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## XII.—*On Feudal and Obligatory Knighthood*

Francis Morgan Nichols

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XII.—*On Feudal and Obligatory Knighthood*; by FRANCIS MORGAN NICHOLS,  
Esq., M.A., F.S.A.

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[Read 5 Dec. 1861, and 23 Jan. 1862.]

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THE intimate connection which existed between chivalry and feudalism in the early age of both these institutions has not been sufficiently observed. Those who have set themselves to write the history of chivalry have been attracted by its romantic side, and have neglected the more substantial aspect which it presents when considered in relation to the political fabric. Our legal antiquaries, on the other hand, have sparingly recognised the influence of chivalry in the early history of the feudal establishment; and, while it was impossible to banish knight's service and tenure in chivalry from any account of the feudal system, they have been rather disposed to regard feudal knighthood as a legal fiction, and to disconnect the chivalry of tenure from the chivalry of arms.<sup>a</sup>

It is well known that for several centuries, and until a comparatively recent period, an obligation was held to attach upon the owner of a certain estate in land in this country to procure himself to be made a knight. The existence of this obligation emerges from time to time in our chronicles and histories, not for the most part with reference to any military purpose, but on account of the profit which our kings occasionally derived from its non-observance. The custom, however, attracts little, if any, attention from the historical student until the circumstances which preceded its final extinction in the reign of Charles I. invest it with a passing interest, in connection with the great political struggle then going on. Our partisan historians then range themselves on the one side or the other, as defenders or impugnors of the course adopted by the court in having recourse to 'knighthood money' as one of the means of supplying the Exchequer without the aid of Parliament. The arguments on either part are supported by statements and theories not always completely accurate. I propose

<sup>a</sup> See note <sup>b</sup> *post*, p. 200. Mr. Hallam has briefly pointed out the original connection between knighthood and tenure. (*Middle Ages*, vol. iii. p. 483, 7th ed.) See also M. Guizot's remarks on the origin of knighthood. (*Histoire de la Civilisation en France*, vol. iii. p. 366.)

to attempt a sketch of the origin and history of obligatory knighthood, and of the connection of the status of chivalry with the tenure of land in England. The result may, I trust, be thought not devoid of interest, as illustrating the military organisation of the middle ages, and the social condition of the country at various periods. And, although the constitutional controversy, with which in the seventeenth century this subject was involved, has lost some of the interest which it possessed in times and circumstances which approached nearer to the great struggle between the Crown and Parliament, it may be worth while, even at this late hour, to clear up some of the facts upon which that controversy rested.

We usually understand by knighthood a distinction of rank among freemen, depending not upon birth or property, but simply upon the admission of the person so distinguished, by the girding of a sword or other similar solemnity, into an order of men having by law or usage certain social or political privileges. Understood in this sense, knighthood was, as far as I can discover, unknown in England before the Norman invasion. Mr. Sharon Turner, in an interesting chapter of his work upon the Anglo-Saxons, has collected the evidence which he thought material respecting Anglo-Saxon knighthood, and which, in his opinion, justified the conclusion that a species of chivalry, giving the knight a peculiar dignity among his countrymen, existed in England before the Conquest.<sup>a</sup> The question here raised is worthy of a further discussion than I am able to give it. I must be contented with observing that the historical authorities which most distinctly point to knighthood (in the ordinary sense) among the Anglo-Saxons, are not contemporary; that the rank of knight is never mentioned in any of the existing laws relating to *weregeld*; and that there is no word in the Anglo-Saxon language which can be shown to have been appropriated in Anglo-Saxon times to express the quality of knighthood.

The position most analogous to that of the knights of later times was occupied by the thanes, who doubtless represented the *comites* or military attendants described by Tacitus as gathering round a German chief, 'in pace decus, in bello præsidium.'<sup>b</sup> Mr. Turner remarks that the word *miles*, when it occurs in Bede to express the dignified occupation of a warrior, is rendered in King Alfred's translation by the word *thegn* or *cyninges thegn*. And, on the other hand, it is well known that the word *miles* as well as *minister* is frequently the addition of a thane in Anglo-Saxon charters. It was not till very late in

<sup>a</sup> See Turner's Anglo-Saxons, vol. iii. book vii. cap. 12.

<sup>b</sup> Tacitus de Moribus Germ. s. 13.

Anglo-Saxon history that the word *cniht*, which properly meant either a youth or a servant, was used for a military attendant of princes and nobles;<sup>a</sup> and there seems to be no proof at all of its use before the Conquest, in its later sense, to designate a person admitted into the order of chivalry.

The duty of military service (expressed in English by the word *Fyrd*) was one of the obligations arising from the Anglo-Saxon tenure of land,—at the least, of such land as was held by charter (*bocland*), as distinguished from the customary tenures of the peasant class.<sup>b</sup> And there can be little doubt that the thanes constituted the cavalry of the Anglo-Saxon armies. There has been preserved a law of uncertain date, which provides for a prosperous churl attaining the status of a thane; for which purpose he was required not only to possess five hides of land, but to be furnished with the arms used in early times by horsemen, a helm, a hauberk or coat of mail, and a gilt sword.<sup>c</sup> The heriot of a king's thane by the laws of Cnut consisted of four horses (two saddled and two unsaddled), two swords, four spears, and as many shields, a helmet and hauberk, and fifty mancuses of gold; and that of a medial thane was a horse with his trappings, and his arms.<sup>d</sup>

After the Conquest the name of thane speedily went out of use. The estates of the minor Saxon thanes, or of the foreigners who had supplanted them, became subject to feudal dominion in relation to the greater proprietors, the earls and barons of the new regime; and their possessors, in consequence of the vassalage thus established, were frequently styled vavassors. The relief of a vavassor 'due to his liege lord,' by the laws of William the Conqueror, is the same as that of the minor thane under the laws of Cnut.<sup>e</sup> But the name of vavassor, as applied to this order of tenants, was not long in use in this country.<sup>f</sup> The word that

<sup>a</sup> See, as to the use of the word *cniht*, a letter by H. C. C. in *Gent. Mag.* N.S. vol. xxxi. p. 263.

<sup>b</sup> See an interesting chapter upon the *Fyrd* in the second volume of Palgrave's *English Commonwealth*.

<sup>c</sup> *Ancient Laws of England* (Record Commission), pp. 80, 81.

<sup>d</sup> *Ancient Laws of England*, p. 178.

<sup>e</sup> De relief a vavassur a sun lige seinur: deit estre quite par le cheval sun pere tel cum il out le jur de sa mort, e par sun haume e par sun escu e par sun hauberc e par sa lance et par s'espee. E sil fust desaparaill quil noust cheval ne armes, fuste quite par C. sol. (*Leges Willelmi Conquestoris*, c. 20. *Ancient Laws of England*, p. 205.)

<sup>f</sup> The word *vavassor*, which is evidently the same in its origin as *vassus* and *vassallus*, was used by the foreign feudists, and by our own lawyers of the 11th and 12th centuries, for a military tenant holding under a baron or tenant in chief of the king (see *Lib. Feud. lib. i. tit. 1*); and such an estate, or such a tenure, was called *vavassoria*, *vavassura*, or *vavasseria*, (see *Abbrev. Plac. in dom. cap. Westm. asserv. f. 61 b, 88*; *Bracton, f. 93 b.*) Hence in a charter of Henry II. of England, anno 1666, cited by Ducange, the class of vavassors is mentioned between *barones* and *milites*. And Walter Mapes describes Henry I. as giving audience

supplied its place was *miles* or knight. The Anglo-Norman *milites* of the twelfth century filled a similar position in the gradation of ranks, and probably occupied, in many cases, the very manors and houses which before the Conquest had belonged to the lesser thanes.<sup>a</sup> The application to this class of the English term *knight*, which in its older form had not so dignified a sense, may probably be explained in the following way. The foreign mercenaries who were brought over in large numbers both at the Conquest and for some time after, and formed the retinue of the Norman prelates and nobles, were at first stipendiaries, and attached to the persons of their lords. In this condition they were called, in the native tongue, knights, the word *cniht* being, in the late Anglo-Saxon tongue, the proper term for a military attendant. And the same word continued to be applied to them when, in the new settlement of the country, they were established in the place of the Saxon landowners. The title of thane appears never to have been adopted by the foreigners, nor attributed to them by the English.<sup>b</sup>

That the *miles* was the successor in rank and position to the minor English thane is further shown by the quantity of land which was required to constitute the estate of each. The possession of five hydes or plowlands and upwards placed a Saxon freeman in a position to claim the privileges of a thane. The quantity of a knight's fee was not at any time accurately measured either by value, extent, or by the number of ploughs required for its cultivation; but seems to have varied from five to twelve, and even in some cases to a much larger number of plowlands.<sup>c</sup> This is precisely what was to be expected if the manor and lands

to suitors, *secum habens comites, barones, et procures vavassores*. (Map. de Nugis Cur. Distinc. v. cap. 6. p. 225.) But the word was not strictly confined to those standing in the *second* degree of tenure from the sovereign, and the military tenants of the greater vavassors were in Italy called minor vavassors. (Lib. Feud. ubi cit.) And in Normandy and France, where the word continued longer in use than in England, it seems to have been latterly applied to the inferior military tenants holding less than a knight's fief. (Ducange, sub voc. vavassor). Bracton, writing when the word does not seem to have been in technical use, speaks vaguely of vavassors as *magnates* and *magnæ dignitatis viri*. (Bract. lib. i. c. 8, § 4.)

<sup>a</sup> See the Chronicle of Abingdon, vol. ii. p. 3.

<sup>b</sup> In several counties, in Domesday, the minor tenants *in capite* of English origin are classed separately as *Taini regis*. See especially in Dorsetshire, where in the list at the beginning of the county the *Taini regis* are preceded by *Hugo de Luri et alii Franci*, and followed by *Willūs Belet et alii servientes regis*. (Domesd. 75.) See also in Wiltshire and Somersetshire, Domesd. 64 b., 86.

<sup>c</sup> In the roll of knight's fees held of the Bishop of Hereford, 1304, printed in the Appendix to Bishop Swinfield's Household Roll (Camden Soc. 1854) the knight's fees appear to be generally five or six hydes. Examples may be found of knight's fees containing sixteen, twenty-seven, and even forty-eight ploughlands. See Abbrev. Placit. t. Ric. I. to Ed. II. pp. 73, 33, 304. See also Coke Inst. pt. 2. p. 596. Smyth, in his work on the Berkeleys, mentions that the knight's fees in that barony did not exceed four ploughlands. Some of the knight's fees of the Abbey of Peterborough appear to be small. (See Chronicon Petroburgense,

of an ordinary thane were in the generality of instances converted into the feudal estate of a knight (*feodum militis*).

The new designation of this class of landowner (*miles* or knight) was derived from the nature of his service. And the fact, that at the time when feudal usages grew up in England the same word was used to designate a military tenant and a person admitted into the order of chivalry, may be taken as some evidence that the service of military tenure was usually performed by a person who had been so admitted.

Whatever be the origin of knighthood, I have no doubt that it was from its connection with feudality, the most powerful and distinguishing institution of the middle ages, that it derived its first importance and its stability. The feudal system, in its original vigour, bound the military tenant to personal service with his horses and arms and mounted attendant, and, as an earnest of his readiness to perform what was termed his knight's service, it was considered to be the duty of each successor to the fief to present himself, when summoned before his lord, prepared with all his military equipments, for admission into the knightly order. I am not aware however of any evidence that this duty was enforced as a legal liability in any country except England, and possibly the foreign provinces governed by our English kings.<sup>a</sup>

The origin of this obligation is involved in the same obscurity which surrounds the whole subject of the rise of the feudal system in this country. Nothing has been found in Domesday Book to show that such a liability was recognised in the time of the Conqueror. An interesting document preserved at Canterbury, and printed by Somner at the end of his Treatise on Gavelkind, furnishes us with an example of the opinions which prevailed at the end of the 12th century concerning the origin of the connection of knighthood with the tenure of land. It is a letter of Geoffrey, sub-prior, and the other monks of the Church of Canterbury, to King Henry II., and relates to a dispute between the convent and Archbishop Baldwin, who held the see between the years 1184 and 1190. The archbishop claimed feudal seignory of the lands of the convent, and asserted that the monks derived their lands from the gift of Archbishop Lanfranc. The letter of the convent, on the other hand, explains the alleged relation of the monastery to

Appendix). This no doubt arose from the importance of multiplying the defenders of the abbey by granting lands to stipendiaries. As to the estate of an Anglo-Saxon thane, see Selden, Tit. Hon. p. 621.

<sup>a</sup> As to compulsory knighthood in Normandy, see note to *Leges Henrici I.* in *Ancient English Laws* (Record Commission), p. 217.

that prelate by stating that Lanfranc recovered the whole lands of the Church of Canterbury from Norman invaders, and apportioned to the convent the share it had previously enjoyed. "Inasmuch, however," the letter continues, "as in the time of King William there were no knights in England, but only thanes, the king ordered that, of the latter, knights should be made for the defence of the land. Lanfranc accordingly made knights of his thanes. The monks, however, did not do so, but gave the archbishop two hundred librates of land for defending their portion by his knights, and for taking charge at his expense of all their business at the Court of Rome. Hence up to this present time there are knights in the land of the archbishop, but none in that of the convent."<sup>a</sup> It is a probable explanation of the fact that no knights were found among the tenants of the convent, that in the original division, whether made by Lanfranc or earlier, the larger tenements and more dignified tenants were reserved to augment the honour and power of the bishop.

A similar statement as to the origin of tenure by knight's service is found in the Chronicle of Abingdon (lately published under the direction of the Master of the Rolls), which appears to have been compiled in the time of Henry II., where it is stated that Abbot Adelhelm, during the troubles which accompanied the Conquest, first employed stipendiary *milites*, but that he afterwards delegated (as it is expressed) to these knights the *manors* (*mansiones*) which had formerly

<sup>a</sup> Quia vero non erant adhuc tempore regis Willielmi Milites in Anglia, sed Threnges, præcepit Rex, ut de eis Milites fierent ad terram defendendam. Fecit autem Lanfrancus Threngos suos Milites. Monachi vero non fecerunt, sed de portione sua ducentas libratas terræ dederunt Archiepiscopo ut per milites suos terras eorum defenderet, et omnia negotia eorum apud curiam Romanam suis expensis expediret. Unde adhuc in tota terra Monachorum nullus miles est, sed in terra Archiepiscopi. (Somner on Gavelkind, App. p. 209.)

The class of tenants called Threngs, who are mentioned by the monks as having had knighthood imposed upon them by order of the Conqueror, were no doubt the thanes; though the word by which they are designated might seem rather to point to a peculiar order of tenants who are mentioned in Domesday Book by the name of *Drench*, and who appear to have been superior freeholders in the Danish regions of England.—See Ducange sub voce *Drench*, *Drengagium*; Abbrev. Plac. t. Ed. I. p. 194.

Gervasius of Canterbury, a contemporary, writing of the same dispute between Archbishop Baldwin and the monks, says that the possessions of the Church of Canterbury were originally common to the archbishop and the convent; and that, after the lands of the Church had been plundered by the Norman conquerors, Lanfranc obtained their restitution, and granted to the monks the administration of *their own* portion: not that all the archbishop's lands, he adds, do not belong to the Church, sed quia ab antiquis temporibus assignaverunt nescio qui archiepiscopi villas et redditus conventui sufficientes, ceteris sibi pacificè retentis: sibi etiam reservaverunt comites, barones, milites, monachis vero assignaverunt rusticos et agricultores. Dicunt autem quidam Lanfrancum id fecisse. (Gervas. Doroborn. ed. Twysden, p. 1311.)

belonged to the thanes who had fallen at the battle of Hastings, upon an express obligation of service imposed upon each portion of the land.<sup>a</sup>

There is no evidence in Domesday Book of any sudden change in the nature of tenures having followed upon the Conquest. The common opinion in later times seems to have been, that the Conqueror partitioned the country into a certain number of knights' fees, which he granted among his followers upon the new conditions of feudal tenure.<sup>b</sup> The change, which was supposed to be thus suddenly made, was the gradual work of more than one generation. The estates of the freeholders of Saxon times were liable to military duty, the extent of which, as to the number of men to be supplied by each, was probably defined by reference to the custom of the particular district.<sup>c</sup> The amount of military service due from the tenant is seldom mentioned in Domesday; the knight's fee (*feodum unius militis*), as the measure of feudal liability, is an expression of later times. And the well-known charter of William the Conqueror, which requires all earls, barons, *milites*, *servientes*, and *liberi homines* to be prepared with horses and arms to perform the service due of right from their fees (*feodis*) and tenements upon pain of forfeiture,<sup>d</sup> may well be understood as relating to the liability to

<sup>a</sup> Taliter itaque regni tumultuantibus causis, domnus Adellelmus abbas locum sibi commissum munita manu militum secure protegebat: et primo quidem stipendiariis in hoc utebatur. At his sopitis incursibus, cum jam regis edicto in annalibus annotaretur quot de episcopis quotve de abbatibus ad publicam rem tuendam milites exigerentur, eisdem donativis prius retentis abbas mansiones possessionum ecclesiæ pertinentibus (*sic*) inde delegavit, edicto cuique tenore parendi de suæ portionis mansione. Quæ possessiones ab eis habitæ fuerant quos Tahinos dicunt et in bello Hastings occubuerant.—*Chronicon monasterii de Abingdon*, vol. ii. p. 3.

<sup>b</sup> Thomas Sprottus, who lived in the time of the two first Edwards, states the number of knights' fees under the Conqueror's settlement to have been 60,215, and this number he gives as the result of the Conqueror's survey. (*Cronica Sprotti*, Hearne, p. 114.) Spelman appears to adopt this statement. (*Glossary sub voce Feodum*.) So Blackstone states that, as a consequence of the tenure by knight-service, the Conqueror had always at his command an army of 60,000 *milites*, or knights (*Blackst. Comm. vol. iv. p. 419*). M. Guizot has repeated the same assertion. (*Essais sur l'Histoire de France*, p. 261.) An examination of the Domesday Survey does not confirm this conclusion. There are no *knight's fees* (under that name) in Domesday, and the total number of free tenants, including tenants *in capite*, lords of manors, and *liberi homines*, appears not to amount to much more than twenty thousand. (See Ellis's *Observations on Domesday Book*.)

<sup>c</sup> See as to the custom in Berkshire, Domesday, Berrochescire, p. 56; and see Palgrave, *English Commonwealth*, vol. ii. p. 368.

