal third penny. The collection of the *census domorum* at Worcester (D. B. i. 172), of the poll tax at Colchester (*ibid.* ii. 106 b), of the port dues at Southwark (*ibid.* i. 32), and of toll in many places (D. B. i. 209; Davis, *Regesta*, i, no. 201) seems to be the work of his agents.

Domesday inquest the sheriff appears as a witness to facts concerning the *ferm*,<sup>211</sup> and sometimes he himself farms royal estates,<sup>212</sup> though in most cases they are farmed by some one else. The sheriff is frequently mentioned as letting such lands to farm,<sup>213</sup> and the person who holds them under him may be regarded as holding at the king's *ferm*.<sup>214</sup> William II let the hundred of Normancros to the monks of Thorney for a hundred shillings, payable annually to the sheriff of Huntingdonshire.<sup>215</sup> Extensive districts were sometimes administered collectively. There was a *ferm* of the king's rights for the Isle of Wight.<sup>216</sup> The *ferm* for a whole group of estates might be collected through a head manor,<sup>217</sup> a plan necessarily followed when great groups of manors in the south jointly paid the amount of a day's *ferm* in commutation of the ancient food-rent rendered to the king.<sup>218</sup> A money economy prevails except in the case of certain old renders which seem to have been added to *ferms*,<sup>219</sup> and sometimes a cash value is set on these. Two Domesday passages record the payment of borough *ferms* to the sheriff about Michaelmas or Easter,<sup>220</sup> although only the latter of these dates corresponds with one of the known terms for the half-yearly payment of Danegeld.<sup>221</sup>

<sup>211</sup> D. B. i. 248 ; ii. 446 b.

<sup>212</sup> Thus Gilbert the sheriff of Herefordshire held at farm the *castellaria* and borough of Clifford (D. B. i. 183). Harkstead manor in Essex was farmed by Peter of Valognes (D. B. ii. 236 b). Uræ d'Abetot personally accounted for the *ferm* of certain manors in Worcesterhire (D. B. i. 172, 172 b).

<sup>213</sup> *Hoc manerium cepit W. comes in dominio et non fuit ad firmam. Sed modo vicecomes posuit eum ad lx. solidos numero* (D. B. i. 164). *Durandus vicecomes dedit haec eadem Willelmo de Ow pro lv libris ad firmam* (*ibid.* 162). See also below, notes 217, 220.

<sup>214</sup> *Reddit per annum xvi. libras ad pensum et quando Baldwinus vicecomes recepit hanc qui tenet eam ad firmam de rege reddebat tantumdem* (D. B. iv, fo. 83 b).

<sup>215</sup> Davis, *Regesta*, i. 453.

<sup>216</sup> D. B. i. 38 b.

<sup>217</sup> Briwetone and Frome together rendered the *ferm* of one night *cum suis appenditiis* (D. B. iv, fo. 91). Robert holds *Bedretone in firma Wanetinz* (*ibid.* i. 57, Berks.). Four hides of land lying in a Gloucestershire manor are *ad firmam regis* in Hereford (D. B. i. 163 b). *Ad hoc manerium apposuit vicecomes tempore W. comitis Walpelford* (D. B. i. 179 b).

<sup>218</sup> See Round, *Feudal England*, p. 109 ff.

<sup>219</sup> Such as sheep, hawks, sumpter horses, food for the king's dogs, wood for building purposes (D. B. i. 38 b, Dene), salt, corn, and honey. Thus, Domesday has : *dimidiam diem de frumento et melle et aliis rebus ad firmam regis pertinentibus. . . De consuetudine canum lxx solidi* (i. 209 b) ; *ii denarios et theloneum solis quod veniebat ad avulam* (*ibid.* i. 164) ; *Ilbertus vicecomes habet ad firmam suam de Arcenefeld consuetudines omnes mellis et ovium* (*ibid.* i. 179 b). See also notes 195, 196. Domesday Book (iv, fo. 91) mentions *firmam unius noctis cum appenditiis*.

