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Published Version

Feeney, B. (1985) The effects of King John's scutages on East-Anglian subjects. Reading Medieval Studies, XI. pp. 51-73. ISSN 0950-3129 Available at <https://centaur.reading.ac.uk/85104/>

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Publisher: University of Reading

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# THE EFFECTS OF KING JOHN'S SCUTAGES ON EAST ANGLIAN SUBJECTS

Brian Feeney

In the past decade, perhaps because each generation tends to rewrite history in its own image, emphasis has been placed on inflation and its financial implications for King John's government<sup><1></sup>. Confident generalisations have been made about the social and political consequences of inflation. According to Coss, 'the increasing legal disabilities of the peasantry, the change from leasing manors to demesne farming on large estates and the political troubles of the reign of John all flow from inflation'<sup><2></sup>. In the view of Harvey, 'whatever other personal and political factors were involved it was the king's continual financial exactions of one sort or another that lay at the root of the rebellion in 1215'<sup><3></sup>.

While these may be oversimplified views and smacking very much of late twentieth-century thinking, it is worth testing them against the most routine 'financial exaction' levied by King John - scutage. An abundance of material survives to enable the responses of the lords of East Anglia to be examined. Their responses are important since many rebelled in 1215, and some were members of the Twenty-Five. East Anglia also provides a useful cross-section of the baronage ranging from the great earls, Clare and Bigod and Mandeville to tenants-in-chief with three or four knights fees. The effects of scutage demands on the 'unprotected' tenants of great honours such as Eye, Boulogne and Hatfield Peverel permit a view of the practice the king would perhaps have preferred to adopt if there were no powerful tenants-in-chief to inhibit him.

Military obligations, the original basis for scutage, had been a bone of contention between the king and major tenants-in-chief before the date monetary inflation was identified by modern historians<sup><4></sup>. Modifications were necessary first to cope with the demands of almost constant fighting at the edges of the Angevin empire. These demands required a long serving, compact force rather than the large, unwieldy, old-fashioned sledgehammer of the feudal host which *servitium debitum* envisaged.

Nevertheless, despite such changes in practice, in the middle of King Henry II's reign the author of *Dialogus de Scaccario* could still give a confident definition of scutage.

It happens sometimes when the realm is threatened or attacked by enemies, that the king decrees that a certain sum, usually one mark or a pound, shall be paid from each knight's fee, and from this source are derived the soldiers' wages and gratuities. For the king prefers to expose foreign mercenaries rather than his own knights to the fortunes of war.

And so this sum, which is paid in the name of shields, is called 'scutage'.<6>

He could not have been so concise in the middle of John's reign. By then matters had been complicated by the introduction of fines *pro servicio* or *pro passagio*. There was no longer a uniform procedure. Men who performed service were sometimes charged scutage<6>. In certain cases a fine sufficed, while in others, both scutage and a fine were demanded<7>.

Although the description in *Dialogus* does not exactly fit conditions in the early thirteenth century, many of the king's opponents would try to adhere to it. It is instructive to examine some of its implications, for it is a clear statement of the customary interpretation. The first noticeable point is that the king decrees scutage will be levied to face an occasion, 'when the realm is threatened or attacked by enemies'. This sounds reasonable: but the problem was to decide what constituted the realm. To many men living in John's reign it must have been less than evident that an attack on the south-eastern border of Normandy let alone on Poitou, could be regarded as an incursion *in regnum*. Were they obliged to serve wherever the king held lands, irrespective of the capacity in which he held them? Could English barons be asked to serve in Ireland and Poitou alike? In short, were *regnum* and the king's possessions synonymous? Already in Richard's reign there had been opposition to overseas service. At least two prominent ecclesiastics objected to service *extra metas Anglie*<8>.

FitzNeal assumed that when a rate of scutage was struck it would be a mark or one pound on each fee. In John's reign the usual rate was two marks, while in 1204 and 1214 the demand was two and a half marks and three marks respectively. Three marks seem to have been demanded in 1210 as well<9>. According to FitzNeal the money was to pay mercenaries. Then follows perhaps his most illuminating remark on the subject. 'For the prince prefers to expose mercenaries rather than his own subjects to the hazards of war.' Henry II preferred money to men. The truth of this is much more obvious in John's time. The cost of a knight for Henry II was eightpence a day. By 1200 it was two to three shillings<10>. Unless King John could persuade men to serve longer than customary he needed more money than customary. Unfortunately for King John, it proved difficult to extract enough money to meet his requirements. His subjects seemed perverse in that they insisted on serving in person rather than commuting their service into a money payment. As a consequence, John's military capacity suffered from serious limitations.