<sup>d</sup> Carta Regis Willelmi Conquistatoris.—

V. Volumus etiam ac firmiter precipimus et concedimus ut omnes liberi homines totius monarchie regni nostri predicti habeant et teneant terras suas et possessiones suas bene et in pace, libere ab omni exactione injusta et ab omni tallagio, ita quod nichil ab eis exigatur vel capiatur nisi servitium suum



military expedition recognised by the Anglo-Saxon law.<sup>a</sup> It is not without reason, however, that this charter of the Conqueror has been regarded as an important step in the revolution of tenures which followed the Norman invasion.<sup>b</sup> It established or confirmed the custom of hereditary succession to the estates from which military service was due, which estates are here called by the new appellation of *feuds*.<sup>c</sup> Another important concession of the Conqueror to this class of tenants was their exemption from the ordinary gelds and tallage. It should not be forgotten that in this charter, as in other instruments of the early Norman period, the term 'free service' is used as equivalent to military service, no other tenure being recognised by which a *liber homo* could hold his land. The charter of Henry I., probably some twenty years later, confirms the exemption of the military tenants from tallage in language which indicates more clearly the distinction between land held by knight's service and that held by a less noble

liberum, quod de jure nobis facere debent, et facere tenentur; et prout statutum est eis, et illis a nobis datum et concessum jure hereditario in perpetuum, per commune consilium totius regni nostri predicti.

VIII. Statuimus et firmiter precipimus, ut omnes comites et barones et milites et servientes et universi liberi homines totius regni nostri predicti habeant et teneant se semper bene in armis et in equis, ut decet et oportet, et quod sint semper prompti et parati ad servitium suum integrum nobis explendum et peragendum, cum semper opus adfuerit, secundum quod nobis debent de feodis et tenementis suis de jure facere, et sicut illis statuimus per commune consilium totius regni nostri predicti, et illis dedimus et concessimus in feodo jure hereditario. Hoc preceptum non sit violatum ullo modo super forisfacturam nostram plenam. (*Leges Gulielmi Conquestoris*, Wilkins, pp. 217, 229. *Ancient Laws of England* (Record Commission), pp. 211, 212.)

<sup>a</sup> Even the liability of a thane to forfeit his land for absence from the royal army was not a novelty, but was recognised by the ancient English laws. See *Laws of Ine* (circa A.D. 700) s. 51; Thorpe's *Ancient English Laws* (Record Commission) p. 58; *Leges Henrici I.* xiii. 11; *Ancient English Laws*, p. 227; *Domesday Book*, *Wirecestrescire*, f. 172.

<sup>b</sup> Blackstone, *Comm.* vol. ii. p. 60.

<sup>c</sup> The word *feodum*, when used in *Domesday Book*, generally expresses the relation of seignory and vassalage. Dislea tenet Godwinus de rege *in feodo*. Hæ terræ sunt *de feodo reginæ*, &c. &c. It is a remarkable illustration of the importance of the Conqueror's charter as connecting the introduction of feudality with the establishment of the hereditary principle of succession, that the word *feodum* in English law became especially devoted to express the heritable quality of an estate, so that as soon as estates not properly feudal became hereditary, the word *feodum* was applied to express this quality in them. The legal formula still used, 'Seised in his demesne as of fee,' *seisitus in dominico suo ut de feodo*, is as old as Henry II. (*Glanvill*, lib. ii. c. 3.) And the expression *in feodo et hæreditate* is found in grants at least as early as the time of Stephen. (See evidence in the *Berkeley Peerage Case*, 1859.) It will not be forgotten that Littleton, at the commencement of his *Tenures*, interprets *feodum* to mean inheritance. *Feodum idem est quod hereditas*. (*Tenures*, cap. 1.) As to the custom of inheritance of *thane-land* before the Conquest, see *Palgrave's English Commonwealth*, vol. i. pp. 579, 580; vol. ii. p. 359.

tenure. It concedes to knights or military tenants who defend their lands by their arms that their demesne lands shall be free from gelds and other burdens, so that they may be prepared with horses and arms for the service of the King and the defence of the realm.<sup>a</sup>

The knight's fee (*feodum unius militis*), which for many centuries was the standard measure of feudal obligation, does not appear to have been so used in the time of the Conqueror. If the Domesday Survey had been taken a century later, the first thing appearing upon the return would be the number of knight's fees held by every tenant. It is probable that the ecclesiastical lords were the first to reserve in express terms upon their feoffments the service of a definite number of knights; the traces found in Domesday of tenures of this nature being principally in the case of the vassals of bishops and abbots.<sup>b</sup> There is in the chronicle of Abingdon, compiled in the time of Henry II., a list of the knights holding of that abbey at an earlier date, which appears, from a comparison of the names with those in Domesday, to have been made not much later than that survey, and in which the service of each tenant is reckoned by so many knights, and even by fractions of knights.<sup>c</sup> It is impossible to say whether the statement of the services due from each tenant may not have been added from the usage of

<sup>a</sup> *Militibus qui per loricas terras suas defendunt (var. lect. deserviunt), terras dominicarum carucarum suarum quietas ab omnibus gildis et ab omni opere, proprio dono meo concedo, ut, sicut tam magno allevamine alleviati sunt, ita se equis et armis bene instruant ad servitium meum et ad defensionem regni mei.* Carta Henrici I. A.D. 1101. (Statutes of the Realm (Record Commission), vol. i. p. 2.)

<sup>b</sup> See Ellis's Introduction to Domesday, vol. i. pp. 58, 62.

<sup>c</sup> In a cartulary of the Abbey of Shaftesbury (Harl. MS. 61) is a list of the knight's fees of that church, which is probably the earliest document existing in which knights' fees are described in English. The word used for *feodum militis* is *knystesmetehom*, or knight's 'living.' This document is so curious, both for its language, which appears to have suffered in transcribing, and for its contents, that I give it entire. It is mentioned by Sir Francis Palgrave (*English Commonwealth*, vol. ii. p. 207), and ascribed by him to the reign of Henry I. The manuscript in which it is found is not older than the fourteenth century.

*Des bep þare knystene londes þat sillen into uoerde uare myd þe kyng myd hire hors, and myd hyre þgare for þare cherche of Shaftesbury:*

*þat arest lond hatte Chiklad and ys on yhol knystesmetehom:*

*On oper yhol knystesmetehom ys at Donyntone, and at Nypred, and at Fernhulle:*

*On yhol knystesmetehom ys at Haseldene and Estone:*

*On yhol knystesmetehom ys at Yscache: [qu. p̄stache, i.e. West Hache. See Hoare's Hist. S. Wilts, vol. iv. p. 130.]*

*Two yhole knystesmetehomes bes at Gyssyh, wyþute one hyde of londe:*

*On helf knystesmetehom ys at Linlege:*

*On yhol knystesmetehom ys at Brudesperde:*

*þat fyftedel of one knystesmetehome ys at Dudele se yne þan home of Bradeforde:*

*þat tepedel of one knystesmetehome is yne þan home of Tyssebury by þare Seggþe hylle:*

later times. The 'description of the knights of the Abbey of Peterborough,' preserved in the *Liber Niger* of Peterborough in the Library of this Society,<sup>a</sup> and which was made in the 25th year of Henry I. (A.D. 1125), sets forth the amount of service by the number of knights reserved for each tenement. It has, however, in some respects, the appearance of a recent arrangement.<sup>b</sup> It was, probably, about this time that the custom became usual of expressly reserving upon all feoffments a definite amount of military service.<sup>c</sup>

The important historical monument, printed by Hearne, from the *Liber Niger Scaccarii*, which contains a return made in the 12th year of Henry II. A.D. 1166, by all the tenants in chief of the knight's fees held under them, furnishes some evidence that this method of computation of service, familiar in the reign of Henry II., was as old but not much older than the close of the reign of Henry I. The return was required to be two-fold; the fees of the old feoffment (*de veteri feofamento*)

Two hyde of londe bes at Prestone

On hyde of londe ys at Bedeshurste

On hyde of londe ys at Iwerne

On hyde of londe ys at Haregraue

On hyde of londe ys at Pimperne

And pre 3erde of londe bes at Kyngstone

} And alle pus makiat anne yholne knystesmetehom:

On hyde of londe ys at Atteworpe yne pan home of Bradeforde: and ys pat furpe del of ones knystesmetehome.

At Cheselburne bep two hyde and on helf of londe:

At Sylfhamptone ys on hyde and on 3erde of londe, and hy uyndi; anne rop to pan waterputte of Syftebury:

And at Henleze at one wonynge ys pat fiftedel of ones knystesmetehome:

And at on oper wonynge ys hyde landes in pan ylke tone:

At Ocleze ys on hyde of londe and ys pat sixtedel of one knystesmetehome:

At Apshulle ys on hilde of londe and on 3erde, and answare; for one knystesmetehome:

At Falzham at two wonynge ys on hilde and on helf of londe:

And alle pes knyztys pat pes londes paldez do; manredene an pallez of pan munechene of Syftebury and of pan menstyre. (Harl. MS. 61, f. 22.)

<sup>a</sup> This document is printed at the end of the *Chronicon Petroburgense*, published by the Camden Society. The list of knights of the Bishop of Rochester (Text. Roff. Hearne, p. 223) is of the same reign.

<sup>b</sup> We find, for example, the following entry: Rodbert de Olli (*tenet*) i hidam et dimidium, unde non finivit de servitio.

<sup>c</sup> I do not know where to look for the earliest examples of such grants. In the reign of Stephen the manor of Berkeley was granted by Henry, Duke of Normandy, afterwards Henry II., to Robert Fitz Harding, to be held by the service of one knight, or one hundred shillings, at the election of the tenant; and the same manor was regranted a few years later to the same tenant to be held by the service of five knights. (See Evidence upon the Berkeley Peerage Case, 1859. Smyth's Account of the Berkeleys, by Fosbroke, pp. 69, 71.)

being distinguished from those of recent feoffment (*de novo feofamento*); feoffments prior to the death of Henry I., thirty years before, being generally reckoned as ancient feoffments. Most of the barons appear to have no difficulty in stating how many knight's fees, or what fractions of a knight's fee, were held by each tenant, as well of the old as of the new feoffment. But Geoffrey Ridell, son of Richard Bassett, who was justiciary in the reign of Henry I., certifies that his father Richard held, at the death of Henry I., nine score and four carucates and one virgate of land for the fees of fifteen knights. "None, however," he adds, "of the knights of that old feoffment was expressly enfeoffed by a knight's fee; but, in making up the fifteen knight's fees, every carucate of land is alike liable to the performance of every service, whether in armies, in guards, or elsewhere."<sup>a</sup>

By the law passed in the 27th year of Henry II., called the Assise of Arms, the knight's fee (*feodum unius militis*) is employed as the measure of liability to military duty, and the holder of a knight's fee is bound to be provided with the arms of a horseman, namely, a coat of mail, a metal helmet, a shield, and a lance, and, if he has more fees than one, as many suits of arms as he has fees. But it is remarkable that the same equipments were also to be provided by every layman having in chattels or rents to the value of sixteen marcs a year. It was also directed that, upon the death of a person having arms, they should remain to his heir (and not, it is presumed, be taken by the lord, as they may formerly have been taken, as a heriot or relief); and, if the heir was under age, his guardian should keep them and provide a substitute; and, when the heir was of age to bear arms, then he should have them.<sup>b</sup>

<sup>a</sup> Scilicet nullus militum de veteri illo feofamento feofatus fuit nominative per feodum militis. Sed una quæque carucata terræ ad faciendum milites xv par est alii ad omnia servitia facienda et in exercitibus et in custodiis et ubique. (*Liber Niger Scaccarii*, Hearne, p. 210.) Glanvill supplies the form of a writ of right, which appears applicable to the case of a military tenant, whose ancestor had been enfeoffed before the time when it was customary to define, by the fraction of a knight's fee, the amount of service due upon every feoffment. Rex Comiti W. salutem. Præcipio tibi quod teneas plenum rectum N. de decem carucatis terræ in M. quas clamat tenere de te per liberum servitium unde duodecem carucatæ terræ faciunt feodum unius militis pro omni servitio &c. (*Glanvill*, lib. xii. c. 3.) A similar writ of the date of Edward I. is cited by Coke, Co. Lit. 69 b.

<sup>b</sup> Quicumque habet feodum unius militis habeat lorica et cassidem et clypeum et lanceam, et omnis miles habeat tot loricas et cassides et clypeos et lanceas quot habuerit feoda militaria in dominio suo. Quicumque liber laicus habuerit in catallo vel in redditu ad valentiam xvi. marcarum habeat lorica et cassidem et clypeum et lanceam . . .

Et si quis hæc habens arma obierit, arma sua remaneant hæredi suo; et si hæres de tali ætate non sit quod armis uti possit, si quis fuerit ille eum qui habebit in custodia habeat similiter custodiam armorum, et inveniet hominem qui armis uti possit in servitio domini Regis, si opus fuerit, donec hæres de tali ætate sit quod arma portare possit, et tunc ea habeat.—(*Hoveden*, Annal. p. 611; *Wilkins*, *Leges Angl.* p. 333.)

In the delivery of arms thus directed to be made by his guardian to the military tenant we can scarcely find an allusion to the solemn reception of arms which was the essential part of the admission to knighthood. It is certain, however, that at this period it was the general custom for the young nobility to be initiated into the order of chivalry. We read in Fitzstephen that Becket, when Chancellor, received into his service many noble youths, both English and foreign, and, after their education was completed, dismissed them, presented with the belt of knighthood, to their fathers or friends, unless he retained them in his own service.<sup>a</sup>

I am inclined to think it probable, though it must be admitted that the proof is slight, that it was the general practice in the twelfth century for those who held by knight's service to be received into the military order. In later times, when penalties were enforced upon those who had not been so received, no doubt seems to have been entertained as to the existence of the liability. This belief as to the legal duty may be assumed to have arisen from the general observance of the custom by the preceding generation.<sup>b</sup>

As a further proof that in the twelfth century the tenants of fiefs were actually knights, I might refer to the practice of the law in real actions, a practice which was settled in that century. It is well known that in the Great Assise, which was a mode of trial invented during the reign of Henry II. as a substitute for the wager of battle in proprietary actions, and also in the minor assises or recognitions, views, and other acts of court relating to the litigation of the

<sup>a</sup> Cancellario et regni Angliæ et regnorum vicinorum magnates liberos suos servituros mittebant, quos ipse honesta nutritura et doctrina instituit, et cingulo donatos militiæ ad patres et propinquos cum honore remittebat, aliquos retinebat.—Fitzstephen, Vita S. Thomæ, ed. Giles, p. 189.

<sup>b</sup> Our greatest authorities on legal antiquities have considered that tenants by military service were called knights, whether they were knights in the ordinary sense or not. See Selden's Titles of Honour, p. 769, where he says, that, tenants 'by knight's service were called knights, *milites*, or *chivalers*, because their service was military,' and cites for example the practice in legal proceedings in which juries of knights were employed; and adds that the chief gentlemen or freeholders of every county (in regard they usually held by knight service) are styled *chivalers* in the Statute of Westminster the first, touching the choice of coroners. In both these instances, the 'knights' originally contemplated by the law were knights in the ordinary sense, and not merely persons holding by military tenure. See *post*, p. 201. Spelman (Gloss. sub voce *Miles*) also states that *miles* in one sense signifies a tenant holding freely or by military service. I think it will be found that the examples in which the word appears to bear this sense belong to a time when the adult tenants by knight's service may be supposed to have been in fact knights. The accurate determination of this point is rendered the more difficult by the Latin word for knight, *miles*, being unquestionably equivocal, although the inclination throughout the middle ages was to confine it to its more distinguished signification, and to add some epithet, as *plebeius*, *gregarius*, *stipendiarius*, when the sense of soldier was intended.

feudal title to land, the jurors were required to be knights; and even until the final abolition of these modes of procedure, within our own memory, the sheriff, in the Great Assise upon a Writ of Right, was ordered to summon, by good summoners, four lawful knights of his county, girt with swords (*milites gladio cinctos*), to make election of the other jurors; and the four knights were sworn to choose twelve knights, girt with swords, of themselves and others which best knew and would declare the truth between the parties.<sup>a</sup> This practice in feudal actions may perhaps be taken not only as a proof of the actual custom of the time in which it arose but also as the earliest recognition in legal proceedings of the doctrine that, *de jure*, the feudal tenant ought to be a knight, since the law presumes<sup>b</sup> that the feudal freeholders of the county (the peers of the litigating parties) are belted knights. It should be remembered that the Great Assise was in early times applicable only to the trial of titles by military tenure, burgage and socage titles being otherwise determined.<sup>c</sup>

And even the criminal business of the county was principally conducted by inquests of knights. The coroner was required to be elected from the most lawful and wise knights of the county.<sup>d</sup> And the grand juries of the several hundreds which made presentments of criminal matters before the justices itinerant were composed, even in the time of Bracton, of four knights elected in every hundred, who were sworn to choose, for their co-jurors, twelve knights, or free and lawful men if sufficient knights could not be found. This was the rule laid down in the middle of the thirteenth century, and seems to show that the number of knights was already failing. In the writers of the time of Edward I. nothing is said of the elected jurymen being knights; and in Britton even the four electors are no longer required to be of that station.<sup>e</sup>

<sup>a</sup> The form of the process in the Great Assize may be seen in the appendix to the third volume of Blackstone's Commentaries; or more fully in the third volume of Wilson's Reports, p. 558. The latest trial of a writ of right was in the case of *Davies v. Lowndes*, tried in 1835, and again upon a new trial in 1845. See Bingham's New Cases, vol. i. p. 597; Common Bench Reports, vol. i. p. 435.

<sup>b</sup> *Omnia præsumuntur legitime facta donec probetur in contrarium.* Broom's Legal Maxims, p. 852.

<sup>c</sup> See Stat. de Magnis Assisis et Duellis (*incerti temporis*).

<sup>d</sup> The Statute Westminster I. c. 10 (3 Edw. I. 1275), in which the above rule is laid down, was manifestly an affirmation of the ancient practice, as it recites that inferior persons had in recent times (*ore de novel*) been elected. The next chapter requires two of the jury upon every writ *de odio et atya* to be knights.

<sup>e</sup> Bracton, f. 116; Fleta, lib. i. c. 19; Britton, c. 2. In the year 1251 more than 1000 English knights are said to have been at York at the marriage of Alexander III. of Scotland.—Matt. Par. p. 716 (ed. 1684).

It may be matter of some surprise that there does not appear to be any evidence of knighthood being enforced as a legal liability before the reign of Henry III. During the minority of this king, under the government of Hubert de Burgh, the practice appears to have commenced of issuing a public summons for the reception of knighthood by those who, by the nature of their tenures, were held liable to this requisition.

In the preceding reign it is well known that money was exacted from the king's subjects in the shape of fines and amercements for an infinite number of causes, some of them frivolous and vexatious to a ludicrous degree.<sup>a</sup> But among the examples of the various classes of such exactions mentioned by Madox in his *History of the Exchequer*, and by Mr. Duffus Hardy in his preface to the *Rotuli de Oblatis et Finibus tempore Regis Johannis*, published by the Record Commission,<sup>b</sup> I do not find any fines for default in assuming knighthood in this reign. This may be received as some evidence that at that time the general practice coincided with the legal theory of obligation. If persons bound by feudal custom to become knights had desired at that period to evade their duty, there can be little doubt that their defaults would have furnished a source of contribution to the Royal Exchequer.