<sup>220</sup> Roger Bigot gave Ipswich to farm for £40 at Michaelmas (D. B. ii. 290). At Colchester the burghers of the king each year, fifteen days after Easter, rendered two marks of silver which belonged to the *firma regis* (*ibid.* ii. 107). The reeves on the lands of Worcester made certain money payments at Martinmas and in the third week of Easter (Heming, *Chartulary*, i. 98-9). The burghers of Derby rendered corn to the king at Martinmas (D. B. i. 280).

<sup>221</sup> Mr. Round (*Domesday Studies*, ed. Dove, i. 91) points out the coincidence

Other fiscal duties of the sheriff are occasionally mentioned in Domesday Book. The revenues from the special pleas of the Crown, such as *murdrum* and the five-pound *forisfacturae*, though not included in the *ferm*, were collected by the sheriff.<sup>222</sup> The collection locally of the pence for the maintenance and wages of the king's levies<sup>223</sup> probably fell under his supervision. Picot had from the lawmen of Cambridge, as heriot, eight pounds and a palfrey and the arms of one fighting man; and Aluric Godricson, when he was sheriff, had twenty shillings as the heriot of each lawman.<sup>224</sup> From the reign of King Edward the sheriff or the king's reeve in Suffolk had the commendation or half the commendation of men on certain lands.<sup>225</sup> It is recorded that in the counties of York, Nottingham, and Derby the thane with more than six manors gave a relief of eight pounds to the king, while the thane with six manors or less paid three marks of silver to the sheriff.<sup>226</sup> There is reason to hold that the sheriff had charge of the collection of the Danegeld,<sup>227</sup> and he is mentioned as responsible for port dues collected.<sup>228</sup> Anselm complains that during his absence from England the agents of Haimo took toll of the archbishop's property at Fordwich.<sup>229</sup> At Holborn the king had two cottiers who rendered twenty pence a year to the sheriff.<sup>230</sup> Numerous persons in Hertfordshire, not on the royal demesne, rendered to the sheriff pence in lieu of *avera* or in addition to *avera*.<sup>231</sup> At Cambridge the sheriff had exacted of the burghers nine days' service with their ploughs instead of the three days formerly required. Moreover, the *inward* which he claimed, like

between the earlier of these periods and the usual time of the meeting of the great council at Winchester, the seat of the treasury. He holds that the final annual accounting of the collectors of the Danegeld was at Easter. The payment of Peter's pence was at Michaelmas (p. 164).

<sup>222</sup> Above, note 110; *ante*, xxxi. 32-3. *Ateram et trii denarios in servitio regis semper invenerunt et forisfacturam suam vicecomiti emendabant* (D. B. i. 189 b).

<sup>223</sup> See D. B. i. 58 b; ii. 107. It is to be noted that William Rufus made this a systematic means of extortion (Stubbs, *Const. Hist.* i. 327).

<sup>224</sup> D. B. i. 189.

<sup>225</sup> D. B. ii, fos. 312 b, 334, 334 b.

<sup>226</sup> D. B. i. 280 b, 298 b.

<sup>227</sup> *Ante*, xxxi. 34-5. The collectors of the Danegeld were reeves of the class usually under the sheriff's control. His responsibility is assumed by Stubbs (*Const. Hist.* i. 412) and by Mr. Round (*Feudal England*, p. 170), although one of the instances cited by the latter (*Chron. Monast. de Abingdon*, ii. 160) shows that in the reign of Henry I there was a collector of the geld for Berkshire who was not the sheriff. The evidence of the Pipe Roll of Henry I seems to establish the usage also for an earlier period. The Abingdon chronicler (*ibid.* ii. 70) gives wellnigh conclusive evidence for the period when Waldric was chancellor, namely (Round, *Feudal England*, pp. 480-1) just before November 1106. The geld was to be collected in Oxfordshire *per officiales huic negotio deputatos*. From this payment the abbey was acquitted by a mandate of the king directed to the sheriff.