His requirement was an army prepared for long service in many remote areas of his lands. The struggle with Philip Augustus dragged on and on. Heartened by this, opportunist lords attacked vulnerable points of the Angevin empire in the south and east. Like his predecessors, King John was hampered by a feudal host only liable for limited period of service. Reduced quotas provided men for longer periods at a time, but the size of the army was greatly reduced by the system and consequently a greater

reliance had to be placed on mercenaries who required money. The members of the feudal army grumbled about serving on the Continent at all and went home when they had done their spell. The king could never rely on them to follow him unthinkingly to Anjou, Maine or Poitou.

To meet his needs the king wanted either men for a long period of service or money to pay mercenaries for a long period. The problem is familiar. New demands made on them found the resources of the Angevin kings lacking, not in capacity, but in the machinery to exploit that capacity. While their subjects found an admirable safeguard in customary practice, the Angevins, and particularly King John, found a stumbling block to efficiency and the full deployment of their powers. Certainly the greater lords, lay and ecclesiastical, insisted on service. It was their duty. Both greater and lesser tenants-in-chief, if for some reason they did not serve, would only pay scutage to cover the period of service. Somehow the king had to stretch that, and money from other sources, to last for a campaign. Campaigns seemed to be lasting longer. In 1199, 1201 and 1202 they were at least three times as long as the forty day period the service requirement could satisfy. In 1203 the campaign dragged on from Easter to December.

One of the most glaring defects in the system as it had developed was that while the customary procedure seriously inhibited the King's military prowess and damaged his financial solvency, it actually served to enrich many of his barons. In cases where a baron had enfeoffed several more knights than his *servitium debitum*, then he made a profit every time scutage was levied. Henry II's attempt in 1166 to alter this state of affairs was not a complete success. Many lords managed to gain a compromise agreement whereby they paid on some extra enfeoffments but not on all. A device which deprived the barons of some of this profit, or else tapped the money the king felt they could pay, was introduced near the end of King Richard's reign and fully developed under King John. This was the fine *pro passagio*. Put simply, it was a personal payment by a tenant-in-chief which enabled him to avoid service, but which he could not recoup completely from his tenants by collecting scutage at the rate struck. Another device introduced at about the same time was a modification of the normal service whereby a tenant-in-chief was obliged to provide a number of knights for forty days. First under King Richard, and then under King John, a fraction of this *servitium debitum* was summoned to serve for a longer period, perhaps as much as a year<sup><11></sup>. As John's reign progressed, these fractional quotas became normal and continued to be so for the rest of the thirteenth century.

These then were the king's problems with military service and scutage, and how he and his advisers tried to overcome them. It remains to be seen how his subjects in East Anglia were affected by the new demands being made upon them. The lords of East Anglia were dutiful vassals. The vast majority of them, including almost all the great lords there, served personally on all John's campaigns. They commanded large numbers of knights: indeed a sizeable proportion of the total measurable *servitium debitum* of England came from East Anglia. Roger Bigod, earl of Norfolk, was charg-

ed scutage on one hundred and twenty-five and a quarter knight's fees, Richard, earl of Clare, on over one hundred and fifty, Richard de Muntfichet on about forty-eight, Aubrey de Vere, earl of Oxford, on thirty and one eighth<sup><12></sup>. Geoffrey fitzPeter, earl of Essex, had ninety and a third knights enfeoffed. Robert fitzWalter commanded 100 knights's fees when his wife's holding is added to his own<sup><13></sup>. Huge honours such as Boulogne, Eye, Rayleigh and Hatfield were based in the region. There were important ecclesiastical centres like St. Albans, Bury St. Edmunds, Ramsey and Peterborough, all owing knight service<sup><14></sup>. Obviously any attempt by the king to change customary practice would deeply affect the holders and tenants of fiefs in East Anglia.

There is evidence that it did. The objections of the knights of Bury St. Edmunds involved the abbot in a potentially very dangerous dispute with King Richard. The abbot had to hire mercenaries to fulfil his obligations, and pay a fine of £100 for the king to forget the matter<sup><15></sup>. Whatever objections there were to changes in procedure proved vain. King Richard reacted to the opposition of the bishops of Lincoln and Salisbury by proceeding as though they had defaulted from service<sup><16></sup>. But so long as the king fought wars and demanded scutage there was absolutely no basis for refusing it except for a few tenants who were very special cases<sup><17></sup>. Fines for exemption from service were really the same principle as scutage. If a lord served he need not pay for exemption.