The earliest instance which has been found of a general summons for knighthood is a writ tested at Westminster the 16th of November, in the 9th year of Henry III., A.D. 1224. It commands proclamation to be made that every layman of full age who holds one knight's fee or more, and is not a knight, shall take arms and cause himself to be made a knight before the clause of Easter, in the 9th year of the king's reign, as his fee or fees which he holds do require.<sup>c</sup> In this earliest precedent the obligation is clearly treated as one arising from

<sup>a</sup> Uxor Hugonis de Nevill dat domino Regi cc. gallinas eo quo possit jacere una nocte cum domino suo Hugone de Nevill. 6 Johan. Rotuli de Finibus, p. 275.

Robertus de Vallibus debet quinque optimos palefridos ut Rex taceret de uxore Henrici Pinel. Mag. Rot. 12 Joh. Rot. 13a, Cumbr. (Madox, Hist. Exch. p. 352).

Episcopus Wintoniensis debet i. tonellum vini boni, quia non reduxit in memoriam Regis de zona danda Comitissæ de Albemar. Mag. Rot. 11 Joh. Rot. 14 b, Sudhant. (Madox, Hist. Exch. 352.)

<sup>b</sup> I have myself searched in vain in this volume for any instance of a fine for non-assumption of knighthood; but I cannot say that my search was exhaustive.

<sup>c</sup> Rex vicecomiti Norf. et Suff. salutem. Precipimus tibi quod sine dilacione clamari facias per totam Ballivam tuam, quod unusquisque laicus plene etatis qui feodum unius militis tenet vel plus in balliva tua et miles non est, quod arma capiat et se militem fieri faciat citra clausum Pasche Anno ix<sup>o</sup> regni nostri, sicut feodum vel feoda sua quæ tenet diligit. T. R. apud Westm. xvj<sup>to</sup> die Novembris. Eodem modo scribitur omnibus Vicecomitibus. (Rot. Claus. 9 H. III. printed by Record Commission, vol. ii. p. 69.)

tenure. But it is remarkable that the requisition is not restrained to the tenants of the Crown in chief. The jealousy between the king and his great vassals was at its height; there were loud complaints in the Parliament which met at Westminster in February 1225, of the non-observance of the Great Charter, and a few months before there had been open war between the young king, under the guidance of his justiciary, Hubert de Burgh, and some of the barons respecting the custody of the royal castles.<sup>a</sup> It does not seem probable that the great feudatories of the Crown would at this period submit without question to an interference between them and their own vassals respecting the obligations arising from the tenures of the latter. The proclamations appear, however, to have been followed by process of distress against the defaulters, whether tenants in chief or tenants paravail. A writ of the same year, directed to the Sheriff of Cumberland, commands him to abstain from distraining John of Denton, who held some land of Robert de Vaux at fee-farm, but none by military service.<sup>b</sup> This writ, while it clearly shows the obligation to be based upon military tenure, appears to imply a claim to compel the military tenants of the barons to become knights. If this prerogative was then attempted to be enforced, it probably met with successful opposition, for the summons issued two years later was expressly confined to those who held of the king *in capite* by knight's service.<sup>c</sup>

A formula of summons still more accurate in its restrictions, both as to the nature of the tenure, the feudal relation to the crown, and the quantity of land, is given by Madox, in a writ issued to the sheriffs in the 19th year of Henry III., 1235, which required that all the king's tenants in chief holding one knight's fee or more, and not being knights, should cause themselves to be made knights

<sup>a</sup> See Matt. Par. sub anno 1224.

<sup>b</sup> Rex vicecomiti Cumberland. salutem. Ostendit nobis Johannes de Dentone quod cum teneat quandam terram de Roberto de Vallibus ad feodi firmam et nichil teneat per servicium militare, tu occasione precepti quod tibi fecimus de omnibus illis qui feodum unius militis vel plus tenent in Baillia tua militibus faciendis ipsum Johannem vis distringere ad se militem faciendum. Et ideo tibi precipimus quod si ita est, predicto Johanni pacem inde habere permittas. Teste Rege apud Radinge, xxx. die Martii. Rot. Claus. anno 9 H. III. m. 7, p. 25. See also Rot. Claus. 9 H. III. m. 14, p. 36.

<sup>c</sup> Rex vicecomiti Norhampon salutem. Precipimus tibi quod per totam ballivam tuam pupplice clamari et scire [facias] omnibus qui de nobis tenent in capite per servicium militare in balliva tua, quod infra proximam Pascham anno regni nostri xi<sup>o</sup> faciant se milites fieri sicut tenementa sua diligunt que de nobis tenent. Et interim nobis scire facias distincte et aperte nomina omnium illorum qui de nobis tenent per servicium militare in balliva tua et quantum unusquisque teneat de nobis et quantum servicii inde nobis debeat. T. Rege apud Westm. xvij. die Jan.

Eodem modo scribitur omnibus vicecomitibus Anglie. Rot. Claus. 11 Hen. III. (A.D. 1227), vol. ii. p. 206.



according to the exigencies of their tenures.<sup>a</sup> The same author has also printed some early records of fines and distresses levied upon tenants of land for neglecting this obligation. The earliest example given by him occurs in the 17th year of Henry III., and is a writ directed to the sheriff of Worcester to take the lands of Roger de Sumery into the king's hand, because he came not to the king at the Feast of Pentecost last past 'to be girt with the belt of knighthood.' In the 31st of Henry III. Bartholomew FitzWilliam owes five marks for having respite of knighthood.<sup>c</sup>

It will be seen that the earliest precedents of summonses contain no pecuniary estimate of the *census* of a knight. The relief of a knight for a single knight's fee was fixed by the Great Charter of John at an hundred shillings at most; and the same clause was repeated in the charters of the subsequent reigns. Sir Henry Spelman concludes from this that the yearly value of a knight's fee in the time of King John was 5*l.*, the relief being generally, as he asserts, fixed at one year's value.<sup>d</sup> Lord Coke, on the other hand, presumes the relief to have been fixed at one-fourth of the yearly value. It is more probable that the amount of the relief was borrowed from the composition for the heriot of a vavassor, as fixed by the laws of the Conqueror,<sup>e</sup> and bore no immediate relation, at least in the time of John, to the value of the land. In the latter part of the reign of Henry III. 20*l.* a year was looked upon as the lowest estate suitable to the degree of a knight; and from the 25th year of Henry III. to the abolition of the custom of compulsory knighthood, it was usual to name in the writs a pecuniary limit below which the summons was not addressed.

<sup>a</sup> Rex vicecomiti Norf. et Suff. salutem. Præcipimus tibi quod visis literis istis per totam Ballivam tuam clamari facias, quod omnes illi qui de nobis tenent in capite feudum unius militis vel plus et milites non sunt citra festum Natalis Domini anno regni nostri decimo nono arma capiant et se milites fieri faciant, sicut tenementa sua quæ de nobis tenent diligunt. Teste Rege apud Walingford vii<sup>o</sup> die Novembris. Rot. Claus. 19 H. III. m. 25 dorso. (Madox, Hist. Exch. 354.)

<sup>b</sup> Quia Rogerus de Sumery ad hoc festum Pentecostes proximo præteritum non venit ad Regem ut eum cingulo militiæ cingeret: mandatum est Vicecomiti Wigorniae, quod Honorem de Duddeleg. et alias terras ipsius Rogeri in Balliva sua sine dilatione capiat in manum Regis et eas salvo custodiat cum omnibus catallis in eis inventis: ita quod nichil inde amoveatur donec Rex aliud inde præceperit. Teste Rege apud Wenlak vii<sup>o</sup> die Junii.

Eodem modo scribitur Vicecomiti Essex, de terris Gileberti filii Johannis de Sampford, et Vicecomiti Dorset, de terris Willelmi filii Drogonis de Monte acuto. Rot. Fin. 17, H. III. m. 5. (Madox, Hist. Exch. 354.)

<sup>c</sup> Bartholomæus filius Wilhelmi debet v. marcas pro habendo respectu de Militia. Mag. Rot. 31 H. III. Rot. 3 b, m. 1, Norf. et Suff. (Madox, Hist. Exch. 353.)

<sup>d</sup> Spelman, Glossary, s. voce *Feodum*. Cf. Littleton Ten. s. 126; Mag. Cart. c. 2; Coke Inst. pt. ii. p. 9.

<sup>e</sup> See *ante*, p. 191. One hundred solidi was the established relief, t. H. II. See Dial. de Scacc. lib. 2, cc. 10, 24. (Madox, Hist. Exch. *ad fin.*)

According to the original theory, the obligation was held binding upon the tenants of one entire knight's fee or more. It occasionally happened, however, that a person holding a portion of a knight's fee, and therefore liable in theory to personal military service by virtue of his tenure, had also other sufficient estate held in socage of land to enable him to support the dignity and expenses of knighthood. This kind of case seems to have given occasion to the fixing a pecuniary census for the knightly order, and to have led the way to the general imposition of the burden of knighthood upon tenants in free socage, as well as upon those holding by knight's service. There is a writ of the 25th Henry III. addressed to the sheriff of Cumberland, which commands him not to distrain Robert de Landplo' to take arms, unless he holds an entire knight's fee, or has 20l. of land as well in knight's fee as in socage.<sup>a</sup> In the later general summonses in this reign the liability is usually limited in the same way; <sup>b</sup> and by a writ of the

<sup>a</sup> Cl. 25 H. III. m. 5 dors. Hale MS. xxvi. p. 75b. Mandatum est vicecomiti Cumbriæ, quod occasione precepti quod Rex ei fecit de hominibus qui milites esse debent distringendis non distringat Robertum de Landplo ad arma capienda, nisi teneat feodum unius militis integrum vel habeat xx. libratas terre quam in feodo militari quam in socagio.

<sup>b</sup> Cl. 26 H. III. m. 14 dors. Hale MS. xxvi. 102. Rex vicecomiti Bark. et Bedford salutem. Precipimus tibi, sicut alias precipimus, quod omnes illos in Balliva tua, quorum nomina alias nobis significastis, qui tenent xx. libratas terre tam in feodo militari quam in socagio, vel in feodo militari tantum, vel feodum militis integrum, et milites non sunt, distringas per terras et catalla sua quod arma capiant et se milites fieri faciant citra Purificationem beate Marie anno &c. xxvi. Et taliter te super hoc habeas quod occasionem non habeamus ad te graviter capiendi, si defectum in te invenerimus vel si convinci possis quod ab aliquo vel aliquibus pro respectu militie sue aliquam pecuniam receperis; quod quidem inquiri faciemus. T. R. apud Rading. decimo die Decembris.

Cl. 37 H. III. m. 25 dors. 1st Extract Hale MS. xix. Rex vicecomiti Northumbr. salutem. Precipimus tibi, quod omnes illos de Balliva tua qui habent viginti libratas terre vel feodum unius militis integrum valens viginti libras per annum, et milites non sunt, distringas per terras et catalla sua quod sint ad nos in festo Pasche proximo futuro, ubicunque tunc fuerimus in Anglia, parati ad capienda arma militaria vel ad finem nobiscum faciendam pro respectu habendo de militia sua. Teste Rege apud Clarendon. xvij. die Novembris.

Eodem modo mandatum est vicecomitibus Ebor. Westmerl. Cumbr. Lanc. Eodem modo mandatum est vicecomitibus Gloucestrie, Wygornie, Hereford. Middelsex. Surr. et Sussex. Berk. Oxon. Suthampton. Wiltes. Sumerset. Dorset. Devon. quod sint coram Rege apud Winton. in natali Domini.

Eodem modo mandatum est vicecomitibus Kent. Camb. Salop. Stafford. Notingham. Derby. Warr et Leyc. Northampton. Roteland. Norff. Suff. Essex. Hertford. Cantebr. Hunt. Buck. et Bedford. Sint coram rege in festo Purificationis beate Marie proximo futuro parati, &c.

Cl. 39 H. III. pt. 1. m. 4. Cited in MS. Lansdowne 253. fol. 469. Hale MS. xix. Mandatum est vicecomiti Ebor. quod omnes illos de Balliva sua qui habent viginti libratas terre vel feodum unius militis integrum valens viginti libras per annum, et milites esse debent et non sunt, sine dilacione distringat ad se milites faciendos. Teste Rege apud Werk. xvij. die Septembris.

26th Henry III. it was expressly provided that distresses should not be levied even on those who had an entire knight's fee, unless it were an estate in possession and of the value of 20*l.* a year.<sup>a</sup>

At this period the summonses were very frequently repeated; and the writs are sometimes addressed to the sheriffs in a tone of menace, which seems to show that the exactions of the crown found a passive resistance in that quarter. The most remarkable example of this is in a writ addressed to every sheriff of England in the 28th Henry III. by which the sheriff is warned that, if for gift or other cause he make any release, or give any respite, the king's displeasure against him shall be so heavy that he shall feel its weight all the days of his life.<sup>b</sup>

Bracton, whose work on the laws of England appears to have been composed not much later than the middle of the reign of Henry III., mentions it as one of the inquiries to be made before the Justices in Eyre, whether the sheriffs or other bailiffs of the King had taken ransom of any *valetti* holding an entire knight's fee or twenty librates of land, to excuse their becoming knights, upon any summons for knighthood.<sup>c</sup>

<sup>a</sup> Cl. 26 H. III. m. 7 dors. Hale MS. xxvi. f. 106b. Rex vicecomiti Northt. salutem. Quia preceptum nostrum quod tibi nuper fecimus de illis distringendis de comitatu tuo qui milites esse debent et non sunt informatione invecata plene non es executus, de quo sumus plurimum admirati, iterato tibi precipimus firmiter injungentes, quod omnes illos de comitatu tuo qui habent viginti libratas terre vel amplius tam in feodo militari quam in socagio, vel feodum militis integrum in dominico suo, per terras et catalla sua distringas ad arma capienda, ita quod inde nullam habeant administracionem antequam securum te fecerint quod se milites sine mora fieri faciant aut literas nostras de respectu tibi deferant; et nomina eorum nobis scire facias. Alios autem qui non habent xx. libratas terre licet teneant feodum militis integrum vel illud non habeant omnino in dominico pacem habere permittas, ita quod decetero occasione militie sue non distringas, sciturus quod si perpendere possimus quod aliquos distringas injuste contra formam hujus modi precepti nostri ad arma capienda ad te nos graviter capiemus. Teste Rege apud Norwic. xxi. die Marci.

<sup>b</sup> Rex vicecom. Northt. salutem. Precipimus tibi quod sicut teipsum et omnia tua diligis, omnes illos in Balliva tua qui habeant viginti libratas terre distringas ad se milites faciendos citra festum nativitatis Sancti Johannis Baptiste proximo futurum, sciturus pro certo quod si pro munere vel aliqua occasione aliquam relaxationem eis feceris vel aliquem respectum dederis, nos ita graviter ad te capiemus, quod omnibus diebus vite tue te senties esse gravatum. T. R. apud Wyndesor. xiv. die Aprilis. Eodem modo scribitur omnibus vicecomitibus Anglie. Rot. Claus. 28 H. III. m. 12 dors. Hale MS. xxvi. 208b. This writ is cited by Ashmole, Hist. of Garter, p. 33.

<sup>c</sup> Et similiter de vicecomitibus et ballivis qui ceperunt redemptionem de valettis integrum feodum militis tenentibus, vel viginti libratas terræ habentibus, ne milites fierent ad mandatum domini Regis, cum vicecomites et alii ballivi domini Regis inde præceptum haberent speciale, de talibus plenæ ætatis existentibus militibus faciendis. (Bracton, f. 117.) Britton has the same direction. Et ausi (seyt enquis) de viscontes qe eyent pris fins et amerciementz de gent de lur baillie qe ils ne seyent destreintz de estre chivalers et en teu cas sunt amerciabiles. (Britton, c. 21.) The 'Mirror of Justices,' written in the time of Edward II. makes it a species of treason for one of the King's officers to counsel persons to evade knighthood when legally liable to it. (Mirror, cap. i., s. 4.)

There is a writ of summons extant of the 38th Henry III. A.D. 1254 which is of unusual historical interest. It recites that Prince Edward is to be decorated with the belt of knighthood by the illustrious King of Castile, at Bures (Burgos?) in Spain, on the forthcoming feast of St. Edward, and summons tenants *in capite* of 50*l.* of land or more, not being knights, to come to the King in Gascony, to “undertake military arms” at the place aforesaid with the prince. It also *invites* those holding of other lords, for the love of our said son, to present themselves for the same purpose.<sup>a</sup>

In the 40th year of Henry III. A.D. 1256, an attempt was made to increase the profits arising from the fines by lowering the knightly census: proclamations being issued, summoning all those who had 15*l.* of land and more, and held by military service, to become knights.<sup>b</sup> The terms of this writ are curious, as showing that at this period even, when it was clearly desired to include as large an area of exaction as possible, mere tenants in socage, holding no land by knight service, were not treated as liable to the requisition.

This summons, by reason either of the reduced qualification or of the unusual severity with which it was enforced, has attracted more than ordinary notice, being mentioned in the History of Matthew Paris, and, by consequence, in several of the later historians. The terms in which the event is mentioned by Matthew Paris seem to show that it was regarded as an innovation, and suspected to have a foreign origin.<sup>c</sup>

<sup>a</sup> Rot. Claus. 38. H. III. m. 4. Hale MS. xxviii. Rex Vic. Wiltes. Saludem. Quia dilectus primogenitus noster Edwardus in instanti festo beati Edwardi quod erit in quindena Sancti Michaelis proximo futura a rege Castelle illustri cingulo militie decorabitur apud Bures in Ispania, tibi precipimus quod omnes illos in Balliva tua qui de nobis tenent lx. libratas terre vel amplius et milites non sunt venire facias ad nos in Vasconia ad suscipienda loco predicto una cum predicto filio nostro arma militaria. Inducas etiam diligenter omnes alios qui de aliis tenent quod ob amorem ejusdem filii nostri tunc similiter sint ibi ad arma militaria una cum ipso capienda; taliter predictum mandatum complendo quod nos ad te graviter capere non debeamus. Teste Ricardo Comite Cornubie apud Westm. xxx. die Augusti, anno regni nostri xxxviiij.

Consimile breve dirigitur omnibus vicecomitibus Anglie.

<sup>b</sup> Rot. Cl. 40 H. III. m. 11 dorso. Hale MS. xxviii. (last extract). Quia abbates Cisterciensis ordinis per regnum et potestatem regis constituti reddunt se rebelles ad prestandum subsidium Regi a sede Apostolica concessum, mandatum est vicecomiti Cantabr. et Huntendon. quod eisdem Abbatibus in agendis suis communem justiciam quam Rex vult nulli denegari exhibeat, nullam eis gratiam faciens sine mandato Regis speciali. Et omnes illos de Balliva sua qui habent quindecim libratas terre et amplius et tenent per servitium militare et milites esse debent et non sunt distringat ad se milites faciendos, sicut Rex eidem vicecomiti alias mandavit. Et sine dilacione seire faciat Regi nomina illorum una cum valore terrarum et tenementorum suorum in Balliva. Teste Rege apud Windesor. xx<sup>mo</sup> die Maii.