<sup>228</sup> Above, p. 165.

<sup>229</sup> *Epist.* lvi, Migne, *Patrolog. Int.* clix. 233.

<sup>230</sup> D. B. i. 127.

<sup>231</sup> *Ante*, xxxi. 35-6.

the *avera*, might be commuted by a money payment.<sup>232</sup> From three manors which Queen Edith held in Surrey the sheriff had £7 on account of *adiutorium* which was due from the men when she had need.<sup>233</sup> The royal service called also for outlays of the produce or money in the sheriff's hands. The sheriff of Yorkshire in 1075 received Edgar the Atheling at Durham and let him find food and fodder at the castle on his route as he travelled to meet King William on the Continent.<sup>234</sup>

The Norman sheriff is famous for his extortion and oppression. The vague words of Domesday sometimes suggest that *ferms* may as yet be increased without the king's consent, and there is abundant evidence<sup>235</sup> that during the Conqueror's reign the sheriff and his agents exacted such additions. The old *firma unius noctis* paid by a group of manors in the southern counties, and worth about £70 in the time of King Edward,<sup>236</sup> had risen by 1086 to £105.<sup>237</sup> Norman prelates<sup>238</sup> and barons<sup>239</sup> were very ready to farm the king's lands, and the English Chronicle<sup>240</sup> complains that the king let his lands 'as dearest he might', and that they went to the highest bidder. With *ferms* sometimes in excess of the value of lands,<sup>241</sup> the chronicler may well declare that the king 'cared not how iniquitously the reeves extorted money from a miserable people'.<sup>242</sup> That the sheriff at the head of the system reaped his harvest is shown by the *crementum* which he paid.<sup>243</sup> He might exact from those to

<sup>232</sup> Above, note 140.

<sup>233</sup> D. B. i. 30 b.

<sup>234</sup> *Anglo-Saxon Chron.*, a. 1075. At an earlier time the sheriff had provided the sustenance of the king's *legati* in going by water from Torkey to York (*ante*, xxxi. 31). The king's reeves at Wallingford met the expense of the burghers in the king's service with horses and by water *non de censu regis sed de suo* (D. B. i. 56).

<sup>235</sup> *Quando Rog. Bigot prius habuit vicecomitatum statuerunt ministri sui quod reddent xv libras per annum quod non faciebant T. R. E. Et quando Robertus Malet habuit vicecomitatum sui ministri creverunt eos ad xx libras. Et quando Rog. Bigot rehabuit dederunt xx libras, et modo tenet eos* (D. B. ii. 287 b). Roger Bigot had increased the *ferm* of Ipswich to £40, but finding it would not yield that amount he pardoned £3 (*ibid.* ii. 290 b). Mr. Round maintains (*Geoffrey de Mandeville*, pp. 101, 361) that in the twelfth century the amount collected from a given manor was always the same.

<sup>236</sup> Round, *Victoria County History of Hampshire*, i. 401.

<sup>237</sup> Round, *Feudal England*, p. 113. Under Edward the Confessor a one night's *ferm* collected from a group of Hampshire manors was £76 16s. 8d. Under the Normans this was increased to £104 12s. 2d., and in Wilts and Dorset to about £105 (*Victoria County-History of Hampshire*, i. 401).

<sup>238</sup> The bishop of Winchester farmed Colchester (D. B. ii. 107 b) and the archbishop of Canterbury held the borough of Sandwich, which yielded a *ferm* of £40 (D. B. i. 3).

<sup>239</sup> For instance, Hugo de Port (D. B. i. 219), Hugh fitz Baldric (*ibid.* i. 219 b), and William of Eu (*ibid.* i. 162).

<sup>240</sup> a. 1087.

<sup>241</sup> Ballard, *Domesday Inquest*, pp. 221-2; *Victoria County History of Hampshire*, i. 414. The collection of the old *ferm* from a manor which had lost lands and the increase of *ferms* is well shown in the case of royal demesne lands in Gloucestershire: D. B. i. 163.