There were about thirty-six tenants-in-chief based in East Anglia in John's reign whose behaviour merits some attention. These include twelve who were members of the Twenty-Five in 1215. Of course not all of them held all their lands in East Anglia, nor did they all have exclusively East Anglian interests. Inevitably some, like the Scalers, lords of Caxton in Cambridgeshire, had interests which spilled over into Bedfordshire and Northamptonshire<sup><18></sup>. Even Earl Bigod, firmly entrenched in Norfolk and Suffolk, had important interests in Yorkshire<sup><19></sup>. Lords in Cambridgeshire, Huntingdonshire and Norfolk were often inextricably entangled in the affairs of Lincolnshire. This is not the place for a study of the implications of such involvements. Suffice it to say that East Anglian tenants-in-chief were charged scutage in counties outside East Anglia and often further afield than Lincolnshire, Bedfordshire and Northamptonshire. The converse is also true however. It is not easy to distinguish lords based on the periphery of East Anglia and engaged in financial, business, or territorial pursuits in East Anglia from lords with *capita* in the centre of the region. Thus when lords from the east midlands are found acting with East Anglian lords they shall be included. However it would be a mistake to make too much of such difficulties. The lords who had no easily definable area of interest are few and they are not the most important, perhaps for that very reason.

A more intractable problem is trying to trace how these thirty-six lords responded to campaigns and scutages levied in John's reign. The first and most frustrating difficulty is that several of the most important lords whose sons were to be prominent in rebellion died either in the first few years of the reign or around 1214. Those who

died early in the reign were Richard de Muntfichet and William de Lanvalay. Hugh de Cressy was dead in 1189<20>. Roger de Cressy came of age in 1207 when he offered 1,200 marks and twelve palfreys to have his lands back along with those of his wife whom he had married without royal consent<21>. William de Lanvalay died in 1204 leaving substantial debts. His heir did not come of age until late 1213 or early 1214<22>. Richard de Muntfichet died in 1203. His heir, also Richard, came of age in 1213 or 1214<23>.

A spate of deaths occurred in 1213 and 1214. Then, Geoffrey fitzPeter, earl of Essex, Aubrey de Vere, earl of Oxford, Geoffrey de Say and Robert fitzRoger, died<24>. Their heirs, Geoffrey de Mandeville, earl of Gloucester, William de Mandeville, Robert de Vere, earl of Oxford, Geoffrey de Say and John fitzRobert, all played prominent parts in the rebellion of 1215 and thereafter. Since they had only come into their inheritances at most two years before, it is impossible to examine their actions in any detail throughout John's reign. Gilbert de Clare and Hugh Bigod, also members of the Twenty-Five, must be placed in the same category because they moved in their fathers' shadows even in 1215. Of the maximum of twelve members of the Twenty-Five from East Anglia, only the response of four to the scutages of John's reign can be studied<25>.

The remaining twenty-four baronies in and around East Anglia suffered fates similar to those of the dozen just dealt with. In 1215 some of the lords were as yet minors, others had only recently inherited their estates; other fiefs had escheated and been granted to new lords. For example, William Malet de Graval (Gerardvilla) lost his estates in 1204 when he chose to remain in Normandy. Pain de Chaurcis was granted them. His interests lay in the south-west of England<26>. When such matters have been taken into account eighteen barons remain (besides the members of the Twenty-Five) whose careers through John's reign can be traced. At least eleven of them, and probably thirteen, rebelled. William de Albini, earl of Arundel, and William de Warenne, earl of Surrey, are the only two remaining who actively supported King John. For the others it cannot be stated categorically whether or not they rebelled. Some barons no doubt did simply lie low during the whole period of rebellion. However it has been shown that where rebellion was most widespread, the names of rebels are less likely to appear among the lists of *reversi* in 1217<27>.

Tenants-in-chief are only one side of the story. Since scutage was levied directly from them it is possible to find details of their payments or service in the pipe rolls. Knights too paid money in lieu of service, but almost always to their lords. Thus their financial relations with the Crown are not so easy to study. However, if an honour escheated or fell into the king's hands for another reason, it is often possible to discover what knights paid. Occasionally lists appear on the pipe rolls of tenants paying scutage or fines directly to the Crown or through sheriffs. Most useful are those of great honours in royal hands throughout the reign. East Anglian *reversi* are found in the honours of Boulogne, Hatfield Peverel and Rayleigh. There are eight from the honour of Lancaster with fiefs in East Anglia and five from the honour of

Richmond. Using these men and the tenants-in-chief mentioned above, a fairly accurate picture can be built up of how scutage demands affected them.

The majority of great lords present no problem. They did not have to pay scutage because they served. This is true of the earls of Arundel, Clare, Norfolk, Oxford and Surrey. All of them (except the earls of Clare and Oxford) were quit of scutage in 1199, 1201, 1202 and 1203<sup><28></sup>. So were Richard de Muntfichet Senior, Geoffrey de Say Senior and Robert fitzWalter<sup><29></sup>. Sooner or later of course each was caught by a levy and had to pay scutage or a fine or both. Nevertheless, there is a pattern. Though they occasionally paid scutage, most lords tended to perform personal service: few did not. There is a clear division into fighters and payers of scutage. Roger of Kentwell, lord of Kentwell in Suffolk, was one who preferred to commute his service. Another such baron was Nigel de Luvetot, lord of Southoe in Huntingdonshire. He served only in 1204 and 1209<sup><30></sup>. The Helions, lords of Helion Bumpstead in Essex, never received a quittance. Scutage, or more often a fine of 30 marks, was demanded from this barony<sup><31></sup>. As the number of campaigns mounted, the Helions could not keep pace. When William de Helion died at the end of John's reign his lands were in royal hands. They had been confiscated in 1214 for scutage debts. In 1236 the honour was mortgaged to the Jews<sup><32></sup>.