<sup>c</sup> See Matth. Paris Hist. s. anno 1256 (p. 796, ed. 1684). “Anno sub eodem exiit edictum regium,

The sheriffs, who were the instruments of the government in these exactions, did not satisfy the king in their conduct of the business; and, on the 14th of March 1257, the king came himself into the Exchequer, and all the sheriffs of England were fined five marks for having failed to distrain those who were summoned to become knights.<sup>a</sup>

There can be little doubt, from the manner in which the matter of knighthood is mentioned by Matthew Paris in another passage,<sup>b</sup> that the principal, if not the sole, object of the repeated summonses issued by the Crown at this time was the obtaining of money from defaulters.

It is well known to all students of legal antiquities how feudal duties, originally based upon the necessities of a warlike age and the close relations of lord and vassal, were gradually converted into a means of exacting money from the feudal inferior. The personal service in war was commuted for a money payment. The right of wardship and marriage of infant tenants, which was founded upon the necessity of providing a fit person to perform the duties of the fief, became a mere matter of bargain and sale. In the facts I have mentioned we see the commencement of the practice by which the traditional obligation of tenants of land to become knights was made to subserve from time to time during many centuries the pecuniary necessities of the Crown. There is reason to believe that in the reign of Henry III. the practice of admitting the minor military tenants into the order of chivalry was dying out. The frequency of the summonses issued by the Crown, and their manifest object having relation rather to the revenue of the King than to the military organization of the country, are themselves some proof of this.

It may be conjectured that this decay of feudal chivalry was in some measure connected with the disuse of the privilege of conferring knighthood formerly enjoyed by subjects. It cannot be said to be precisely ascertained at what time the exclusive right of creating knights was appropriated to sovereign princes;

*præceptumque est et acclamatum per totum Regnum Angliæ, ut quilibet qui haberet xv. libratas terræ et supra, armis redimitus tyrocinio donaretur, ut Anglia sicut Italia militia roboraretur. Et qui nollent vel qui non possent honorem status militaris sustinere, pecunia se redimerent."* See the subject mentioned by the same historian further on, p. 804. The word *tyro*, it may be observed, appears to be used by the historian for what has been called in later times a knight bachelor. The latter term had not then become fixed in its present sense. A tournament is mentioned as being held at 'Brakele' in 1249, where were met many of the knights of the kingdom 'qui se volunt Bachelarios appellari.' This apparently means that the name of Bachelor was now affected by the younger knights.

<sup>a</sup> Matthew Paris, p. 803 (Ed. 1684).

<sup>b</sup> Sicut super de clientela, quæ vulgariter Seganteria (Serjeantry) dicitur, materia pullulaverat pecuniam

but it is clear that, for at least two centuries after the Conquest, this right was exercised in England by the great lay lords, and in early times by the prelates also. I have not the space to go into the evidence upon this point in the present paper. Several illustrations of the practice are collected by Selden in his *Titles of Honour*. Sir Henry Spelman<sup>a</sup> was of opinion that the privilege of creating a knight in feudal times rested with the same persons as were capable of granting land to be held by feudal tenure—*eorum fuit militem facere, quorum fuit feodum dare*;—and he refers to the *Liber Feudorum* (lib. i. tit. 1) to explain who had the latter privilege, which appears in the Italian Law of Feuds to have been confined to the *Capitanei* or immediate tenants of the sovereign; but I do not think there is any reason for supposing that a similar rule as to the grant of fiefs existed in this country. Before the statute *Quia Emptores* (18 Ed. I.), which forbids the practice of subinfeudation, there seems to have been nothing in the English law to prevent a tenant paravail holding sufficient land by knight-service from enfeoffing another to hold of him in the same way; and this even though the same land might have been previously held of him by another tenure<sup>b</sup>: provided that enough remained in his own hands to answer the services due to the lord;<sup>c</sup> and it is remarkable that it was only in the case of tenants-in-chief that the right of subinfeudation appears to have been doubted, on account of the prejudice thereby arising to the Crown.<sup>d</sup>

extorquendi, sic nunc de sequela curiæ, de cogendis fieri militibus, de mensurarum inquisitionibus et multis aliis lupinæ rapacitatis commentis, rapinæ succrescebant in regni vastationem et ecclesiæ servitutem. (Matth. Paris, p. 805 (Ed. 1684).)

<sup>a</sup> Glossary, sub voce *Feodum*.

<sup>b</sup> See Bracton, 170. *Poterit enim quis de villenagio suo facere liberum tenementum et feodum militare si voluerit*. Instances might be given in which lords of manors had tenants of portions of their fees holding by military service, though the manors themselves were not held by that tenure.

<sup>c</sup> *Magna Charta*, cap. 32.

<sup>d</sup> In early times it was probably the custom for tenants in chief of the king to make subinfeudations of portions of their baronies without licence. This practice appears to be implied in the statements of several of the returns in the *Liber Niger Scaccarii*. Such a power would appear to be confirmed within the prescribed limits by *Magna Charta*, c. 32, which declares that no free man shall make a gift of any part of his land, *unless* the residue of the fee be sufficient to answer the service due to the lord. Coke, however, treats this chapter of *Magna Charta* as giving rise to the royal prerogative of taking fines for alienations by tenants *in capite*. (See Coke, *Inst.* pt. ii. pp. 65, 501.)

After the statute *Quia Emptores* (18 Edw. I.) alienations of portions of the land held of a single lord had the effect of dividing or dismembering the fee and the seignory, since the alienee held the land of the chief lord by a fraction of the service previously due for the whole; and this, it was held in the reign of Edward I., could not be done in the case of tenants in chief without licence of the crown. (See Britton, cc. 18, 34.) The practice of taking a reasonable fine for alienation was recognised by stat. 1 Edw. III.,

There is no reason to doubt that during the period when feudal knighthood was in its vigour the inferior military tenants were accustomed to receive their swords from the bishops, earls, or barons, their immediate superiors. The History of the Family of Sharnburn, printed in Spelman's Posthumous Works, though somewhat apocryphal in its earlier portion, illustrates the manner in which the vavassors of the twelfth and thirteenth century were admitted to the honours of chivalry. Four knights are mentioned in the early history of this family, none of whom are represented as having had the honour of being knighted by sovereigns. The lands of Sharnburn were held under the Earls of Arundel. The first knight, Sir Alan, son of Geoffry, is stated to have been knighted in the Holy Land, in the time of King Richard, by the hand of William third Earl of Arundel. The second knight, Sir Andrew, brother of Sir Alan, was also a crusader, and was knighted in the Holy Land in the time of King John, by the hand of William fourth Earl of Arundel; these two died without issue, and a third brother, Peter, after the death of Sir Andrew, was knighted in his old age by the hand of Hugh de Albini, the last Earl of Arundel of that family. Andrew of Sharnburn, a grandson of Peter, is stated to have served as *Armiger* with Thomas of Brotherton and many other lords of Norfolk in the wars of Scotland, Gascony, and France, and to have made a pilgrimage to Jerusalem in 1348, and to have been knighted at the Holy Sepulchre by the Lord Arnald Viscount of Caremayne, a foreign nobleman, in the presence of the Viscount of Narbonne and other good and noble knights of France, Cateloine, and Almayne. This is the last knight of the family until we come to Sir Henry Shernbourn, who was knighted by the King in the first year of Henry VIII.

It is probable that in the turbulent times when the feudal system was in its vigour, knighthood was usually conferred upon their vassals by the earls and barons on the occasion either of a warlike expedition or of a meeting for the exercise of arms. Matthew Paris mentions a tournament proposed to be held by Richard de Clare Earl of Gloucester, in the year 1247, upon the day in which he girt his brother William with the sword of knighthood.<sup>a</sup> There can be no doubt

stat. 2, c. 12, the previous practice having in some cases been to seize the lands as forfeited. Another statute of Edward III. (34 Edw. III. cap. 15) confirms subinfeudations made by tenants in chief in the reign of King Henry III. and the preceding kings, saving to the king his prerogative of the time of Edward I., Edward II., and of his own time. Coke refers the division of time contained in this statute to the time before and after the provision contained in Magna Charta, cap. 34. (Coke, Inst. pt. ii. 65.) But it seems more obvious to refer it to the statute *Quia Emptores* (18 Edw. I.)

<sup>a</sup> Matthew Paris, Hist. sub anno 1247, p. 643. (Ed. Lond. 1684).

that on such an occasion the opportunity would be seized of enhancing the importance and splendour of the festival by the admittance of several candidates of inferior rank into the order of chivalry. It would seem that, in early times, disgrace and ridicule attached to an initiation into knighthood which was not shortly followed by evidence of military accomplishments.<sup>a</sup>

When civil and private wars became less frequent, and private tournaments were forbidden, the occasions upon which the feudal lords had been accustomed to admit their vassals to knighthood no longer arose, and the privilege of conferring the honours of chivalry was after a while confined by usage to sovereign princes and their deputies or lieutenants, and the captains of armies in the field, whose authority for the purpose was supposed to be derived from the Crown, as part of their Commission.<sup>b</sup>

A few of the early summonses for compulsory knighthood exhibit traces of the ancient feudal practice, according to which the king conferred knighthood upon his own tenants *in capite*, and the tenants paravail received their swords from their own immediate superiors or from some other substitute. Writs of the 29th Henry III. direct the sheriffs to distrain all those who hold of the king any tenement whereby they ought to be knights and are not, that they be at Westminster, on Whit-sunday, prepared to receive arms *from the king*; and to distrain all those who have 20*l.* of land or hold a knight's fee whereby they ought to be knights, being tenants of others than the king, to be there prepared to receive arms *from whomsoever they will*.<sup>c</sup>

<sup>a</sup> See Hoveden, Annal. 580.

<sup>b</sup> See Sir H. Nicolas' Hist. of English Knighthood, Introduction. The idea of knighting by subjects was familiar in the reign of Henry IV., although it is probable that in this country the practice was obsolete except in the case of commanders of armies in the field. We read in the Year Book that Chief Justice Thirning, in the 7th Henry IV., enlivened the discussion of a legal question by the following anecdote. "I have heard tell that a lord had a son and took him to baptism, and as soon as he was christened the lord took his sword and made him knight, and said, Be good knight if thou mayst, for thou wilt never be good esquire." (Year Book, 7 Hen. IV. 7.)

<sup>c</sup> Rex vicecomiti Northt. salutem. Precipimus tibi, quod omnes illos qui tenent de nobis tenementum in balliva tua per quod milites esse debent et milites non sunt distringas quod sint apud Westmonasterium in instanti festo Pentecostes parati ad recipienda tunc a nobis arma, omnes eciam alios habentes xx. libratas terre vel tenentes feodum militis per quod milites esse debent et non sunt tenentes de aliis quam de nobis similiter distringas quod tunc sint ibi parati ad recipienda arma de quibuscunque voluerint. Teste Rege apud Rading xi. die Maij. Cl. 29 Hen. III. m. 10 dors. Hale MS. xxvi. f. 252 b.

Mandatum est vicecomiti Northampton. quod proclamari faciat et sciri per totam ballivam suam, quod omnes illi qui de Rege tenent in capite feodum militis integrum vel viginti libratas terre, et milites non sunt, sicut tenementa sua diligunt, sint ad regem ad festum Pentecostes proximo sequens, ubicumque Rex fuerit, parati ad recipienda de Rege arma. Teste Rege apud Wimundeham xxi. die Marci. Cl. 29 Hen. III. m. 13 dors. Hale MS. xxvi. f. 249.



A somewhat similar form of writ was used in the 6th year of Edward I. A.D. 1278, when the tenants in chief were summoned to receive arms from the king, the others were simply to be distrained *ad hujusmodi arma suscipienda*. No such distinction is made in the writs of the 24th and 25th of Edward I. when the summons for all those liable to the duty is expressed generally, *ad arma militaria suscipienda*. And in the writ of the 13th Edward I. when only the richer tenants were summoned, the knighthood was expressly ordered to be received from the king.<sup>a</sup> The last occasion on which we find in the writs of summons any trace of the inferior tenants being expected to receive knighthood from subjects occurs in the 6th year of Edward II. A.D. 1313, when the writs issued were formed in this respect exactly on the model of those of the 6th year of Edward I.<sup>b</sup> I do not know of any other evidence to show whether the custom of receiving knighthood from subjects really survived in England until this period. The indication of its existence furnished by the last-cited writ is the less to be trusted, as the writ appears to be copied by the clerk word for word from that issued thirty-five years before, and the same form was never subsequently used. In Scotland, we are informed by Thomas of Walsingham, that William Wallace was knighted by one of the earls of that country, on the occasion of his being elected leader of the insurrection against Edward I. This would be about A.D. 1298.<sup>c</sup> Camden was of opinion that from the middle of the thirteenth century none received the honour in England but from the king or his representative.<sup>d</sup> In France it appears to be ascertained that the custom of knighting by subjects existed at a much later time. Ducange gives a form of nobilitation used in 1372, which contains the clause, *Ita quod dictus Nicholaus et ipsius liberi quandocunque et a quocunque milite voluerint valeant militari cingulo decorari*.<sup>e</sup> And Selden affirms this to be the ordinary form of letters of nobility in the French Chancery.<sup>f</sup> Similar terms are used in a patent of nobility granted by Edward III. to one of his subjects of Guienne, given in full in the fifth volume of the *Fœdera*.<sup>g</sup>

<sup>a</sup> These writs are printed in the first volume of Parliamentary and other Writs (Record Commission).

<sup>b</sup> Parliamentary Writs, &c. vol. ii. div. ii. p. 418.

<sup>c</sup> *Scotis vero cito sibi (Wilhelmo Waleys) consentientibus et ipsum eorum ducem constituentibus, militiæ donatus est cingulo a quodam comite regionis illius.* (Thom. Walsingham Hist. Ang. p. 90.)

<sup>d</sup> Camden Britannia. Ed. Gough, p. 142.

<sup>e</sup> Ducange, sub voc. *Miles*.

<sup>f</sup> Titles of Honour, p. 548.

<sup>g</sup> Patent of nobility, dated at Westminster, 1 June, 22 Edw. III. (1348), granted to Johan de Guillo, Burgess of Lyndia in Guienne. Et eidem Johanni damus licentiam specialem quod ipse a quocunque nobis fideli milite militarem suscipere ordinem valeat et cingulo militiæ decorari . . . eo, quod militari sanguine aut nobilitate generis non processit, non obstante. Rymer, vol. v. p. 623.

At a period when knighthood was conferred by the mesne lord in his own country, there would be little difficulty in all the adult military tenants being knights. The growing non-observance of this traditional obligation by the minor tenants was probably coincident in time with the gradual transfer to the crown of the exclusive right of conferring the honour of chivalry.

This change of custom, however, was not the only cause of the unwillingness which manifestly existed among a large part of the military tenants to undertake, as it was termed, the arms of a knight. The social disorder out of which the feudal institutions had arisen had in a great measure passed away. Under the first Norman sovereigns of England a state of society existed in which every man was upon his guard against violence and aggression, and no knight or freeman was secure in his freehold if he was not prepared to fight in his own defence and in that of his lord. Under more just and stable governments new generations of landowners became less exclusively devoted to the pursuits of war. And a blow was struck at the very heart of feudalism when in the twelfth and thirteenth centuries the payment of escuage was substituted for the personal military service due from the tenant. So long as personal service was required, the tenant of a military fee was bound to perform knight's service either by himself or by his substitute. And in the performance of this obligation the attendance of a single knight appears to have been reckoned as equivalent to that of two men-at-arms, not being knights. The feudal value of the individual man-at-arms was therefore doubled by his knighthood, and there can be no doubt that his services, when retained for money, were proportionately recompensed.\* The payment of escuage, while it was more convenient to the government, was found by the tenant a far lighter charge than the expense of personal service; and the same inducement now no longer existed for the tenant by knight service to become a knight. The assumption of knighthood was accompanied and followed by considerable expense. Arms of some kind and horses for military service

\* In MS. Harl. 61, a collection of charters and other matters relating to the Abbey of Shaftesbury, at fol. 32 is a memorandum that in the year 1257 (41 H. III.), Agnes de Ferrars, Abbess of Shaftesbury, being summoned "with the other barons of England," to come to Chester with her service against the Welsh, sent for her and her house Richard de Holte and Adam de Praores, knights of Cheshire, and Richard de Grimsford and Robert Hereford, serjeants, in lieu of a third knight, to make up the service of three knights due from the convent. So the Bishop of Hereford, in the 10th Edward I. sent to Wales, to perform his service of five knights, two *milites* and six *servientes*, and in the 31st Edward I. the same service was performed in Scotland by one *miles* and eight *armigeri*. See Bishop Swinfield's Household Book (Camd. Soc.) Append. xvi.

all landowners were obliged to keep, whether they were knights or not. But the knight was, no doubt, expected to be more perfect in his accoutrements, more sumptuous in his horses and attendants. Upon the reception of knighthood from the king a fee was due to the Earl Marshal;<sup>a</sup> and the assumption of the dignity was usually celebrated with such expense in dresses and banquets, as well as in the more material preparation of warlike accoutrements, as made the knighting of a son a no less costly event than the marriage of a daughter. The feudal lord was entitled to two ordinary aids from his vassals, an aid *pur fille marier*, and an aid *pur faire fitz chevaler*.<sup>b</sup> It should be added that the civil duties of the landowner were considerably increased upon his being elevated to the dignity of knighthood. The office of coroner and of juryman upon the Great Assize, and several other functions in the administration of justice, as well as the duty of representing the shire in Parliament, were in general imposed upon the knights of the county, so long as knights could be found for the purpose. Those of the poorer military tenants whose inclination did not lead them to the pursuit of arms, preferred evading an honour which was unsuited to their peaceful occupations, and which brought with it duties which they would gladly evade, and expenses which they were little able to meet.

King Edward I. appears to have struggled against the growing sluggishness of the age; and the proceedings taken in his reign for the enforcement of knighthood are remarkable for the earnestness with which they appear to be directed to the original object of the institution, the military strength of the kingdom. The first general summons which remains of this reign was issued on the 26th of June, in the sixth year of Edward I., A.D. 1277, and has been already mentioned as presenting some indication that at this period the tenants of the feudatories of the crown were expected to receive knighthood not from the king but from their own lords. But this summons is of importance in another point of view in the history of feudal knighthood. The sheriffs were ordered to distrain all those

<sup>a</sup> The Marshal's fee upon the knighting of a baron in the time of Edward I. was his palfrey, or its value according to some customary standard (*antiquum pretium*), and those holding less than an entire barony paid in proportion. But the same fee was due upon doing homage, and if then paid, it was not to be again exacted. *Fleta*, lib. ii. c. 5. See also *Matt. Par. Hist.* p. 716 (ed. 1684).

<sup>b</sup> The expense of the reception of knighthood (t. Henry II.) may be in some degree estimated by the following grants of money made by the king to assist persons in undergoing the charge:

*Ade de la Mara* xiii. *li.* vi. s. viii. *d.* ad faciendum se militem, per breve regis.