<sup>242</sup> *Chronicle*, a. 1087.

<sup>243</sup> Above, note 202.

whom he let the king's lands a *gersuma* or bonus over and above the amount of the *ferm* due to him.<sup>244</sup> In Bedfordshire this was called *crementum*.<sup>245</sup>

The sheriff stands accused of bad stewardship and greed in trespassing upon the king's rights,<sup>246</sup> in wasting the property in his charge, and in depriving individuals of their property. Two manors in Dorsetshire had lost a hundred shillings in value through the depredations of Hugh fitz Grip.<sup>247</sup> Sheriffs are credited with the loss of men and animals on the manors of the royal demesne,<sup>248</sup> and with the destruction of houses, usually to make room for a castle, which led to a decline of population in some towns.<sup>249</sup> Norman sheriffs showed little regard for private rights of property.<sup>250</sup> Domesday Book records complaint that some of them have unjustly occupied the lands of individuals.<sup>251</sup> In one instance the shire testified that land taken by the sheriff for non-payment of Danegeld had always been quit of the obligation.<sup>252</sup> Violent imposition of *avera* and *inward* is mentioned several times in Bedfordshire, and land was taken even from a former sheriff because he refused *avera vicecomiti*.<sup>253</sup> Demands upon burghers were sometimes so great that they fled.<sup>254</sup> The exactions of Picot at Cambridge are among the worst

<sup>244</sup> In Essex the *gersuma* exacted from a borough or manor in several instances amounted to £4 (D. B. ii. 2, 2 b, 107 b), but £10 was collected from one manor (*ibid.* ii. 3). Mr. Ballard (*Domesday Boroughs*, p. 45) interprets the hawk and £4 of *gersuma* paid by the burghers of Yarmouth to the sheriff as a gift to propitiate him.

<sup>245</sup> D. B. i. 209, 209 b. The *crementum* rendered by a manor here usually consisted of a certain sum of money plus an ounce of gold for the sheriff annually. To one of the demesne manors in this shire the king granted Ralph Taillebois the right to add other demesne lands to offset the burden of the amount thus imposed.

<sup>246</sup> Thus Ralph Taillebois gave to one of his own knights land which he had seized for non-payment of gavel (D. B. i. 216 b). *Superplus inuicit Picot super regem* (D. B. i. 190).

<sup>247</sup> D. B. iv. 34.

<sup>248</sup> Loss of plough oxen on Essex manors is charged to sheriffs, especially to Swein and Bainard (D. B. ii. 1, 2).

<sup>249</sup> The Domesday inquest for Lincoln states that certain houses beyond the metes of the castle have been destroyed, but not by the oppression of sheriffs and their *ministri*, as if the reverse were the rule (D. B. i. 336 b). Such destruction occurred at Dorchester, Wareham, and Shaftesbury from the accession of Hugh fitz Grip to the shrievalty (D. B. i. 75); and a *destructio castellorum* occurred at York in 1070, for which another sheriff, Hugh (*ibid.* i. 298 b), was responsible. At Cambridge (*ibid.* i. 189) and Gloucester houses were taken down for the same purpose (*ibid.* i. 162).

<sup>250</sup> Freeman says (*Norman Conquest*, iv. 728) of one of these officials who robbed various persons of their possessions, 'he seems to have acted after the usual manner of sheriffs'.

<sup>251</sup> Froger of Berkshire held certain lands which he had placed at the king's *ferm absque placito et lege* (D. B. i. 58). Ansculf unjustly disseized William de Celai (*ibid.* i. 148 b). Ralph Taillebois wrongfully occupied the lands of others (*ibid.* i. 212, 217 b). Eustace of Huntingdon appropriated the burghers as well as the lands of Englishmen (*ibid.* i. 203, 206, 208).

<sup>252</sup> *Ibid.* i. 141.