Some light needs to be thrown on the position of lords who always served. It may be that they did so not because they wanted to, but because they could not afford to do anything else. The main element in the debts which crippled the Helions was scutage. In other cases also, scutage made a large contribution towards a lord's total indebtedness. This is particularly true for two of the most powerful lords in East Anglia, the earls of Clare and Norfolk. Both these lords resented having to pay scutage on all their enfeoffments. They entered John's reign already owing scutage from King Richard's reign<sup><33></sup>. Both insisted, using the same formula, that the scutage demands were too much<sup><34></sup>. It was not that these lords could not afford to pay £100 each. The earl of Clare could pay a heavy fine quickly<sup><35></sup>. Earl Bigod paid off debts promptly<sup><36></sup>. Refusal to pay the scutage charged was primarily a matter of precedent and principle. Neither would admit he could be charged on all fees enfeoffed. There must have been financial considerations. For example, every two mark scutage cost the earl of Clare at least £190 and Earl Bigod £167<sup><37></sup>. Two or three scutages in quick succession would certainly have had their effect. But these men were really at pains to establish a lower quota of fees liable for scutage - indeed the pre-1166 figure.

They both fought running battles with King John for some years. In the earl of Clare's case the king was successful. The scutage in 1205 cost the earl £189/3/8. Various other proffers, pledges and amercements were collected together in 1208. They amounted to £1,229/18/6<sup><38></sup>. In that year King John offered to wipe the slate clean. He proposed to round this sum down to 1,500 marks (£1,000) if the earl would agree to pay 500 marks annually for three years. If he failed to keep the terms then he would be charged at the true total<sup><39></sup>. The sum was apparently regarded as

a fine which erased all the earl's previous scutage debts. For example, in the Northamptonshire account of 1210 he was quit of the two marks he had owed since 1201, because of 'the fine' <40>. But it was a defeat for the earl. He complied promptly with the terms of the agreement so that by 1210 he owed only £20 <41>. However, in compounding for all the previous scutage debts he had admitted the king's right to charge him on all knights enfeoffed. In practice this worked out at over 140 <42>. As a result he made himself liable in the future for such demands. In 1210 he avoided going to Ireland by a fine of 500 marks *pro passagio* <43>. This fine easily accommodates a scutage rate of three marks on the fee and a fine of 60 marks by the earl. In 1214 he was charged £264/19/3 on 132 fees and £18/10/- for the nine fees of the barony of Field Dalling held by the countess <44>.

Earl Bigod, on the other hand, had success. He refused to pay any of the scutage levied in King Richard's reign on more than sixty fees. When he did not serve in 1205 he was charged £167 on his fief in Norfolk, and Suffolk, 18 marks on his Yorkshire fees, and eight marks for the fees he held in the honour of Lancaster. He immediately paid £80, that is the scutage for sixty fees at two marks per fee <45>. Until 1211 the earl remained steadfast in face of all demands by the king and the Barons at the Exchequer. In this year the king saw fit to concede to Bigod all the demands the earl had made. For a fine of 2,000 marks Bigod gained respite for life from having to provide 120 knights and from the demands the Barons at the Exchequer were making for the arrears which had built up since King Richard's reign <46>. Unlike the earl of Clare, Bigod succeeded in having it recognised that his *servitium debitum* was only sixty of the 125 ¼ knights he had enfeoffed. The clerks at the Exchequer could never quite bring themselves to believe that anyone was exempt from service for life: each year they diligently enrolled the appropriate scutage charge against Bigod's name. Just as regularly a later addition records, *set non debet summoneri quamdiu vixerit* <47>.

Bigod's method of payment of the 2,000 mark fine affords a good example to support the claim made earlier that he was not short of money. He was to pay 500 marks by Christmas 1211. However the earl delivered two instalments of 500 marks each into the Chamber before Michaelmas 1211, certainly in time for the payments to be recorded on the roll <48>. He may have been anxious to ensure that John had received a substantial proportion of the money as quickly as possible lest he change his mind. At any rate the king seems to have been mollified because he pardoned Bigod the instalment at Michaelmas 1212. The earl took advantage of this and paid the money he had collected, again into the Chamber <49>. Thus between the summer of 1211 and autumn 1212 Bigod paid out 1,340 marks on this fine alone.