*Pro armis et apparatu ad duos milites faciendos* x. *li.*, per Robertum fil. Sawini. (*Pipe Roll* 4 H. II. pp. 21, 113.)

who had 20*l.* of land or an entire knight's fee of the value of 20*l.* per annum, and held of the king *in capite*, and ought to be knights and were not, to take the arms of knighthood of the king on or before the next Christmas Day; and also to distrain those who had the same amount of land held of other lords to take the same arms on or before the same feast, and to take good and sufficient security from them for their obedience.<sup>a</sup>

On the 12th March, 7 Edw. I., 1279, commissions were issued directed to two or more knights in the several shires, to inquire by the oath as well of knights as of other good and lawful men of the county concerning the distresses levied by the sheriffs, and to levy distresses upon those omitted by the sheriffs, and to make fresh distresses upon those already distrained, so that none be spared in this behalf, provided that those who have made fine for respite should not be distrained.<sup>b</sup>

The Rolls of Fines of the 6th, 7th, and 8th years of Edward I. show with what severity the obligation was enforced at this time. William de Bukton pays 20*l.* for having respite of knighthood for his life.<sup>c</sup> Simon Gower pays 24*l.* for respite of seven years;<sup>d</sup> and William Ambesas 40*s.* for respite of a single year.<sup>e</sup>

The existing returns of some of the sheriffs show the nature of the points then in dispute upon this branch of the prerogative. The sheriff of Surrey and Sussex returns that "Richard Broad has 15*l.* of lands within the liberties of the Cinque Ports by the service of being the porter of the foreign gate of the Castle of Pevensey, and 100*s.* of land without the said liberties in socage, and he hath not chattels without the said liberties whereby he may be attached, inasmuch as all his chattels are removed within the said liberties." The question whether persons were liable in respect of lands not held by knight's service appears to be here suggested.<sup>f</sup>

Another memorandum of the same sheriff raises the question whether a person was liable to the obligation in respect of the land of his wife before his title by the curtesy was completed by the birth of issue of the marriage.

During the reign of Edward I. the right of the crown to enforce the knighting of the military tenants holding not of the crown in chief but of its vassals, appears to have been no longer disputed. The absolute feudal obligation was unquestioned, and though not primarily due to the crown, it could not be denied

<sup>a</sup> Parliamentary Writs, vol. i. p. 214.

<sup>c</sup> Ibid. p. 218.

<sup>e</sup> Ibid. p. 221.

<sup>b</sup> Ibid. p. 219.

<sup>d</sup> Ibid. p. 220.

<sup>f</sup> Ibid. p. 217.

that the king, if any one, had a material interest in its observance. There still remained the question whether the duty was confined to tenants by knight's service, or should be extended to every description of tenure which was then accounted free. This was a point which in earlier times could have been clearly decided in favour of the exemption of all but tenants by knight's service. When the duty was claimed as a feudal service from the immediate tenants of the crown it could be demanded only by virtue of military tenure. But the admission of the right of the king to call upon tenants paravail as well as tenants in chief made way for the contention, that the duty was one arising not from tenure but from allegiance, and incumbent upon all freeholders capable of sustaining the charge. The instrument commonly known by the name of *Statutum de Militibus* marks the period when the imposition of the duty upon socage tenants was under discussion.

This instrument is of great importance in the history of compulsory knighthood, on account of its being so frequently appealed to in later times as a statutory authority for the exactions of the crown.<sup>a</sup> In the form in which it has come down to us it is without date either of day or year, but it has constantly been attributed by lawyers and historians to the 1st year of Edward II.<sup>b</sup> This date may be shown to be incorrect, and from the internal evidence which it contains I have little doubt that it belongs to the 6th year of Edward I.<sup>c</sup> It

<sup>a</sup> See *post*, p. 239. "The prerogative of compelling the king's vassals to be knighted, or to pay a fine, was expressly recognised in Parliament by the Statute *de Militibus*, 1 Edw. II.; was exerted as an expedient for raising money by many of our best princes, particularly by Edward VI. and Elizabeth; but yet was the occasion of heavy murmurs when exerted by Charles I., among whose many misfortunes it was, that neither himself nor his people seemed able to distinguish between the arbitrary stretch and the legal exertion of prerogative." (Blackstone, Comm. vol. ii. p. 69.) It is singular that Blackstone should speak of the prerogative as confined to the king's vassals, when neither Coke nor any of the later lawyers or historians treat it as so limited, and in fact it had not been so practised since the thirteenth century. See before, p. 203.

<sup>b</sup> Coke, Inst. Part ii. p. 593; Blackstone, Comm. vol. ii. p. 69.

<sup>c</sup> The so-called *Statutum de Militibus* was printed in Berthelet's Collection of Statutes in English, A.D. 1543, under the title of "A Statute for Knights made the firste yere of King Edwarde the Seconde." It appears in Latin in Marshe's *Magna Carta, et cetera antiqua Statuta*, 1556, under the title of "*Statutum de Militibus editum anno 1 Edw. II.*" From this work Lord Coke appears to have reprinted it in his second Institute, the same mis-readings appearing in both. In Cary's "*Statutes at Large*, 1758," it is printed in Latin from MS. Cotton, Claud. D. ii. (f. 242), and the date 1 Edw. II. (which does not appear in that MS.) is prefixed to it. In this copy the words *quadraginta libratas terræ* are substituted for *viginti libratas terræ* in describing the knightly census. In the edition of the Statutes published by the Record Commission this instrument is printed from the *Liber Horn*, f. 76, among the *Statuta incerti temporis*, under the title of

appears upon its face to be a royal ordinance made shortly after a general summons for the assumption of knighthood upon the preceding Christmas Day, and after writs of distringas had been issued for its enforcement at that time, and commences by a general respite of the distresses till the Utas of Hilary following. It then proceeds to lay down what excuses are to be available for the removal of the distresses in cases where the obligation is disputed. By the second clause, where the possession of land of the value of 20*l.* a year in fee or for term of life is denied, an inquisition is promised to be entrusted to two discreet and lawful knights of the county.

The sixth and seventh clauses deal with the exemptions claimed by tenants in socage. Socage tenants in manors which were then of the ancient demesne of the crown, and whose lands were liable to tallage, were declared to be exempt; but, with reference to the socage tenants of other manors, it was declared that the rolls of the Chancery should be searched, and the usage of former times maintained; and the same was promised in the case of clerks holding lay fees. But it was distinctly provided by the ninth clause that no person should be liable to be distrained for burgage tenements of any amount.

The last clause directs those who ought to be knights and are not, and desire to be excused on account of the short time for which they have been in possession of their estates, or allege disease or old age or other reasonable excuse, to make their fines before Robert Tibetot and Antony de Beke, who are enjoined according to their discretion to admit reasonable fines of such persons.

With respect to the real nature of this instrument, Lord Coke has the following observation: "This Writ King Edward II. granted in the time of the Parliament, and caused it to be entred of Record, and therefore is here styled by the name of a Statute or Ordinance; and the very frame of the Writ doth prove it to be no Act of Parliament."

This comment appears to be made under the impression that the instrument is to be found in the Statute Roll. This, however, is not the case; and if it be, as I have no doubt it is, of the date of the 6th Edward I., it is prior to anything found upon that Roll, which commences with the Statute of Gloucester, passed in the autumn of that very year. In any case we may so far agree with the great

*Statutum de respectu militiæ habendo* (vol. i. p. 229). It is remarkable that the ordinance, *De frangentibus prisonam*, which appears among the Pleas and Memoranda of the Parliament 23 Edw. I. is also printed in Berthelet's, Marshe's, and Cary's collections of Statutes as a statute of the 1st Edw. II. Lord Coke reprints it from "our printed books" as of that year, but observes that an Act *totidem verbis* was made anno 23 Edw. I. (Coke, Inst. pt. ii. p. 589.)

authority just quoted as to admit the doubtfulness of its authority as a statute; since there is nothing to show that it was passed in Parliament, or by the advice of any national council. Its exordium is simply *Dominus rex concessit*. It appears rather to be a royal direction, applicable in the first place to the particular circumstances which gave rise to it, but which was no doubt referred to as a precedent upon subsequent occasions.

With respect to its true date, the persons named as commissioners furnish sufficient evidence that it belongs to an earlier time than has been before supposed. Robert de Tibetot appears as engaged in the royal service from the end of the reign of Henry III. until the 26th year of Edward I. when his name disappears from the records, and the name of Payne de Tibetot, who was probably his heir, appears in its stead.<sup>a</sup> Antony de Beke is a well-known figure in the history of the times of Edward I. He as well as Robert de Tibetot appear to have been with Edward in the Holy Land before Henry III.'s death, and they are both named among his executors in his will made at Acre on the 10th June 1272.<sup>b</sup> In the 3rd year of Edward I. they are again named together as principal assessors of the fifteenths, granted in that year, for the several counties of Norfolk and Lincoln.<sup>c</sup> Anthony de Beke was elected Bishop of Durham in the 11th year of Edward I., 9th July, 1283, and died in that bishopric on the 3rd of March 1310. After his elevation he is of course always described by his name of dignity, so that the commission granted to him and Robert de Tibetot, by the so-called *Statutum de Militibus*, cannot have been subsequent to the 11th year of Edward I. We have seen that in the sixth year of that king the circumstances appearing in the instrument in question actually occurred: the general summons then issued was for Christmas; the commissions of two knights for the several counties promised by the instrument were actually issued in the following March; and the two persons named as commissioners for fines were then actively engaged in the service of the crown. It is known that at this Christmas, which was kept by the king in London, there was a large assembly of the principal vassals of the crown, for it was on this occasion that Llewellyn prince of North Wales was brought to London with his chiefs to do homage to the king in the presence of the magnates of the realm.<sup>d</sup> There can be little doubt that it was in this meeting of barons that the concession, known as *Statutum de Militibus*, was made.

That the question of the liability of socage tenants was actually in discussion

<sup>a</sup> See Parliamentary Writs, t. Edw. I. *passim*.

<sup>c</sup> Parliamentary Writs, vol. i. p. 3.

<sup>b</sup> 1 Rymer, *Fœdera*, 885.

<sup>d</sup> Chron. Thom. Wikes, Gale, Hist. vol. ii. p. 106.

in that year is indicated by the returns of the sheriffs already quoted. The so-called *Statutum de Militibus* does not determine this question, except with respect to the tenants in ancient demesne, to whom the term 'sokeman' was especially applied, and who being liable to arbitrary tallage by the king had several immunities from other taxation.<sup>a</sup> With respect to socage tenants of other manors, the right was left to be determined by precedent. I do not find any further mention of this claim of exemption. Lord Coke, indeed, asserts broadly that 'those which hold in socage, of what value so ever, ought not to be knights;' and refers to the *Statutum de Militibus* as shewing this.<sup>b</sup> In principle the great lawyer was no doubt right, but in practice I think that in later times no such exemption was ever admitted. I can find no sign of it in any of the later books except in this passage of Coke, and no such exemption appears to have been claimed when the matter was discussed in the 17th century.

Another question which the *Statutum de Militibus* was intended to determine, related to the liability of persons having a less interest than a fee in their lands. We have seen in the return of the sheriff of Sussex that it was a question whether a person entitled in right of his wife to lands of the required value was liable before the birth of issue and the consequent initiation of the estate by the curtesy. The exemption claimed by persons in this position appears to have been allowed by the king, who directs that the distress shall cease if any person can prove that he has not 20l. of land in fee or for term of his own life. It would seem from this that an ordinary tenant for life was at this time clearly liable, although Lord Coke maintains that by 'tenant for his own life,' in the *Statutum de Militibus*, 'tenant by the curtesy' is intended, and that none but a proprietor having lands which his heir might inherit was liable.<sup>c</sup> A writ of the 20th year of Edward I. is limited to tenants in fee, but this was a special indulgence, and the subsequent writs are in more general terms; and it appears from the Parliamentary petitions of the time of Henry VI. that, as late as the 15th century, tenants were held liable for lands held in right of their wives.<sup>d</sup> In the 16th and 17th centuries the summonses were addressed only to tenants in fee.

The military spirit of the government of Edward I. is shown by the way in which this branch of the prerogative was made to bend to the great object of the king, to obtain ready assistance from his subjects in his wars.

In the 13th Edward I. A.D. 1285, a general respite was granted to all who

<sup>a</sup> See *Termes de la Ley*, sub voce *Sockmans*.

<sup>b</sup> Coke, *Inst.* pt. ii. p. 594.

<sup>c</sup> Coke, *Inst.* pt. ii. p. 596.

<sup>d</sup> Rot. Parl. tom. 5, p. 26.



had less than 100*l.* a-year on account of the good service done to the king in the Welsh expedition. In this writ, however, precaution is taken to lay down the general obligation as applicable to all who have 20*l.* of land or a knight's fee of that value.<sup>a</sup> In the 20th year of Edward I. a summons was issued which was limited to those who had 40*l.* land *in fee and inheritance*, and had held their land for three years past or more, and ought to be knights;<sup>b</sup> and a further writ was issued in the next year commanding the sheriffs to take the lands of defaulters into the king's hand.<sup>c</sup> Five years after, the census is again reduced, the summons of the 25th Edward I. being addressed to those who have 30*l.* of land, or an entire knight's fee of that value.<sup>d</sup>

About the same time, the king having war on his hands, both in France and Scotland, several commissions of inquiry were directed to see that the richer freeholders were provided with horses and arms. A writ of the 24th year of Edward I. 13 January, 1296, appoints Richard, Earl of Arundel, to inquire whether persons having 40*l.* of land, *as well knights as others*, are provided with horses and arms for the defence of the realm.<sup>e</sup> And a writ of the 25th year of Edward I., 24 November, 1296, requires all who have 20*l.* in land, 'as well those who do not hold *in capite* as those who do,' to be similarly provided.<sup>f</sup>

I have already observed the signs which indicate that, so early as the reign of Henry III. the feudal chivalry was becoming less numerous. Considerable efforts appear to have been made to support the decaying institution. Nevertheless, there can be little doubt that the numbers of the knightly class continued to fall off during this and the subsequent reigns.

The returns made by the Sheriffs in 1296 of the persons having 20*l.* a-year and more in land in the several counties are interesting as showing the number of persons then liable to these feudal obligations, and the proportion among them of those who were actually knights. In most of the returns the knights are not distinguished from the others having 20*l.* a-year, but in the return for the county of Northampton<sup>g</sup> the tenants are arranged in five classes. The knights are ninety-seven in number; the clerks having lay fees are eleven; the *armigeri* are forty-

<sup>a</sup> Parliamentary Writs, vol. i. p. 249.

<sup>b</sup> 6th Feb. 20 Edw. I. (1292), Parliamentary Writs, vol. i. p. 257.

<sup>c</sup> 2nd Jan. 21 Edw. I. (1293), Parliamentary Writs, vol. i. p. 258.

<sup>d</sup> Parliamentary Writs, vol. i. p. 280.

<sup>e</sup> Ibid. vol. i. p. 278.

<sup>f</sup> Ibid. vol. i. p. 280.

<sup>g</sup> Ibid. vol. i. p. 288.

one; women, as well secular as religious, are thirty; abbots and priors thirty-seven.

These returns may be compared with those of twenty-six years later, when writs were issued dated the 20th June, 15 Edward II. 1322, to summon all bannerets, knights, esquires (*armigeros*), and other men-at-arms to meet the King at Newcastle, on the vigil of St. James, to march against the Scots. The return for the county of Northampton, which it would have been interesting to compare with that of 1296, is not preserved; but the returns for other counties show a much less proportion of knights as compared with other men-at-arms than existed in the preceding generation. In Buckinghamshire and Bedfordshire, for which counties the returns are apparently most complete, the bannerets and knights are twenty-seven in each, the *armigeri* and *homines ad arma* sixty-eight and sixty. For Cambridgeshire only six knights are returned, one with the King, four *senes et impotentes*, and the sixth *in prisiona*,—and eleven *armigeri*. In the schedules of names returned on this occasion of the several counties the *banereti et milites* are generally classed together, the *armigeri* and *homines ad arma* filling another list, and the latter class is always the more numerous of the two. But Drew de Barentyn, Sheriff of Berkshire and Oxfordshire, makes a more careful return,<sup>a</sup> showing in Oxfordshire three bannerets, ten knights, eighteen esquires, and nine men-at-arms; and in Berkshire four bannerets, eight knights, four esquires, and ten men-at-arms. It is a remarkable proof of the vicissitudes of property in that age that of the forty-one military tenants, including the sheriff, returned for Oxfordshire in 1322, eight only have surnames which are to be found in the list of fifty-eight principal tenants in the same county made six-and-twenty years before.

In the last year but one of Edward the First's reign a summons was issued for the creation of knights, which did not aim, even as a secondary object, at bringing money into the royal exchequer, but was conceived in the genuine spirit of chivalry. Scotland was in insurrection, and the King was resolved to strain every nerve to re-establish his authority in that country. The knighting of the Prince of Wales furnished the occasion of demanding an aid from his subjects, and the same opportunity was seized for propagating a martial spirit among the gentry. Proclamation was made that all those who were not knights and would become knights should come to London before the next Whitsuntide (the day fixed for the knighting of the Prince) to receive from the royal wardrobe of the king's bounty the apparel necessary for their condition, in order that they might be

<sup>a</sup> Parl. Writs, vol. ii. div. 2, p. 592.

ready to take the arms of knighthood at the King's hands upon the day named.<sup>a</sup> This summons was not addressed to the holders of any quantity of land, nor in any way limited in its terms, though it would of course be understood as applying only to those of the military caste. Its principal object was to gather round the King the rising generation of warriors, who during their fathers' lives would not be bound by law to become knights. We learn from Matthew of Westminster that the royal wardrobe was to supply all their military furniture except their mounts;<sup>b</sup> and that three hundred youths, sons of earls, barons, and knights answered the summons, and that purple cloth and fine linen and gold embroidered tunics were lavishly distributed according to the royal promise. The Prince kept his vigil in Westminster Abbey, the young nobles in the Temple Church, being lodged in booths and tents in the Temple garden; and the ceremony of conferring knighthood upon the other aspirants was performed by the Prince after he had himself received his spurs.<sup>c</sup>

It was during the reign of Edward II. that the knightly census was fixed at that amount (40*l.* a year) at which it remained with little deviation until the abolition of compulsory knighthood. In the beginning of the reign of Edward I. knighthood had been enforced upon freeholders of 20*l.* In the latter years of the same king, 40*l.* and 30*l.* were considered a more suitable revenue for the next generation of knights. The first summons which is known of the reign of Edward II. is dated in his sixth year, and fixes the limit at 40*l.*

The ninth year of Edward II. furnishes a solitary example of a general summons for knighthood, expressed to be made by the assent of Parliament. Upon that occasion the census was fixed at 50*l.* a year, and those only were to be called upon, who had held their estates for a whole year preceding. This may be probably taken as expressing the opinion of the community at that time, as to the class of persons who were capable of sustaining the charge and dignity of knighthood.<sup>d</sup>

<sup>a</sup> Parliamentary Writs, vol. i. p. 374. Rymer, *Fœdera*, vol. ii. 1052.

<sup>b</sup> *Admissuri singuli omnem ornatum militare, præter equitaturam, de regia garderoba.* (Matth. Westmon. 454.) As to their encampment, see Arch. Journ. vol. xii. p. 137.