<sup>253</sup> *Ibid.* i. 132 b.

<sup>254</sup> Ballard, *Domesday Boroughs*, p. 87.

recorded.<sup>255</sup> Through fear of him the men of Cambridge are related to have wrongfully decided a lawsuit in his favour.<sup>256</sup>

Best known of all are the grievances of the churches and monasteries. The spoliation of ecclesiastical possessions by the followers of the Conqueror was due to the policy of the king, as well as to the rapacity of the baronage.<sup>257</sup> But the plundering of the sheriff was sometimes almost systematic. The wholesale seizure of the lands of the church of Worcester by Urse d'Abetot is notorious,<sup>258</sup> and the best of evidence shows that they were permanently retained.<sup>259</sup> Evesham and Pershore, the other great monasteries of this county, also suffered heavy losses at Urse's hands.<sup>260</sup> Others acted in a similar spirit.<sup>261</sup> The invective directed by the monk of Ely against the greed and impiety of Picot of Cambridge in appropriating lands of St. Etheldreda deserves to be a classic.<sup>262</sup> It was well for the prelate to have influence with the sheriff.<sup>263</sup> The story that the sheriff, depart-

<sup>255</sup> See above, p. 169. Picot also imposed service with carts and appropriated some of the common pasture, building upon this land his three famous mills; whereby several houses were destroyed, as well as a mill belonging to the abbot of Ely and another belonging to Count Alan (D. B. i. 189).

<sup>256</sup> Below, p. 173.

<sup>257</sup> The Conqueror undertook to subject the monasteries to feudal service by compelling them to provide a certain number of knights in war or to surrender part of their lands. Out of 72 manors which Burton Abbey originally possessed over 40 were lost (*Salt Arch. Soc. Publications*, v, pt. 1, p. 1). King William quartered 40 knights on the Isle of Ely, towards the support of whom the abbot gave in fee certain lands to leading Normans, among whom were Picot the sheriff and Roger Bigot (*Liber Eliensis*, p. 297). It is said that William Rufus demanded 80 knights (*Monasticon*, i. 461). Mr. Round (*Feudal England*, pp. 296-301) shows the process by which a number of abbeys established knights' fees. Haimo, sheriff of Kent, was one of the *milites* of the archbishop of Canterbury to whom he had given lands (D. B. i. 4).

<sup>258</sup> Heming, *Chartulary*, i. 253, 257, 261, 267-9; Freeman, *Norman Conquest*, v. 761, 764-5.

<sup>259</sup> Round, *Feudal England*, pp. 169-75.

<sup>260</sup> Freeman, *Norman Conquest*, v. 765. Evesham lost 28 out of 32 newly acquired properties. These were seized by Bishop Odo at a *gemot* of five shires which he held, and a large part of them soon given over to Urse and his associates (*Chronicon Abbatias de Evesham*, pp. 96-7; D. B. i. 172). Mr. Davis (*Regesta*, i, no. 185) shows that Urse retained a hide belonging to the abbot of Evesham after four shires had adjudged the whole manor to the abbot.

<sup>261</sup> Froger, like his Anglo-Saxon predecessor, won evil renown by holding too closely to the property of the monastery of Abingdon (*Chron. Monast. de Abingdon*, i. 486). Peter of Valognes made aggression upon the property both of St. Paul's (*Domesday Studies*, ii. 540) and of the abbey of St. Edmund's (Davis, *Regesta*, i, nos. 242, 258). Eustace of Huntingdon deprived the abbot of Ramsey (D. B. i. 203) of burgesses, and violently seized lands of the abbey, which for a long time he handed over to one of his knights (*Chron. Abbat. de Rameseia*, p. 175). Ralph de Bernai with the aid of Earl William fitz Osbert (D. B. i. 181; Freeman, *Norm. Conq.* v. 61) also took lands from the church of Worcester (Heming, *Chartulary*, i. 250).

<sup>262</sup> *Liber Eliensis*, p. 286.