There is no way to discover why John allowed Bigod this privilege and denied it to Clare who was clearly in the market for the same sort of fine. It could be cited as just another example of arbitrary rule. Yet the king may have had grounds for refusing to entertain a claim from Clare for reduced scutage demands. Bigod consistently asserted that he owed only sixty knight's fees service and refused to pay scutage on

more. Clare's approach was inept. He never made any equivalent claim, nor did he take a consistent line in his opposition to scutage demands. He was charged in 1199, 1205, 1210 and 1214<<sup>50</sup>>. In 1199 he paid £34, that is the scutage for fifty-one knight's fees<<sup>51</sup>>. In 1201 his seneschal, John of Cornherd, was instructed to pay the scutage for 102 knight's fees - £68<<sup>52</sup>>. In 1205 the earl stood firm and paid nothing of the £189/3/8 demanded. The fine of 1208 settled all these debts and those which had accumulated since Richard's reign. But the earl had not made out a good case for himself. He had adopted three different poses in face of three scutages. His last had been entirely negative. It was also untenable. Since he had acknowledged fifty-one knights in 1199, and 102 in 1201, he could not very well acknowledge none in 1205. It may simply be that the earl had no firm, customary commitment to fall back on that was favourable to himself. No one has been able to discover the *servitium debitum* of the Clares in order to check this. Even Round did not venture a suggestion in his list of *servitia debita*<<sup>53</sup>>. Although the king never made any concessions, Gilbert de Clare seems to have been able to exercise some influence in the minority of King Henry III. He was charged on only 107 knight's fees for the first scutage of that reign<<sup>54</sup>>.

These two lords provide useful evidence to show that there was resentment in the highest levels of the East Anglian baronage at the scutage exactions of the king (but not only King John). They actually said that their assessments were too high, but not that the scutage rate was too high. However dubious Bigod's claim may have been, the earl of Clare's was apparently without foundation. It does not follow that because these two earls disputed with the king about their commitments that every other baron in East Anglia was similarly resentful. But what can be claimed is that Bigod and Clare were the only two in a position to oppose the king's demands. They had power, influence and money. They could haggle on equal terms with the Barons at the Exchequer. But it was not merely opposition to 'continual financial exactions'. There was a principle at stake and the two lords held a view shared by many since in 1166 Henry II had tried to charge scutage on all enfeoffments. Contests (which in most cases the king won) were waged over many years against the Exchequer by lords (lay and ecclesiastical) refusing to pay *de novo feffamento*.

Most lords could not have taken a stand. The outcome would inevitably involve (as it did for Bigod) large expenditure. A fine would have to be arranged to cover the scutage owed, or strict terms for payment of the total debt would be imposed. At worst their lands would be taken into the king's hands for default of service. Again few lords had as many knights enfeoffed as Bigod or Clare. If Bigod's *servitium debitum* really was sixty as he claimed, then he had more than twice his quota enfeoffed. The majority of men would have had only two or three knight's fees to squabble about: hardly worth the effort and expense involved. For example, William of Huntingfield, one of the few lords important in 1215 whose activities can be traced for any length of time in John's reign falls into this category. On 26 January 1221 Roger of Huntingfield, his heir, offered 100 marks relief for one knight's fee in chief and seven fees held of the honour of Eye<<sup>55</sup>>. He also had fees in the honours

of Lancaster and Rayleigh<sup><56></sup>. Clearly William had no interest in trying to have his quota reduced. But it will be seen later that he did have reason to object to the way scutage was being exploited.

The last lord for whom there is a full record in John's reign is Robert fitzWalter. Only in 1205 was he charged scutage. (That is of course apart from 1214 when there was full scale opposition to the king's demands). He proffered a fine of 20 marks for his own service and was charged £84/13/4 scutage on his own fief - 63 ½ knight's fees. But he did not pay any of it. He took the same line as the earl of Clare in 1205. Again like the earl, heavy pressure was brought to bear on fitzWalter in 1208. As in Clare's case, his debts were collected together in that year and he was given terms for payment. The total was only £348/15/10 compared with over £1,200 for Clare, but proportionately it was a great deal of money to be suddenly demanded. He was to pay it off at the rate of 100 marks *per annum*<sup><57></sup>.