<sup>c</sup> See Matth. Westmon. p. 454. The actual number knighted was 267; see Ashmole's Hist. Garter. pp. 37, 38, where the names of the knights are given. Rymer gives the form of the writ directing the proclamation (*Fœdera*, vol. ii. p. 1052), but has placed it in the year 1307 (35 Edw. I.), instead of 1306 (34 Edw. I.). Carte cites it from the Close Rolls 34 Edw. I. m. 16 d. (Carte's Hist. Eng. vol. ii. p. 296.)

<sup>d</sup> *Proclamatio facta super armis militaribus suscipiendis:—*

Rex Vicecomiti Ebor. salutem. Quia in Parlamento nostro apud Linc. ultimo convocato de communi consilio nostro extitit concordatum quod omnes illi de regno nostro qui habent l. libratas terre vel redditus, aut feodum unius militis integrum valens quinquaginta libras per annum, et eas per annum integrum

The later writs, however, of Edward II., return to the former census of 40l.\* And the same limit was maintained in subsequent reigns.<sup>b</sup>

There would be no great interest in pursuing the subject of compulsory knighthood in detail through the fourteenth and fifteenth centuries. The feudal military organization was rapidly decaying. In the French wars of Edward III. hired captains and hired soldiers took the place of the feudal militia of a former age. The character of the institution of knighthood itself underwent a change. After the period of the Crusades, knighthood was divested of much of its legal and feudal nature, and assumed that more personal and romantic character which we associate with the name of chivalry.<sup>c</sup> The aspect under which knighthood is

tenuerunt, sive de nobis sive de alio teneant, et milites non sunt, arma militaria suscipiant citra festum Sancte Trinitatis proximum futurum vel in eodem festo ad ultimum; tibi precipimus firmiter injungentes quod in pleno comitatu tuo ex parte nostra publice facias proclamari quod omnes illi de balliva tua qui habent l. libratas terre vel redditus aut feodum unius militis integrum valens l. libras per annum et eas per annum integrum tenuerunt de quocunque teneant et milites non sunt, arma militaria suscipiant citra festum supradictum vel in eodem festo, ut est dictum. Et de nominibus omnium illorum qui tantum terre vel redditus sive hujusmodi feodum in balliva tua habent et ea tenuerunt, sicut predictum est, nobis sub sigillo tuo constare facias in festo supradicto, remittens nobis hec brevia. Et scias quod de gestu tuo in executione hujus mandati nostri diligenter inquirere volumus, et extremum remedium super hoc fieri faciemus. T. Rege apud Linc. xxviii. die Febr.

Consimiles litere diriguntur singulis vicecomitibus per Angliam. (Parliamentary Writs, &c. vol. ii. p. 464.)

\* Parliamentary Writs, vol. ii. p. 657, 670, 735.

<sup>b</sup> Cl. 7 Ed. III., pt. 2, m. 14. (Selden's Collectanea in MS. Hale, xii.)

Pro Rege de finibus capiendis ab illis qui ordinem militarem ante festum proclamatum non susceperunt.

Rex Thesaurario et Baronibus suis de Scaccario salutem. Tenores quorundem brevium nostrorum singulis Vicecomitibus nostris per Angliam directorum ad proclamandum quod omnes illi qui quadraginta libratas terre vel redditus per annum habent et eas per tres annos integros tenuerunt ordinem suscipere militarem ante festum Sancte Trinitatis proximo preteritum vel in eodem festo ad ultimum, ac retorna dictorum Vicecomitum facta ad eadem vobis mittimus, in quodem rotulo sub sigillo Venerabilis Patris Willelmi, Archiepiscopi Eboracensis, custodis sigilli nostri, mandantes quod visis tenoribus et retornis predictis Vicecomites predictos quos in executione mandatorum nostrorum negligentes inveneritis vel remissos juxta eorum delicta per amerciamenta et aliis modis quibus expedire videritis puniatis, et fines omnium illorum qui juxta proclamationem predictam ordinem ante festum predictum vel in eodem festo suscipere debuerant militarem et nequaquam susceperant, tam pro transgressionibus hujusmodi quam pro respectu de armis militaribus suscipiendis habendo, capiatis, et nihilominus de nominibus aliorum qui per Vicecomites predictos retornati non fuerunt et qui quadraginta libratas terre vel redditus per annum habent sicut predictum est et milites non sunt per singulos Vicecomites regni nostri si opus fuerit diligenter inquiri faciatis, et de ipsis consimiles fines in forma predicta capiatis, prout juxta discretionem vestram fore videritis facientes. Et hoc nullatenus omittatis. T. R. apud Havring atte Bower xv. die Octobris.

<sup>c</sup> Hallam, Middle Ages, vol. iii. p. 485 (7th ed.).

presented to us in the narrative of Froissart, is that of a brotherhood of arms, to which it is the highest distinction for prince or noble to belong, rather than as a service arising from feudal obligation. In the picture of England at the end of the fourteenth century, given us by Chaucer, in the Prologue to the *Canterbury Tales*, the character of the knight is somewhat that of a knight errant; but his feudal relation is not altogether forgotten:—

Ful worthy was he in his lordes werre.

On the other hand, the Frankleyn or country gentleman, although he had been sheriff and knight of the shire, and is called by the author ‘a worthy vavassour,’ was not a knight. Doubtless he had frequently made fine for having respite of knighthood.

Camden gives it as his opinion, that from the time of Henry III. none were created knights in England except by the King himself, or the King’s eldest son by authority from his father, or by the King’s representative or general in the army, and that for exploits already performed or to be performed, or for their services in the cabinet.<sup>a</sup> This would apparently imply that feudal and enforced knighthood ceased from the time of Henry III. which we have already seen appears to be scarcely in accordance with the evidence of our records. It is difficult, however, to determine at what period the summonses for the reception of knighthood were distinctly recognised to be merely a formal preliminary to the imposition of a fine.

During the period when knighthood was losing its feudal character, the number of knights in the country became much diminished. I have already expressed the opinion that as early as the middle of the thirteenth century the feudal militia was beginning to decay, and the obligation of knighthood to be evaded by the minor military tenants; and I have shown by a comparison of the sheriffs’ returns of the time of the First and Second Edwards, that the chivalry of the country, was, in the fourteenth century, rapidly diminishing. Our legal memorials furnish evidence to the same effect. Owing to the diminished number of knights, a difficulty was experienced in several counties in carrying out that part of the judicial system for which juries of knights were required.<sup>b</sup> In the second year of Edward III., the admissibility of esquires, or ‘serjeants’ as they were called, to form part of the panel in the Great Assise, was established, but the four knights charged with the selection of the jury were ordered to choose

<sup>a</sup> Camden’s *Britannia* (Gough’s translation), vol. i. p. cxlii.

<sup>b</sup> See *ante*, p. 201.

no serjeant as long as they could find suitable knights.<sup>a</sup> In the 39th Edward III. in a writ of right concerning the Castle of Bastelhall—I know not in what county—the sheriff was unable to find more than two knights exclusive of those who were of affinity to the one party or the other.<sup>b</sup> And in the 7th Henry IV. a sheriff—in what county does not appear—made a return that there were no knights capable of serving, but only burgesses. It is somewhat characteristic of our jurisprudence, that the judges refused to recognize the change of circumstances thus brought to their notice, and amerced the sheriff for an insufficient return. Upon the issue of a new writ, four so-called knights were returned, and twelve more elected by them from the county. It would seem that upon the second return, the sheriff, instructed by experience, returned gentlemen or burgesses, under the name of knights, and no objection was allowed to be taken on account of the false description.<sup>c</sup> And the practice, thus settled, continued to be observed up to our own time.<sup>d</sup>

In the middle of the fifteenth century the practice of summoning the 40*l.* freeholders to become knights still continued, and that at very short intervals, but apparently with no other object than the exaction of the pecuniary penalty. The Rolls of Parliament of the reign of Henry VI. furnish evidence that these exactions were felt as a grievance at that time, but the utmost that the Commons ask by way of relief is, that the same person should not be twice fined. A petition of the Commons in the 18th year of Henry VI. set forth, “That divers of the king’s lieges made their fines in the 9th year of his reign for not receiving knighthood, and again in the 17th year of his reign, albeit that divers of them were not seised of lands or rents to the value of 40*l.* yearly, but in right of their wives; and prayed that it might be ordained in Parliament that he who had once made his fine should be thereafter discharged, and that the fines should not exceed similar fines in former times.” The King’s answer was, “Le Roy s’advisera.”<sup>e</sup> Ten years afterwards the Commons adopted an expedient, which has been found useful in later times, of tacking a relieving clause to a grant of supply. In the Bill for a subsidy passed in the 28th year of Henry VI. they inserted the provision, that no person that should be charged with any payment to any part of the subsidy should be compelled or distrained to take the

<sup>a</sup> Year Book, 2 Edw. III. p. 18. Dugdale, by an error singular in such a man, refers to this Year Book, in proof of the privileges of Sergeants at Law. (Dugdale’s Orig. Jurid. p. 110.)

<sup>b</sup> Year Book, 39 Edw. III. p. 2.

<sup>c</sup> Year Book, 7 H. IV. pp. 3, 20.

<sup>d</sup> See note *ante*, p. 201.

<sup>e</sup> Rot. Parl. vol. v. p. 26.

order of knighthood for two years next following.<sup>a</sup> At this period the fact that a tenant of land was serving the King in the capacity of serjeant-at-law seems to have been allowed, or at least to have been pleaded, as a bar to the obligation of knighthood.<sup>b</sup>

It was a doctrine established by our lawyers in the fifteenth century, that the style of a knight "is a name of dignity and of the inferior degree of nobility, and therefore is parcel of his name,"<sup>c</sup> and it was held to be a consequence of this doctrine, that if a writ in an action at law was taken out by a person in his own name without addition, and he became a knight during the pendency of the action, the writ should abate for *misnomer*. This inconvenient rule of the law courts gave rise to a provision in the statute of the 4th Henry VI., that the writs and suits of persons who were made knights by the King during that Parliament should not abate in consequence of their acquisition of dignity. The legality of the rule was discussed in the Common Pleas in the 7th year of the same king, when the statute of three years before was referred to as a proof of the law as understood by the lords and judges at that time. The observations of the Chief Justice in this case contain an anecdote, which is curious as showing that the Government began at this time to be occasionally pressed with the inconvenience of knighthood being demanded, in accordance with the royal summons, by persons whose birth and station made them unfit to receive it. The plaintiff in the action had voluntarily accepted the dignity of knighthood, but it was very reasonably argued by his serjeant that he ought not to suffer for doing that which, if he had not voluntarily done, he was compellible by law to do. Chief Justice Babington, in answer to this argument, is reported to have said: "At the Parliament held at Leicester, it was ordained that the writs of knights made at that time should not abate, and yet none of them were made against their will; and the lords and justices understood the law such at that time. And I know that the King can compel people of 40*l.* of inheritance to be made knights, and that by writs which shall issue out of the Exchequer; and if they

<sup>a</sup> Rot. Parl. tom. v. p. 173 See further Rymer, *Fœdera*, vol. xi. p. 389. (35 H. VI. 1457.)

<sup>b</sup> See Dugdale's *Origines*, p. 137, (citing Comm. term. Mich. 9 H. VI. Rot. 14 dors). where it is said that Rolfe, Serjeant, made use of this plea. But Sir Edward Littleton, Charles I.'s Solicitor-General, in arguing the Ship-money case, is represented as asserting that judges were not exempted from being made knights; (referring to Trin. 5 Ed. IV. Moyle, 13 H. IV. f. 23); and that clergymen were compelled, nay even a serjeant at common law sworn at Common Pleas was compellable: that Sir John Hulbert in Henry VII.'s time was compelled to be a knight; and that (9 or 29 H. VI.) Rolfe, a stout serjeant, pleaded that he was a serjeant at common law, and not bound to be a knight, *but he was forced to it*. (State Trials, vol. iii. p. 930, ed. 1809.)

<sup>c</sup> See Coke, *Inst.* pt. 2, p. 594.

appear not at the first day, but come afterwards ready to take the order and honour, *de rigore juris* ought they not to be received, but shall make fine for contumacy and deceit. And once writs issued for men who could expend 40*l.*, and the second day came a great burges of Southwark, who could expend an hundred marks, and they were in great doubt how by law they could waive him, and at last it was void, inasmuch as he came at the second day." Upon the point before it, the Court appears to have doubted whether, if the knighthood was compulsory, and 'the law threw the name upon him,' the plaintiff's writ should abate, but, since in the principal case no compulsion was alleged, '*opinio curiæ fuit clerement, que le brief abatra.*'<sup>a</sup>

An Act of Parliament was passed in the 19th year of Henry VII., which after reciting the King's determination that Prince Harry Duke of York should be created Prince (of Wales), "for the encrease, honour, lawde, and tryumphe of the whiche creacion dyvers of the King's subjectts are commaunded by the King's Highnesse accordyng to his moste honorable lawes to take upon them the honour and degree of knyghthode at the tyme of the said creacion," enacted that the knights made upon this occasion, and every other person that shall happen hereafter to be made knight in such like case or otherwise by the King or his successors, should be able to pursue their actions without abatement.<sup>b</sup> It is remarkable, however, that this statute, which was clearly intended to apply to all future creations as well as to the occasion for which it was passed, appears to have been entirely overlooked, and the practice in the courts of law continued as before.<sup>c</sup> The Act did not appear in any printed collection of the statutes, until the recent edition of the Statutes of the Realm.

The right of imposing fines for neglecting to take the order of knighthood was not likely to escape the notice of the ministers of Henry VII.; and this method of exacting money appears to have been employed in the year 1500,<sup>d</sup> and very probably on other occasions during this reign. Rymer has printed a writ, dated 7th December, 1500, which seems to show that the fines were at that period rigorously exacted. It recites the issue of summonses to become knights, and the imperfect returns made by the sheriffs of persons liable to this duty, and requires the sheriffs to make complete returns of all persons within their counties having 40*l.* a year in land and not being knights.<sup>e</sup> But among the less defensible

<sup>a</sup> Year Book 7 Hen. VI. 15.

<sup>b</sup> Stat. 19 Hen. VII. c. 31 (printed in the Statutes of the Realm).

<sup>c</sup> See Dyer's Reports, 35 H. VIII. p. 55b; Coke's Reports, pt. vii. p. 27b.

<sup>d</sup> Carte's History, vol. ii. p. 857.

<sup>e</sup> Fœdera, vol. xi. p. 770.



extortions practised by the Crown at that period, this time-honoured abuse does not seem to have attracted much attention.

It appears from the Records of the Exchequer, that a general summons to the 40*l.* freeholders was issued in the first year of Henry VIII. and that some proceedings were taken in the Exchequer for obtaining fines from defaulters.<sup>a</sup> It is probable that upon this occasion the penalties were not very rigorously exacted. When the tax was revived, twenty-three years after, upon the occasion of the coronation of Anne Boleyn in 1533, the fines were more strictly enforced, and the matter has attracted the notice of historians.

We read in Hall's Chronicle, under the 24th year of Henry VIII., that the King appointed the coronation of Anne Boleyn to be kept on Whit Sunday, "And writynges wer sent to all shrives to certifie the names of menne of fourtie pounce to receive the ordre of knighthod or els to make a fine, the assesment of whiche fines were appoynted to Thomas Cromwell, whiche so pollitikely handeled the matter that he raised of that sessyng of fines a greate somme of money to the kynges use."

A curious error is made in Carte's History of England, where the author, in defending the measures of Charles I., states that writs of summons for knighthood were issued in the 37th year of Henry VIII., in which the qualification was reduced to 20*l.*<sup>b</sup> There is no copy of any such writ in the record to which he refers, and the statement probably arose from a misreading by the author of some note or memorandum in his possession of the writ of the 37th Henry III. already mentioned.<sup>c</sup> Mr. Carte refers to this imaginary summons of Henry VIII. as "the last of those triennial summonses which gave occasion to the mandate being restrained to such as had been three years in possession of their estates." This description appears to contain a further error both in matter of fact and theory. It is true that the summonses in later times were confined to those who had held their estates for three years; but there is no ground for supposing that summonses for knighthood were ever issued triennially. Wherever consecutive summonses can be traced, they appear to be issued at quite irregular intervals and at various periods of the year. The origin of the limitation appears to have

<sup>a</sup> Communia, Mich. 1 H. VIII.; do. Hil. 1 H. VIII.; abstracted by Selden, Hale MS. xii. in Lincoln's Inn Library.

<sup>b</sup> Carte's Hist. Eng. vol. iv. p. 148.

<sup>c</sup> Mr. Carte refers to Claus. 37 H. VIII. m. 25 dors. and says that the writ is dated at Clarendon, November 7, and required attendance at the following Easter. There appears to be no endorsement upon the Close Roll of 37 Henry VIII., and Clarendon had long ceased to be a royal residence. The reader will see the origin of the mistake in the writ given *ante*, p. 205.

been the indulgence granted by Edward I. at a time when the service of knighthood involved considerable preparation and expense. In the *Statutum de Militibus* the fact of having recently come into possession of the land was admitted as a reason for allowing a respite upon payment of a fine. And in the later summonses of Edward I. and in those of Edward II. a general respite was allowed to all who had lately acquired their estates. The period fixed was sometimes one, sometimes two, and sometimes three years. The last appears to have been finally adopted in the common forms used in the Chancery or Exchequer, and is found in the writs issued in the reign of Charles I.

Under Edward VI., Mary, and Elizabeth, proclamations were made before the several coronations for gentlemen of 40*l.* a-year to come in and receive their knighthood. And there is evidence that in the two former reigns some proceedings were taken to make a profit by the defaulters. Among the state papers of the first year of Edward VI. is a list of the names of such persons certified by the sheriffs as have not compounded for their fines for knighthood;<sup>a</sup> and among the papers cited by Mr. Noy in his MS. notes upon the legal proceedings in the matter of knighthood-money hereafter mentioned, is a paper in the Exchequer dated the first year of Mary, being a schedule of 'the tax of those who took not the order of knighthood according to the proclamations.'<sup>b</sup>

It is evident that in the 16th century the practice of summoning landowners to become knights had come to be regarded as a somewhat obsolete custom which required the excuse of a coronation or similar national festival to justify its occasional revival. Sir Thomas Smith in his *Commonwealth of England* alludes to it as follows: "*Census Equester* was among the Romans at divers times of divers value; but in England whosoever may dispend of his free lands forty pounds sterling of yearly revenue, by an old law of England, either at the coronation of the King, marriage of his daughter, or at the dubbing of the prince a knight, or some such great occasion, may be by the King compelled to take that order and honour, or to pay a fine, which many, not so desirous of honour as of riches, had rather disburse. Some, who for causes are not thought worthy of that honour and yet have ability, neither be made knights, though they would, and yet pay the fine of forty pounds sterling at that time when this order was made, which maketh now a hundred and twenty pounds of current money of England."<sup>c</sup> I cannot find any other authority for the amount at which the fine is here stated, or for the mode of dealing with those not thought worthy of the honour.

<sup>a</sup> Calendar of State Papers, 1547—1580, p. 5.

<sup>b</sup> Lansdowne MS. 253, p. 456.