<sup>263</sup> During his exile Anselm wrote to Bishop Gundulf of Rochester to urge upon Haimo and his wife the restoration of a market belonging to the archbishop which had been seized by a neighbour (epist. lxi, Migne, *Patrolog. Lat.* clix. 235). Haimo was a benefactor of the church of Rochester. See note 59.

ing from York with an imposing retinue, met the laden wains of Archbishop Aldred as they entered the city and ordered the seizure of their contents,<sup>264</sup> at least expresses a twelfth-century churchman's conception of this official.

William the Conqueror, though powerful and not devoid of a sense of justice, made little progress with the perennial medieval problem of honest local government. There was no appeal from the sheriff except to the king or his duly accredited representative; this made it practically impossible for any but men of the greatest influence to oppose the head of the shire. In Aldred's case, just cited, the archbishop is said to have obtained restitution through a direct appeal to King William.<sup>265</sup> The clause in royal charters commanding the sheriff to see that no injustice is done the grantee is much more than form.<sup>266</sup> When the king's justice convened a local court within the shire<sup>267</sup> the sheriff took a lower place. The bishop of Bayeux, presiding in the shire-mote of Cambridgeshire, not only refused to accept the recognition of a jury alleged to be intimidated by Picot, but ordered the sheriff to send them and another twelve to appear before him in London.<sup>268</sup> In taking the Domesday inquest the *barones regis* placed upon oath the sheriff as well as others. Domesday records the contested claims or questionable conduct of the sheriff himself, though usually of a sheriff no longer in office. Machinery has been fashioned which may call him to a reckoning.<sup>269</sup> But the Domesday inquest was never repeated, and the mission of royal justices to the county was as yet unusual. Where the king was not directly concerned the sheriff was left to do much as he pleased. Strength and loyalty

<sup>264</sup> See Raine, *Historians of the Church of York* (Rolls Series), ii. 350-3. If the story is true the sheriff was William Malet.

<sup>265</sup> The same procedure is implied in the instance wherein William Rufus orders the sheriff of Oxford to right the injuries done by his subordinates to the monks of Abingdon (*Chron. Monast. de Abingdon*, ii. 41). Anselm wrote to Haimo that on his return to England his goods ought to have been freed according to the king's precept, and asking the sheriff to restore what his subordinates had seized at Sandwich and Canterbury, *ne me facere clamorem ad alium cogatis* (epist. lvi, Migne, *Patrolog. Lat.* clix. 233).

<sup>266</sup> One form of notifying the sheriff of a royal grant prescribed that if injury be done the grantee, the latter is to make complaint to the king, who will do full right. See *Monasticon*, ii. 18; Davis, *Regesta*, i, no. 104. Another form of writ enjoined the sheriff to see that in matters affecting the royal grant no injustice was done. See above, p. 164.

<sup>267</sup> He might convene several hundreds (see note 131), a shire court, or several shires. Odo of Bayeux is said to have presided in a *gemot*, at which were present three or more sheriffs (Davis, *Regesta*, i, app. xxiv).

<sup>268</sup> Bigelow, *Placita Anglo-Normannica*, pp. 35, 36; Stenton, *William the Conqueror*, pp. 434-5.

<sup>269</sup> In the *Leis Willelms*, 2, 1, Liebermann, *Gesetze*, i. 492-3, possibly written in the first third of the twelfth century, but perhaps as old as 1090, the sheriff may be convicted before the justice for misdeeds to the men of his bailiwick.

were his great qualifications. An over-display of the former might be condoned so long as the latter was assured. The spirit of feudality remained, despite striking manifestations of royal power.