It is easy to account for fitzWalter's objections to the exaction of scutage in 1205 and a fine for himself into the bargain. There was no campaign, merely an expedition in the summer of the year. As a fighting man fitzWalter could obviously believe that he would never be called upon to commute his service for money. It must have seemed unfair for the king to ask for money when he had not given his barons a chance to fight. Fines *pro passagio* were intolerable in the case of a lord like fitzWalter who fought in person whenever possible and received many marks in prests given him abroad<sup><58></sup>. Since fitzWalter had no objection to serving overseas, and since he was able to pay greater sums than the 147 marks demanded in 1205, it must be concluded that his reluctance to pay was motivated by a resentment at the method the king was using to obtain money. Just as fitzWalter did not object to serving in France or Ireland, so others did not object to paying scutage in lieu of service in those parts. The earl of Clare paid most of his fine of 500 marks *pro passagio* to Ireland in 1210 and was quit in 1211<sup><59></sup>. It has already been noted that whenever he was liable for scutage Bigod immediately paid the amount appropriate for the service he acknowledged. The only occasion when these lords dragged their feet so to speak, was when they were asked to pay scutage in lieu of service on a non-existent campaign.

It was not the demands for money in themselves they objected to, but the distortion of accepted and honoured feudal practice by the king. Indeed after their reaction in 1205, the behaviour of the great lords of East Anglia in 1206 demonstrates that their objection was not to military service overseas but to the way the king was interpreting his rights to raise money. In 1206 Robert fitzWalter, Earl Roger Bigod, Earl Richard de Clare, Geoffrey de Say, Earl David of Huntingdon, Earl Aubrey de Vere, all sent their service as usual<sup><60></sup>. Others, mostly lesser lords, paid scutage or fines. There was a campaign which lasted from 27 May until 6 October: the rate of scutage was one pound on the fee. In other words everything was clear, customary and above board.

In his desperation to raise money to enable him to get to grips with King Philip, John had been making a mockery of customary practice. Though the sum agreed in 1204 was technically an aid, the king acted as though it were a scutage. It was bad enough raising the levy to two and a half marks on the fee in 1204, even with consultation, but then there were also fines and the deals made about size of quotas. Next year the royal demand for scutage when no service could have been performed was, to the barons, insupportable. It must have seemed obvious to them that if the king was allowed to succeed in this project with no opposition, then scutage would simply become an annual aid. What happened in 1204 was probably countenanced as being due to very special conditions, but a similar operation in 1205 was not acceptable. The agreement reached in 1204 was not to be a precedent. Bigod, Clare and FitzWalter resisted. How many lords followed these three in trying to register some sort of objection must remain unknown because of the circumstances outlined above. Deaths and escheats prevent any attempt to investigate an overall reaction in East Anglia. Elsewhere in the country of course, it may be possible.

It would seem that 1205 marked a turning point in King John's relations with the two leading lords in East Anglia. In 1204 the king had abused his barons and accused them of deserting him in France. He retaliated with fines<sup><61></sup>. It was in 1205 that the king faced effective overt opposition. The best account is provided by Coggeshall. The tactical arguments against sailing are presented clearly and convincingly. It is obvious that the king was simply overruled by his council. He just could not have his way<sup><62></sup>. It may be because of this loss of face that he determined to levy the scutage as if the campaign had gone forward. Whatever happened that summer at Portsmouth the king alienated Clare and Bigod.

Until 1205 Bigod had been a fairly regular attender at court, witnessing charters given by the king both in France and in England. Up to December 1205 he witnessed thirty-one times in John's reign. After 5 December 1205 he witnessed three royal charters, one with a faulty dating clause<sup><63></sup>. The earl of Clare took the same attitude. He withdrew from court earlier than Bigod. This earl had never been as active or as regular a visitor at King John's court as Bigod, but nevertheless there is a marked difference in his attendance after 1205. Up to, and including 1205, the earl had been present at the king's court in France and in England often enough to be able to witness thirteen charters. After the fiasco at Portsmouth he witnessed two more charters freely in the rest of the reign, both in 1215<sup><64></sup>. His name appears in the charter roll under the year 1213 in connexion with a charter of fealty he was required to provide, and in a memorandum about his daughter Matilda whom he had been obliged to give as a hostage<sup><65></sup>.

In view of the contrast between their attendance at court before and after 1205, and their opposition to the scutage of that year, the absence of Bigod and Clare until 1215 cannot be attributed to old age or simply political inactivity. In 1206 and 1210 Bigod was quit by writ of service. Clare also served in 1206 and 1211. The disappearance of their names from the charter rolls does not indicate that they ceased

to take a part in affairs. Away from the royal court they were still a force to be reckoned with. Their re-emergence in 1215 shows that quite clearly. The king, for one, thought it worthwhile to court Bigod's favour until the last moment<sup><66></sup>. In this context Bigod's extraordinary fine in 1211 could be seen as a protest against John's scutage policy. If he was going to collect scutage for a non-existent campaign and levy fines on men for not serving when they had no chance to serve, then one large fine would cover all service. It was the logical conclusion of the king's policy. If a lord could fine for not serving on one occasion there was no reason in principle to prevent his fining once for all occasions. In 1205 Earl Bigod withdrew from court. In 1211 he dispensed with the charade of military service. He was not being allowed to fulfil his role as an earl. If the king wanted money let him have it. Only Robert fitzWalter of the three East Anglian lords who kicked in the traces in 1205 continued to play an undiminished part in the affairs of court. Again taking evidence from the charter rolls, it can be seen that this baron attended at court more often after 1205 than before<sup><67></sup>. His name appears regularly in witness lists until 1212<sup><68></sup>.