<sup>c</sup> Smith, *Commonwealth of England*, lib. i, cap. 18.

By the end of Elizabeth's reign compulsory knighthood was regarded, even in the law courts, as a thing of the past. Lord Coke, in his Report of Sir Hugh Portman's case (Pasch. 40 Eliz.), in discussing the abatement of the plaintiff's writ in a *quare impedit*, which was still held to be a consequence of his becoming a knight, says that it is peremptory; "for, as we see by common experience in these times, the same is the plaintiff's act, and none is forced or compelled to it."<sup>a</sup> The writer little thought at this time that he would see before his death the exactions of the thirteenth century revived under the pretence of a neglect of this obsolete duty.

It is well known that Elizabeth was sparing of her honours, and knighthood came to be regarded during the course of her long reign as a more valuable distinction than it had previously been considered. Hence, in the commencement of the reign of her successor, there was no lack of gentlemen anxious to receive from his more lavish hands the honours of chivalry. Two thousand three hundred and twenty-three gentlemen are said to have been knighted in this reign, after the King's accession to the English crown, of whom about nine hundred were created in the first year.<sup>b</sup> On his journey from Scotland he had already dubbed two hundred and thirty knights before he arrived in London.<sup>c</sup> Among the other preparations for his coronation, proclamations were made in the ancient form for all who possessed 40*l.* a year to come in and receive their knighthood. And at the same time a commission was issued to the Earl Marshal and others authorising them to make preparations for the creation of the Knights of the Bath, who had been "specially called," and also to knight such persons as should be named by the King or thought meet by the commissioners, not exceeding three score in the whole.<sup>d</sup> A similar commission had been issued on the occasion of the last coronation, when the number was limited to thirty.<sup>e</sup>

On the 23rd of July, 1603, two days before the coronation, the King bestowed the knightly salute upon the almost incredible number of four hundred gentlemen. The names of these gentlemen are to be found in Nichols's *Progresses of King James I.*, vol. i. p. 205; and they are supposed by that author to have

<sup>a</sup> Coke, Reports, Part vii. p. 27b.

<sup>b</sup> Philipot's Catalogue of Knights made by King James I. Nichols's *Progresses of James I.* vol. i. p. 54. Spelman states that at Elizabeth's death there were scarcely three hundred knights in all England. (*Reliq. Spelm.* p. 179.)

<sup>c</sup> Nichols's *Progresses of James I.* p. 120.

<sup>d</sup> Rymer, *Fœdera*, vol. xv. pp. 530, 533.

<sup>e</sup> Rymer, vol. xv. p. 497.

attended in obedience to the general proclamations issued a few days before. I think it more probable that the four hundred were selected by the government from the principal gentry of the various counties. There is a curious letter from the Shrewsbury Papers printed in Lodge's *Illustrations of History*, which seems to indicate that special invitations were directed to persons not known at court, and shows that the honour of knighthood was at this period much coveted and prized. The writer, Henry Tamworthe, pleads with the Earl of Shrewsbury for a cousin and friend who was "called at the coronation," and made default from some accidental cause, but who still desires to become a knight, having paid most of his fees, and is willing to pay something beyond for securing the honour. It seems that 100*l.* had been agreed to be paid to Sir William Stewart for "perfecting the suit," but the writer is anxious that the price should be "drawn down," but if this cannot be done it must go forward, and upon perfecting the work he promises that his servant "shall make an assured payment at one hour's warning."<sup>a</sup>

Mr. Nichols is not alone in his supposition that the profuse creation of knights before the coronation of King James I. was caused by the attendance of the freeholders in obedience to the general proclamations. The same opinion has been adopted by Mr. Hallam, who supposes that the object of the proclamation was to raise money from those who thought the honour too troublesome and expensive; "but such as chose to appear," he adds, "could not be refused, and this accounts for the king having made so many knights during the first year of his reign."<sup>b</sup> In another of his notes the same author confesses that there is some difficulty about the matter which he cannot clear up, nor comprehend why 'the title,' if it could be had for asking, was so continually declined, unless it were that the fees of knighthood greatly exceeded the composition. "Perhaps," he suggests, "none were admitted to the honour who could not prove their gentility, though the fine was extorted from them."<sup>c</sup>

We have seen that it had been customary at the commencement of several previous reigns to issue the same general summons to the 40*l.* freeholders, but I think there is reason to doubt whether for a century and a half at the least this formal summons was intended to be literally understood by those to whom it was addressed. I have already mentioned Chief Justice Babington's anecdote of the burgess of Southwark, and of the perplexity into which the court was thrown in consequence of the proclamation being taken by this worthy *au pied de la lettre*.

<sup>a</sup> Lodge, *Illustrations of History*, vol. iii. p. 229.

<sup>b</sup> Hallam, *Constitutional History*, vol. i. p. 461 (note).

<sup>c</sup> *Ibid.* vol. ii. p. 13 (note).

This was as far back as 1429. The distinction between gentle and roturier had never been very clearly defined in England. The very lands (or knight's fees), the possession of which had originated the obligation, and which on the continent would have been reckoned as *terres nobles* or *Rittergüter*, and not permitted to be purchased except by gentlemen, were indifferently held by nobles and yeomen, and tenure by socage was so far more advantageous that no one was anxious to hold by military service. "Though," says Coke, "it were in ancient times a badge of gentry to hold by knight's service, yet now *tempora mutantur*, and many a yeoman, burgess, or tradesman, purchaseth lands holden by knight's service, and yet," he adds, "ought not to be made a knight."<sup>a</sup> And if the heraldic distinction of gentry had been adopted, and knighthood refused to any who could not produce his coat of arms, still the ancient census of 40*l.* a year had become altogether unsuited to the fortunes of the sixteenth and seventeenth centuries. I believe that the summonses which usually preceded the coronation had been considered for several reigns a mere formality, except so far as they may have been used as a means of levying a small tax upon the landowners, and that the persons actually knighted upon these occasions were always selected by the government. The form of writs ordering the usual proclamations before the intended coronation of Edward V., in 1483, and also the special summons then addressed by name to fifty gentlemen to receive the honour of knighthood, are preserved.<sup>b</sup> Upon the several occasions during the Tudor reigns when general summonses are known to have been issued I do not find any large number of knights actually created. I have mentioned the proclamations made by Henry VII. in 1500, which, so far as the fines were concerned, seem to have been rigorously enforced. But in the list (which appears tolerably full) of knights made by this monarch, preserved in the Cotton Collection, there are no creations at all between 1497 and 1501. On occasion of the coronation of Anne Boleyn, when a general summons was again issued, in addition to eighteen knights of the Bath, only twenty-one knights appear to have been actually made "with the sworde," all of them persons of distinguished names.<sup>c</sup> At the coronation of Edward VI. forty knights were made "by his Highness being crowned." These were "knights nominate of the Bath," but not created with the usual ceremonies, "because the time was so short;" and no other knights bachelors were

<sup>a</sup> Coke, *Inst.* pt. ii. p. 595.

<sup>b</sup> MS. Harl. 433, printed in Rymer's *Fœdera*, vol. xii. pp. 181, 185, and in *Grants, &c. of King Edward V.* (Camden Soc. 1854), pp. xxxii. 23, 70.

<sup>c</sup> MS. Cotton. Claud. C. iii.

created.<sup>a</sup> Before the coronations of Queen Mary and Queen Elizabeth commissions were issued to the Earl of Arundel to make knights, but the number was limited on the first occasion to threescore, and on the latter to thirty, and the persons were to be such as the Queen should name or as the commissioner should think meet.<sup>b</sup> In fact less than thirty knights appear to have been made at Queen Elizabeth's coronation. It seems most probable that the general proclamations, which were latterly confined to the times of coronations, were universally understood, so far as concerned the reception of the dignity, as restrained in their interpretation by the special summonses issued at the same time.

After the general summons issued by King James a commission was issued, also according to the precedents of the commencements of previous reigns, for compounding with those who had failed to obey the summons.<sup>c</sup> It does not appear whether any proceedings were taken under this commission. I am disposed to think that none were taken.

It has indeed been assumed by several modern historians that the proclamations for the creation of knights at the commencement of the reigns of Elizabeth and James I. were made by those sovereigns for the purpose of raising money by the fines of defaulters. Mr. Hallam, speaking of the exactions of the time of Charles, says that Elizabeth, once in her reign, had availed herself of this ancient right.<sup>d</sup> And we have seen that he assumes the object of the proclamation of James the First was to raise money from those who thought the honour too troublesome and expensive.<sup>e</sup>

Hume, in defending the measures of King Charles I., says that King Edward VI. and Queen Elizabeth had both made use of this expedient for raising money, and that "the law was pretended to be obsolete, though only one reign had intervened since the last execution of it."<sup>f</sup> It is a curious illustration of the carelessness of this historian, that, although he cites Rymer's *Fœdera* as his authority for the acts of Edward VI. and Elizabeth, he had not discovered the similar proceedings of the first year of James I., which are also to be found in the same collection, and which, according to his view of their object, would have so materially strengthened his argument.

<sup>a</sup> Coronation of King Edward, printed in Literary Remains of King Edward VI. (Roxburghe Club, 1858), p. ccxcix. See also MS. Cotton. Claud. C. iii. f. 151.

<sup>b</sup> Rymer, *Fœdera*, vol. xv. p. 497.

<sup>c</sup> Ibid. vol. xvi. p. 530. See vol. xv. p. 504.

<sup>d</sup> Hallam, *Constitutional History*, vol. ii. p. 13. See also Brodie, *Hist. of British Empire*, vol. ii. p. 283.

<sup>e</sup> Ibid. vol. i. page 461 (note).

<sup>f</sup> Hume, *History of England*, vol. vi. cap. 52, p. 294 (ed. 8vo. 1802).

If Mr. Hallam's supposition is correct that the obligation of assuming knighthood was made the occasion of exacting money from defaulters in the time of James I. it is remarkable that no evidence of any such proceedings has appeared. Such a precedent would have been fresh in the recollection of men in the following reign, and yet I find no reference made to it. Clarendon, in his qualified defence of the proceedings of Charles, speaks of it as the revival of an obsolete law.<sup>a</sup> In such notices as I have been able to find of the legal proceedings in this matter in Charles's time no reference is made to any precedents of the preceding reign. And in the ship-money case, where the right of enforcing knighthood is mentioned in the argument of the Solicitor-General Sir Edward Littleton, the precedents cited by him are all of an ancient date. The practice of the Government of King Charles I. offers no support to the supposition that any profit had arisen from this usage in the preceding reign, for, as we shall see, the financial use made of the general proclamations issued at the coronation of Charles appears to have been an afterthought. On the other hand, King James, in his speech to the Parliament 21st March, 1609, alludes to his liberality in making knights at the commencement of his reign in a manner which would have been altogether inappropriate if the creation of so large a number had been part of a scheme for raising money. After apologising for the great cost of his government, and for his own profuseness, he adds: "But that vastness of my expence is past, which I used the first two or three years after my coming hither. And, as I ort used to say, Christmas and open tide is ended; for at my first coming here, partly ignorance of this state, and partly the form of my coming being so honourable and miraculous, enforced me to extend my liberality so much the more at the beginning. Ye saw me make knights then by hundreths, and barons in great numbers, but I hope you find I do not so now, nor mind not to do so hereafter."<sup>b</sup>

And Sir Richard Baker, who was himself one of the knights created in the first year of James, after having expressly mentioned, as his predecessors Hall and Holinshed had done, the fines levied upon pretence of knighthood by King Henry VIII. on the occasion of the coronation of Anne Boleyn, makes no mention of any subsequent exactions of a similar kind, and speaks of King James's proceedings in a manner which does not lead one to suspect that the lavish distribution of honours in the first year of his reign was in any way connected either with the feudal obligation or with the profits of the Exchequer.

<sup>a</sup> Clarendon's Rebellion, Book I. vol. i. p. 119 (ed. 1826).

<sup>b</sup> King James's Works (fol. 1616), p. 542.

"The King," he says, "carried himself most affable, and distributed his favours in most plenteous manner, especially in conferring the order of knighthood. . . . At Theobalds he made eight-and-twenty, of which number the compiler of this work, though the unworthiest, was one, at the Charter House above four score, and not many days after no fewer than at least a hundred, and before the year went out God knows how many hundreds, that one would wonder what the king would do with so many *milites*, having no war toward. But it was indeed fit to give a vent to the passage of honour, which during Queen Elizabeth's reign had been so stopped that scarce any county of England had knights enow to make a jury."<sup>a</sup>

Lord Coke's Commentary on the *Statutum de militibus*, in the second part of his Institutes, was not published until after the death of the author, who lived to see the revival of the exaction of 'knighthood-money,' but not its abolition. It is probable, however, from internal evidence, that his commentary was written before the excitement which was caused by this abuse; and it is remarkable that his precedents and authorities are all of an ancient date, and there is nothing which would lead a reader to suppose that the power of fining defaulters had been exercised within his own recollection.

It is true that some profit appears to have been derived from the creation of knights, when the honour was sold to those who were anxious to obtain it. This profit, however, found its way into the hands of courtiers rather than into those of the King, and I do not know that it is in any way proved that simple knighthood was directly sold by the crown in the reign of James I. The letter of Henry Tamworth, which shows that 100*l.* was promised to a courtier for obtaining the honour, has been already mentioned. And among the State Papers calendared by Mr. Bruce is a letter from William Bruce to the Queen in 1603, praying her interest with the King that he may have the profit of making four knights or two serjeants-at-law. We may perhaps conclude from this that if the power of recommending a knight was worth 100*l.* the patronage of a serjeant was expected to produce twice that amount.

The fees paid to the King's servants and heralds upon receiving the honour of knighthood during the latter part of the reign of James I., and which remained without alteration during the reigns of Charles I. and Charles II., usually amounted to between 60*l.* and 70*l.*<sup>b</sup>

I now come to the history of the last and most memorable summons for the

<sup>a</sup> Baker's Chronicle, p. 402.

<sup>b</sup> I am indebted to Thomas William King, Esq. F.S.A. York Herald, for this information. Several accounts of fees due from new-made knights (t. Jac. I. et Car. I.) are preserved in the collections at Heralds'



assumption of knighthood. Before the coronation of Charles I., in 1625, the customary proclamations were directed to be made for the knighting of all persons having 40*l.* a year in land.<sup>a</sup> The writs were made returnable on the 31st January, 1626. The letter of Lord Keeper Coventry to the Secretary Conway, dated the 30th of December, 1625, in which the writer sends, for the King's signature, the warrant authorising the general summons to be issued, is abstracted in the recently published *Calendar of State Papers*. The writer represents that it is usual at coronations to summon gentlemen of likelihood to come and take the degree of knighthood; and states that the warrant sent for signature is similar to the one which passed in the King's father's time. It is a curious fact that in the Secretary's answer, written at Hampton Court the same day, he states that the King refuses to sign the warrant.<sup>b</sup> The reason for this refusal is not mentioned, but it may be conjectured that the new King was not desirous of following any precedent of the previous reign with respect to the distribution of honours, and was shocked at a proposition which appeared to bind him to confer the distinction of knighthood upon persons of so humble a class. His objections were probably removed by the explanation that the summons was part of the ordinary formalities of the coronation, and that it was not intended to be acted upon in its literal sense.

The multitude of knights created by King James before his coronation has, as we have seen, given some colour to the supposition that the proclamations were at that time literally understood. It is quite clear that in the time of Charles nothing was done in obedience to them. If we may give credit to an apparently full list of knights made by King Charles between 1625 and 1633, preserved in the Harleian collection, none were made between the 29th of December, 1625, and the 12th of April, 1626.<sup>c</sup> In the preamble to the statute, passed at the commencement of the Long Parliament by which the custom was abolished, it is one of the grievances stated, that the persons summoned were

College. (MS. Herald. vol. vi. f. 308-313.) It appears that the fees had been considerably raised in the year 1616. (See the *State Paper Calendar* for that year.) The particulars may also be seen in Nichols's *Hist. Leicestershire*, vol. iv. p. 729, where the bill is given (amounting to 73*l.*), which was paid by Sir John Onebye, knighted August 16, 1672. In some instances the fees appear to have been under 50*l.* Sir Simon Archer, knighted by King James I. in 1624, states that he paid 48*l.* 2*s.* 8*d.* for all fees due to the king's servants. (Nichols's *Progresses of King James I.* vol. iv. p. 1001.) And in 1620 Sir James Whitelock paid 44*l.* 17*s.* (*Liber Famelicus*, Camd. Soc. p. 84.) Mr. King informs me that the present fees on receiving knighthood amount to about 25*l.*

<sup>a</sup> Rymer, *Fœdera*, vol. xviii. p. 278; Whitelock, *Memorials*, p. 2.

<sup>b</sup> *Calendar of State Papers*, 1625, 1626, p. 192.

<sup>c</sup> Harl. MS. 983.

ignorant how or in what sort or where they should address themselves to receive the dignity.<sup>a</sup> And Spelman, who gives an account of the transaction in the Dissertation on Knighthood printed in his posthumous works, says that it was indifferent whether those who were summoned in King Charles's time came or not, for they did not know where they could make an effectual legal appearance, as it was a moot point for long after whether their appearance could be recorded in the Exchequer or before the Earl Marshal or Great Chamberlain; and it was at last held that the appearance should be registered in the Chancery, although the words of the writs were, "before the King's presence."<sup>b</sup>

It appears from some subsequent proceedings that, whether intentionally or otherwise, the proclamations were not actually made in Yorkshire and probably in others of the counties until the day previous to the period within which the persons summoned were to appear in London,<sup>c</sup> so that obedience to them was not only not expected but was physically impossible.

Whether the lord keeper, in suggesting the adherence to this custom, had in his mind or imparted to the other ministers any idea of the use which might afterwards be made of it for supplying the necessities of the crown is left to conjecture. The subsequent facts appear rather to negative such a supposition. If the proclamations of the first year of Charles had been ordered with a view to the use subsequently made of them, there can be little doubt that when the second Parliament had met and parted in the first half of the year 1626 without granting a supply, recourse would have been had to this expedient of raising money, for which there was so strong a show of precedents. Such a measure,

<sup>a</sup> Stat. 17 Car. I. c. 20.

<sup>b</sup> Proclamatur, ut de more, per comitatum; sed venientibus et non venientibus a Carolo Rege evocatis sors plerumque eadem. Nesciebant enim qui venerunt ubi suam exhiberent præsentiam, eandemque facerent recordari. Opinantur quidam coram Baronibus in Scaccario, quidam apud comitem Marescallum, quidam apud Magnum Camerarium Angliæ; et dum caligant singuli deviant omnes. Tandem enim definiri perhibent in cancellariâ registrandum. Verba autem brevis sunt, *coram Regis præsentia*. Et dum regium sic opperiantur otium et beneplacitum, facultatum partem non exiguam, forte etiam et ævi, minuant. Vicecomites autem summonitorum nomina Baronibus exhibent Scaccarii, hi vicissim Commissariis a Rege delegatis, ad componendum statuendumque de animadversione pecuniaria in evocatos, velut contumaciæ reos, sigillatim imponenda; quam si (gravem licet) non admiserint vel subterfugiendo detrectaverint, e terrarum suarum usufructibus, quos Exitus vocant, Barones Scaccarii regi addicunt, primo termino, 40s.; secundo, 4l.; tertio, 8l.; quarto, 12l.; quinto, 16l.; atque ita pro arbitrio assurgentes. Fuit retroactis seculis animadversio a commissariis imposita satis levis, sed hodie gravis admodum; tenuis enim fortunæ viri olim 20, 30, 40 solidis plectebantur, hodie libris todidem; et ditiores nonnulli ducentis, trecentis, quadringentis. (Reliquiæ Spelmanianæ, p. 175.)