By the early years of the twelfth century the long process of reducing the sheriff's power was under way. It is not improbable that the ministry of Ranulf Flambard took the first steps in this direction. William Rufus had his experience with rebellious sheriffs, and the calling out of an army of 20,000 foot soldiers in 1194 served as further reminder of the military possibilities of the office.<sup>270</sup> The employment of local justiciars was a device which might take from the hands of such sheriffs the control of the pleas of the Crown. The baronial opposition to Henry I brought further changes. By this reign the sheriff seems to be castellan only when he inherits the position. The hereditary shrievalty still exists in some shires, but by 1106 the feudal danger may be met by placing a group of shires in the hands of a new officer whom the king has raised from the dust.

A strong local official under the king's direction, whose activity epitomized shire government and whose business was administration, was a novelty in a feudal age. The king had other agents to whom he entrusted special judicial and military functions, and in some measure fiscal functions as well, but the fact that some sheriffs were given duties of this sort at the *curia* indicates that the king's servants there were not usually of superior administrative ability. The sheriff's personal prestige, and a feudal status which might even give him a seat in the king's great council, imparted to his office a dignity and a substantial quality which eight centuries have not effaced. Some modification of the functions of the Anglo-Saxon shrievalty came through Norman usage, fiscal efficiency, and the introduction of new feudal dues and services, but the strong combination of powers in the sheriff's hands was nearly all wielded by his English predecessor. The disappearance of the earl hardly added functions which the sheriff had not already performed. The fiscal system which supported the Norman monarchy was largely English, although the sheriff's ideas of financial administration were Norman, as was the practice which made him keeper of the king's castles. Functions incident to ecclesiastical jurisdiction were actually lost. The new life infused into the office which made it powerful came through the energy of the Norman kings and their enhanced views of the royal prerogative. In

<sup>270</sup> Florence of Worcester, using a formula of the reign of Henry I, tells that when in 1085 the king of Denmark threatened an invasion of England King William brought over troops from Normandy, and sending throughout England *episcopis, abbatibus, comitibus, baronibus, vicecomitibus ac regis praepositis, victum praebere mandavit*. Cf. note 223.

a manner astonishing to the student of old English polity they assume their own right to do justice, and to that end depute sheriffs or other agents. In the course of general administration the king's direction of their activity is equally prominent. The writ which follows the form of the Confessor's announcements to the shire court assumes initiative. Through it the king issues positive commands to sheriffs, and even lays down rules for their guidance which have all the force of the older English laws.

The need of loyal local officials on the part of a feudal ruler permitted the shrievalty to assume the semblance of a vice-royalty, but its holder was subject to this strong means of control supplemented by the local law and custom of the shire, and usually by his vassalage to the king. The dread agent of Norman monarchy, fitting counterpart of the grim Conqueror, under whose administration the peasant was oppressed by excessive rents, the monastery deprived of its lands, and every one subjected to the danger of wanton oppression, seems a heartless adventurer. But he was no instrument of feudal anarchy. Despite his feudal interests, personal attachment to the king and the rewards which it brought committed him to the cause of strong monarchy. His profits in holding the shire were a buttress to the king's authority. His authority over both hundred and shire prepared for the rule of the common law at a later time, and apparently led to the system by which vills came to be represented in the shire-mote and hundred-mote.<sup>271</sup> His view of frankpledge kept him in personal touch with the hundred-mote. The public nature of this body could not be jeopardized through the encroachment of feudal lords so long as the income from its pleas formed an integral part of the sheriff's *ferm*. The strong local position of the sheriff, sometimes supplemented by command of the castle, made him powerful to enforce judicial decrees or royal orders affecting even the strongest lords of his county.<sup>272</sup> His check upon the political power of feudalism and his preservation of the old communal assemblies to render important service to later generations, to say nothing of his maintenance of law and order and his great services to administration in general, demand for the Norman sheriff our lasting gratitude.

W. A. MORRIS.

<sup>271</sup> See *Leges Henrici*, 7, §§ 4-8, Liebermann, *Gesetze*, i. 533-4.

<sup>272</sup> The defection of Earl Roger in 1075 was due in part to the fact that the king's sheriffs had held pleas on his lands (Adams, *Political History of England*, p. 61).