The lesser barons who leave fainter tracks in the records had no option but to face mounting debt as fine after fine was imposed on them. By 1214 when the last complete record of a financial year in John's reign was enrolled, several were crippled with debt because of scutage. The Helions owed £45/1/2, *de pluribus scutagiis*, Kentwell owed £10 for the seventh scutage, 20 marks for the Welsh scutage, and £22/0/4, *de pluribus scutagiis*. The lords of Weedon Pinkeny in Northamptonshire owed £57/6/8 *de pluribus scutagiis*, Gibert de Tany owed £349/6/8<sup><69></sup>. For most of these the scutage of Poitou was an extra burden on top of their already heavy debts. For example, Robert de Pinkeny owed over £57 from previous scutages. To this was added £27 for the scutage of Poitou. Two pounds on the fee was a heavy exaction. Compared with his financial position in 1199 Pinkeny was in serious straits. At the end of Richard's reign, which saw a lot of demands on English subjects, his total debts were £9/16/-<sup><70></sup>. Perhaps the most spectacular case was that of Gibert de Tany, lord of Aveley in Essex. In 1199 his liabilities were £19/10/- for Richard's scutages<sup><71></sup>. As noted above his debts in 1214 amounted to £349/6/8. The scutage of Poitou brought them to £364/6/8<sup><72></sup>. He had tried to fine for all but one of John's campaigns. Proportionately the scutage of Poitou was the biggest demand he had to meet. For the Welsh scutage in 1211 Gilbert de Tany paid 15 marks on his seven and a half knight's fees. In 1214 he owed £15 for them<sup><73></sup>.

It is not necessary to go as far as the writer in the *Liber Rubeus*, a near contemporary, who believed the scutage of Poitou was the immediate cause of the baronial rebellion<sup><74></sup>. However, in so far as it contributed substantially to the total indebtedness of lords, it constituted a grievance. It was imposed without proper consultation as demanded the following year in Magna Carta and was at a very high rate. Scutage itself was a dreaded debt to owe. The reason is best explained by Richard fitzNeal himself.

For if a tenant-in-chief, who is under obligation to the king for 'scutage', has not discharged it, not only his chattels, but also those of his knights and their villeins everywhere are sold, because 'scutage' mainly concerns his knights, since they are due to the king only from the knights and by right of military service<75>.

Thus not only the tenants-in chief, but mesne tenants were liable to lose property to pay scutage. One fief seized in 1214 was that of William de Helion. Another lord had to allow some knight's fees to be taken into the king's hands at the beginning of Henry III's reign because he could not extract any money from his tenants<76>.

Generally speaking lords of smaller fiefs suffered more than magnates from scutage exactions. Again to take Gilbert de Tany as an example, his average scutage liability in John's reign was the equivalent of 4½ marks on the fee. He owed service for seven and a half knight's fees<77>. In 1201, 1202 and 1203 he fined 30 marks *ne transfretet*. In 1204 he offered £10, in 1205 20 marks, and in 1206 30 marks<78>. Nigel de Luvetot, lord of Southoe in Huntingdonshire, never paid less than three marks on the fee when his fines are taken into account<79>. Roger of Kentwell from Suffolk usually fined 20 marks for approximately eight knight's fees<80>. In 1203 Roger had fined 40 marks, that is more than four marks on the fee<81>. Not surprisingly when his successor, Gilbert, entered his inheritance in 1206 he preferred to perform service. He was quit in 1209 and 1210<82>. These lords held medium sized fiefs consisting of between seven and fifteen knight's fees. One example of a really small barony will suffice. William of Colkirk held half a knight's fee in chief in Norfolk<83>. He died at the beginning of John's reign and was succeeded by Roger de St. Denis<84>. The scutage demanded of Roger varied between six and three marks on the fee, but never less than three<85>. There is no quittance to William of Colkirk or Roger de St. Denis enrolled for any scutage in John's reign. The king was able to succeed in his demands on men like these because they had no means of resistance. Powerful lords like Bigod or Clare complained when they were asked to pay two marks on all their fees, yet lesser men were being asked to pay three marks and more on all theirs almost every year. They can hardly have done so with equanimity.