<sup>c</sup> Rushworth, vol. ii. p. 135. (See post, p. 241.)

however, does not seem to have been suggested at this time to the financial advisers of the Crown; and it was not until the 29th of May, in the fourth year of Charles, 1628, that a commission was issued to the Lord Treasurer, the Chancellor of the Exchequer, and others, "to tax and assess fines as well for default in not obeying the summons of the first year of the reign, as for having respite of assuming the arms of knighthood."<sup>a</sup> It is remarkable that this commission was made out during the sitting of the third Parliament, at a time when the two houses were discussing the terms of the Petition of Right, when the supply was not yet voted, and the House of Commons was beginning to investigate the royal claim to tunnage and poundage,—an act of presumption which led to the sudden prorogation of the Session on the 26th of June following. The commission was probably unknown to the Commons. Its existence furnishes a commentary upon the well remembered words in the King's speech upon the opening of Parliament:—"If you, as God forbid, shall not do your duties in contributing what the state at this time needs, I must, in discharge of my conscience, use those other means which God hath put into my hands."<sup>b</sup> Five subsidies were voted on the 12th of June, after the Petition of Right had received the royal assent, and no notice of the threatened exaction of knighthood money appears upon the Journals of the House. The final dissolution of the Parliament took place on the 10th of March, 1629, and it was in the course of the following year that this plan of relieving the Exchequer was first seriously taken into consideration.<sup>c</sup> The precedents of former reigns were then looked into, and the mode of proceeding determined.<sup>d</sup>

The Commission of 1628 was probably never acted upon. Its legality was questionable, inasmuch as it imposed upon the commissioners the duty of assessing fines, a judicial function which properly belonged to the Court of Exchequer.<sup>e</sup> On the 28th of January, 1630, a new commission was issued.<sup>f</sup> It is remarkable that

<sup>a</sup> Rymer, *Fœdera*, vol. xviii. p. 1020.

<sup>b</sup> Speech of Charles I., 17th March, 1628. (Rushworth, vol. i. p. 476.)

<sup>c</sup> All the contemporary authorities are agreed that the grievance of knighthood money did not commence until after the King's final breach with Parliament. (See the "Remonstrance," presented to the King, December 1, 1641, *Parl. Hist.* vol. ii. p. 950; Rushworth, vol. ii. p. 70; Clarendon's *Rebellion*, vol. i. p. 119 (ed. 1826); Whitlock, *Memorials*, p. 33.)

<sup>d</sup> The *Calendar of State Papers, 1629-31* (p. 147), mentions a *Paper of Precedents* stated by Richard Wright of fines imposed on persons, who, having, temp. Hen. II. (*qu.* III.) 10*l.* or 15*l.*, and temp. Hen. VIII. 40*l.* a year in lands, omitted to take the order of knighthood, with suggestions of the way in which the King might proceed to levy fines upon the same ground. This paper is without date.

<sup>e</sup> See Coke, *Inst.* pt. ii. pp. 597, 598; Speech of Mr. Hyde, Rushworth, vol. iii. p. 1353.

<sup>f</sup> Rymer, *Fœdera*, vol. xix. p. 119.

in this commission, in order to give a more legal colour to the intended proceedings, the writs for the proclamations are recited to have been issued, "according to the form of the statute in such case made and provided," the statute referred to being apparently the so-called *Statutum de Militibus*;<sup>a</sup> and the commission is "to treat and compound with all who were willing to make fine with the King for their contempt in the premisses, and for discharge of the said knighthood for this time." The commissioners were more numerous than in the former commission, and included the Lord Keeper Coventry, and Lord Wentworth, President of the Council of the North.

During the two years following the issue of this renewed commission vigorous efforts were made by the government to make the imposition profitable.<sup>b</sup> The sheriffs were ordered to furnish more complete returns of the gentry and others having 40*l.* a-year; and, in July, 1630, additional lists of commissioners were named for compounding with the persons liable to the fines in their several counties. This measure was announced by royal proclamation as adopted for the relief of the subject.<sup>c</sup> Noblemen were at the same time summoned to attend in person or by attorney before the Privy Council for the same purpose.<sup>d</sup>

About the same period a declaration (apparently extra-judicial) was obtained from the Barons of the Exchequer, fortified by the opinion of the law advisers of the Crown, in favour of the legality of the royal claim; and it was intimated, through the Commissioners, to those whom it might concern, that no further commissions would be issued, but those who now refused would have no other recourse for it but to the Council.<sup>e</sup> The sum to be received from compounders was fixed at the tax which would have been paid by the same persons upon the grant of three subsidies and a half, according to their rating in the subsidy books.<sup>f</sup> This was a moderate composition, since a single subsidy levied upon the whole kingdom did not produce more than 70,000*l.*;<sup>g</sup> and even this rate of composition does not seem to have been always exacted.<sup>h</sup> On the other hand there is reason to believe that when any persons had shewed a decided disposition to resist the proceedings of the government, the Commissioners were not satisfied without a much higher fine. We learn from Sir Henry Spelman that persons

<sup>a</sup> See *ante*, p. 216.    <sup>b</sup> Rushworth, vol. ii. p. 70.    <sup>c</sup> Rymer, *Fœdera*, vol. xix. p. 175.

<sup>d</sup> Rushworth, vol. ii. p. 71. Some satirical verses on "Knighthood money" are printed in Hunter's *Hallamshire*, p. 104, commencing

Come all you farmers out of the country,  
Carters, plowmen, hedgers, and all.

<sup>e</sup> Letter from the King to Sir Henry Mildmay and others, Commissioners for the county of Essex, 4 Aug. 1630. *Calendar of State Papers, 1629-31*, p. 321.

<sup>f</sup> Rushworth, vol. ii. p. 70.

<sup>g</sup> Coke, *Inst.* pt. iv. p. 33.

<sup>h</sup> Rushworth, vol. ii. p. 725.

even of small fortune had to pay 20*l.*, 30*l.*, or 40*l.*, and some of the richer class from 200*l.* to 400*l.*;<sup>a</sup> but the majority of the landowners, especially those of small means, were glad to avoid further vexation by a comparatively trifling payment. It was not, however, to be expected that so unusual a tax could be collected without some opposition. Several of the sheriffs were unwilling agents in the exaction, and their returns were conceived to be partial and negligent. The Attorney-General was accordingly directed by the Council to proceed against such as had been most delinquent in that kind.<sup>b</sup>

The proceedings of the Commissioners for Huntingdonshire are detailed by Mr. Bruce in the preface to his volume of the Calendar of State Papers, 1629-1631. Oliver Cromwell, then resident at Huntingdon, was among the compounders, his composition being set at 10*l.*; but, from the manner in which his name is inserted in the list, Mr. Bruce has been led to the conclusion that the composition was paid by him, or possibly for him by his uncle Sir Oliver Cromwell who was one of the Commissioners, after the list had been made up, without his name originally appearing in it.<sup>c</sup>

Some of the more considerable gentry in several counties were still resolved to try the legal right by refusing to compound, and thus forcing the government to take proceedings against them in the Exchequer. Writs were accordingly issued against several gentlemen, summoning them to appear in the Exchequer in Trinity Term, 1631. In some of these proceedings it would seem that William Noy, so well known afterwards for his ill-omened support of the royal prerogative as Attorney-General, was counsel for the defendants. Some papers, in the Lansdowne Collection of MSS., which are said to be in his handwriting, contain notes of the pleas and of an argument upon one of these cases. These notes display all the research and ingenuity which might be expected from one so distinguished for his knowledge of law and legal antiquities. He cites several examples of summonses from the reign of Henry III. to that of Edward IV. and observes the variation in the form and substance of the writs of summons which had been issued at various times, and classes these variations under four heads; variations in the tenure of the persons summoned, whether tenants of the King *in capite* or *de honore*, tenants of the King or of others, in chivalry, in demesne, or in socage; variations in estate, whether freeholders having 40*l.* per annum, which includes tenants for life, or those having inheritances; variations

<sup>a</sup> Reliquiæ Spelmanianæ, p. 175. (See *ante*, p. 237.)

<sup>b</sup> Order of Council, Oct. 10, 1630, abstracted in Calendar of State Papers, 1629-31, p. 356.

<sup>c</sup> Preface to Calendar of State Papers, 1629-31. See further as to the proceedings in connection with Huntingdonshire, Proceedings of the Society of Antiquaries, 2nd series, vol. i. pp. 275-293.

in value, 60*l.*, 50*l.*, or 40*l.*, or less ; variations in the place named for receiving the dignity, in the King's presence or in a place mentioned in the writ. Upon this variation in form he founds an argument that the defendant is not under any general liability, but must be proved to have had legal notice of the special summons applicable to his case. The paper to which I am now referring would appear to have been before Noy in court, as it contains a short note of the argument of 'Mr. Attorney' (Heath). It is endorsed with the words, Moyser, Barkley, Nicols, which appear to be the names of some of the gentlemen against whom proceedings were taken.<sup>a</sup> The same volume contains in another hand copies of several early writs relating to knighthood, which were probably prepared for Mr. Noy's use in the same argument.<sup>b</sup>

The manner in which these proceedings terminated may be gathered from a statement preserved by Rushworth, apparently from some petition to Parliament, of the proceedings against James Mauleverer of Arncliffe, co. York, Esq. The defendant pleaded that no proclamation was made in any part of Yorkshire before the 30th of January, and that it was therefore impossible for the defendant to obey the summons, which required an appearance in London before the 31st January ; nevertheless, for his fine he submitted himself to the Court. The Court of Exchequer, however, alleged that they had no power to impose a fine, and told him that he must compound with the Commissioners, directing at the same time a distress to be levied upon his lands. A distress was accordingly levied to the amount of 2,000*l.* a great part of which Mr. Mauleverer was compelled to pay. It is remarkable that the special hardship and injustice of this proceeding of the Court of Exchequer was dwelt upon by Clarendon, then Mr. Hyde, in a speech in the Long Parliament : "The Barons had no power to fine ! As if the sole business of sworn judges in a court of law were to summon and call men thither and then to send them on errands to other commissioners for justice."<sup>c</sup>

\*It was among the grievances complained of in the proceedings of the Commissioners, that persons having only leasehold interests in land were summoned before them, and forced by distresses to compound for knighthood to which they were clearly not liable by their tenure.<sup>d</sup> This, it may be observed, was in accordance with an equally illegal contemporary decision of the Court of Wards, by which he

<sup>a</sup> See as to Mr. Moyser (Thomas Moyser, esq. of Yorkshire) Rushworth, vol. ii. pp. 71, 136, and as to Mr. Nicols (Francis Nicols of Hardwick, co. Northampton, esq.) Calendar State Papers, 1629-1631, p. 351.

<sup>b</sup> Lansdowne MS. 253, ff. 450-488.

<sup>c</sup> Speech of Mr. Hyde, Rushworth, vol. ii. p. 1053.

<sup>d</sup> Speech of Mr. Pym, Rushworth, vol. ii. p. 1134.

that had a term only in lands held originally *in capite* or by knight-service, if the lease was for one hundred years or more, was adjudged to die seised, so as to carry to the Crown the rights of relief and wardship.<sup>a</sup> That the above complaint was not founded upon any individual case of hardship, but arose from the systematic proceedings of the government, is shown in a singular way by a letter preserved in Lord Strafford's Correspondence, which is interesting as showing the part which the Lord Treasurer Weston and Wentworth himself seem to have played in these exactions. The writer Sir John Melton (dating from York, May 4, 1635,) urges Wentworth, then in Ireland, to press for the supreme office of Lord Treasurer then vacant by Sir R. Weston's death. "Consider," he says, "whether it will not be better for your lordship to direct others, and to have the power of making others the instruments to prosecute your designs, they having for their pains the dislike and hatred of such as they deal withal, and you the credit and honour of the service, and to be able at a sad distance sometimes to express a seeming dislike unto the Publick of the most advantageous Services done unto the King by some of the ablest and most active of those instruments; *as a late great officer did* (when after he knew the contrary had been done, it may be by his direction, or at least by his approbation,) declare openly that none ought to have been fined for not attending at his Majesty's Coronation to receive the order of knighthood but such as had 40*l.* per annum in freehold; and when he likewise said upon another occasion that it was a bold thing to compound with recusants before conviction; or whether your lordship will be such an instrument so employed and so used too *as your lordship knoweth who was heretofore*, and may be so again if another get the directing power."<sup>b</sup>

At length the Government had obtained all that could be expected from the exaction of "knighthood money," which is said to have brought into the Exchequer an amount variously stated at from 100,000*l.* to 170,000*l.*,<sup>c</sup> and other

<sup>a</sup> Sewal's Case, *in cur. ward.* 7 Car. Examen Legum Angliæ, 1656, p. 45.

<sup>b</sup> Strafford Letters, vol. i. p. 418.

<sup>c</sup> In a small pamphlet printed in 1647, and purporting to be "An Account of the King's Revenue," the amount derived from fines for not taking knighthood is stated at 173,537*l.* 9*s.* 6*d.* I am indebted for this information to John Bruce, esq. F.S.A., who made a note from the pamphlet in the British Museum; but I have not been able to find the pamphlet myself.

Rapin states the amount at 100,000*l.* (Hist. vol. ii. p. 286.)

There is a large manuscript volume in the Record Office in which are copied the returns from all the counties of England of the moneys collected by the various commissioners, with the names of the compounders. The total of the several sums amounts to about 100,000*l.*; but neither the compositions from the city of London, nor those paid by peers appear in the volume. The counties seem to have been somewhat unequally dealt with, the collectors in some districts being more zealous and energetic than in others.

means of raising money were adopted. Considerable bitterness of feeling was however left by the vindictive and oppressive character of the proceedings against defaulters. It is admitted by Clarendon in his history that, though the demand "had a foundation in right, yet in the circumstances of the proceeding it was very grievous."<sup>a</sup>

Upon the meeting of the Long Parliament knighthood money was among the foremost of the grievances to be redressed.<sup>b</sup> Pym, in a speech made in April, 1640, denounces it as an abuse of the customs of chivalry, and complains that "it was extended not only to terre-tenants but to lessees and merchants, who were first to plead for themselves at the council board, but were delayed from day to day to their great charge and inconvenience; and, notwithstanding the just defence they have made for themselves, there have been infinite distresses laid upon them until the fines were paid which were imposed not by courts but commissioners assigned for that purpose; and this being a continuing offence, they are by the same rule as liable now to fines as ever."<sup>c</sup>

On the 20th of March, 1641, it was referred by the House of Commons to "the Committee for the Judges" to consider of the judgment of the Exchequer concerning knighthood money, and likewise to consider of the matter of escuage, and to present the inconveniences of them to the House. The consequence was the preparation of a bill, which was among those which received the assent of the King just before his setting out for Scotland.<sup>d</sup> The statute of the 17th year of Charles I. chapter 20, recites that "upon pretext of an ancient custom or usage of this realm of England that men of full age being not knights and being seised of lands or rents of the yearly value of fourty pounds or more (especially if their seisin had so continued for the space of three years next past), might be com-

The compositions for Devonshire amount to 10,649*l.* 3*s.* 4*d.*, and those of Yorkshire, which are not added up, would probably reach about the same sum. Cambridgeshire produced 305*l.* 10*s.*, and Huntingdon 355*l.* In the collections from Cornwall amounting in the whole to 2,723*l.* 16*s.* 4*d.* four distinct commissions are mentioned, the last of which produced 150*l.*, including 70*l.* from Sir John Trelawney, *knight* and baronet. This phrase perhaps meant nothing more than baronet. Other examples of knights appearing among the compounders for default of knighthood are Sir Simon Bennet, *knt.* of Santon, co. York., and Sir William Quadringe of Irby, co. Lincoln. The former paid 50*l.*, the latter 35*l.* These gentlemen may have been knighted since the coronation. In turning over the pages I noticed no higher composition than 100*l.* In Durham, Ralf Cole paid 100*l.*, and, in Newcastle, Alexander Davison 100*l.* The highest composition in Yorkshire is 80*l.* from Marmaduke Tunstall of Everingham, esquire, and I could not find the name of Mr. Mauleverer, owing probably to his refusal to pay anything to the collectors.

<sup>a</sup> Clarendon History, vol. i. p. 119, Ed. 1826. Compare speech of Mr. Hyde, Rushworth, vol. iii. p. 1353.

<sup>b</sup> Remonstrance of the Commons, December 1, 1641. (Parl. Hist. vol. ii. p. 950.)

<sup>c</sup> Rushworth, vol. iii. p. 1134. <sup>d</sup> Clarendon, History, Book iii. ad fin.



pelled by the King's writ to receive or take upon them the order or dignity of knighthood or else to make fine for the discharge or respite of the same, several writs about the beginning of His Majesty's reign issued out of the Court of Chancery for proclamations to be made in every county for that purpose, and for certifying the names of all such persons, and for summoning them personally to appear in the King's presence before a certain day, to be there ready to receive the said order or dignity; upon return of which writs and transmitting the same with their returns into the Court of Exchequer, and upon other writs for further inquiry of the names of such persons issuing out of the said Court of Exchequer, process by *Distringas* was then made against a very great number of persons, many of which were altogether unfit, in regard either of estate or quality, to receive the said order or dignity; and very many were put to grievous fines and other vexations for the same, although in truth it were not sufficiently known how, or in what sort, or where they or any of them should or might have addressed themselves for the receiving the said order or dignity, and for saving themselves thereby from the said fines, process, and vexations; and it is most apparent that all and every such proceeding in regard of the matter therein pretended is altogether useless and unreasonable;" and it is then shortly enacted that from thenceforth no person should be distrained or compelled to receive the dignity of knighthood, or suffer fine by reason of not having received that dignity.

Royal summonses for the assumption of knighthood were thus abolished, after having been in occasional use for more than four centuries. Taking their origin from admitted feudal obligations, they soon became mere pretences for the exaction of penalties, and were employed at short intervals during the first two centuries of their existence, as a precarious means of increasing the royal revenue. During the last two centuries they had become less frequent, and were reserved for extraordinary occasions. Having become in later times a part of the formal ceremony of a coronation, their fiscal use was almost forgotten, until the exactions of an earlier age were revived by the government of Charles with a vigour and pertinacity proportioned to the urgent necessities of their position. Had that king been more successful in obtaining supplies from Parliament in the early part of his reign, the form of summoning 40*l.* freeholders to receive knighthood might probably have remained to this day a part of the coronation ceremonies, as time-honoured and as innocent as the challenge of the champion or the banquet in Westminster Hall.