In the same category as men like Roger de St. Denis were scores of tenants of honours which were in the Crown's possession for one reason or another. In some ways they must have been worse off because they had to face the sheriff or his bailiff as soon as scutage was due. Since their lord was in practice the king, the sheriff collected scutage directly from such vassals. Not only scutage, but fines *pro passagio* were levied on these men just as if they were tenants-in-chief, which they were for scutage purposes<86>. As individual debtors the tenants of honours in hand are often listed in pipe rolls. Four great honours had large numbers of tenants in East Anglia: Boulogne, Rayleigh and Haughley, which can be taken together, Hatfield Peverel and Lancaster. A fifth, the honour of Richmond, is too much bound up with northern affairs to be used with any profit to illustrate East Anglian affairs.

An examination of the close and patent rolls for the years of the civil war produced over sixty *reversi* from these four honours<sup><87></sup>. It would be impossible to trace the scutage liability of these men through the rolls for several reasons. The first is that not all of them are listed for every scutage. Usually information is incomplete or insufficient. As with tenants-in-chief some of these men died during John's reign or were minors for most of it. However it is possible to extract from the records a sample of their treatment.

There was a family called Merk, the members of which were important tenants of the honour of Boulogne in Essex, Cambridgeshire and Suffolk. The members of the family who appear in the records are Atrop, Giles, Henry, Walter and William. Luckily they all held fees during John's reign. William and Walter were brothers, and Walter was William's heir. Henry was a nephew of these two<sup><88></sup>. The relationship of the others is unknown. Giles held one knight's fee in Chesterton in Huntingdonshire and Laleford in Essex. Henry held three fees in Holland and Laleford and land of Mandeville in Essex. William held one and a quarter fees in Chesterton which he inherited from Walter<sup><89></sup>. Atrop paid £4 scutage in 1199 but this sum need not be for three knight's fees as will be seen when the payments of other members of the family are discussed<sup><90></sup>.

The best record is for William Merk. Usually his payments were made by the sheriff of Cambridgeshire and Huntingdonshire on his behalf, but the sheriff of Essex and Hertfordshire too received money from him. Once William managed to secure quittance for three marks: usually however it was four marks on the fee, and once, five<sup><91></sup>. Henry Merk fined at about the same rate when it is possible to discover records of his payments<sup><92></sup>. It is not necessary to rely on the fortunes of a single family to illustrate the point that such tenants were over-burdened by scutage. Hubert de Anstey, a baron in his own right, held three fees of the honour of Boulogne<sup><93></sup>. In 1201 and 1203 he fined at the rate of six marks on each of these fees<sup><94></sup>. William de Wissant held one fee of the honour of Boulogne in Essex and Hertfordshire. His commitment rose from two marks for the first scutage of John's reign, to four marks for the second, five marks for the third and fourth, and six marks for the fifth scutage<sup><95></sup>. Tenants on the other honours fared just as badly. Gilbert de Mauduit, who held two knight's fees of the honour of Hatfield Peverel in Essex, had to pay £5 to be quit of service in 1201<sup><96></sup>. William de Valognes, tenant of half a knight's fee on the honour of Lancaster in Norfolk and Suffolk had to fine with £5 to be quit in 1201, that is, the equivalent of £10 on the fee<sup><97></sup>.

Such examples could be multiplied. Those given serve to demonstrate that tenants on honours in hand were at the mercy of the sheriff or the justices or whoever fixed their fines *pro passagio*. Throughout the reign such fines tended to be at least three marks on the fee, and often were extortionate. Such tenants were forced to pay several times the fines levied on lords who could negotiate personally. Powerful lords could expect to receive favourable treatment. For example, William, earl Warenne, almost always served in person. On one occasion when he did not, he was able to fine

for 120 marks, that is, two marks on the fee and nothing for his personal service<sup><98></sup>.

Harsh treatment and exploitation of honours in hand were at best short-sighted and at worst politically damaging. Tenants of such honours were not a separate species isolated from men of the same status on other honours. They could compare their own treatment with that of fellow knights. Besides, many of them held of other lords and knew what they could expect from a lord's protection. William Rufus, a tenant of the honour of Boulogne in Cambridgeshire also held of Bigod<sup><99></sup>. Robert de Mortimer with one fee in Little Woodham, Essex, of the honour of Hatfield Peverel, was also an important Warenne tenant<sup><100></sup>. William de Verdun, with half a knight's fee in Culpho, Norfolk, of the honour of Lancaster, held six fees of Bigod<sup><101></sup>. The converse was also true. Some men, barons in their own right, were mesne tenants of such honours. William of Huntingfield was one. He held only one fee in chief, but he held of the honours of Lancaster and Rayleigh, and was an important tenant of the honour of Eye<sup><102></sup>. Earl Bigod held two knight's fees of the honour of Boulogne, four of the honour of Lancaster, and two of the honour of Richmond<sup><103></sup>. Roger de Cressy held seven fees of Boulogne in Essex<sup><104></sup>. The landholding class was so tightly knit in East Anglia that the same men reappear again and again holding land of each other or with each other in the same honours. As tenants in escheated honours the great lords of East Anglia must have shared, or at least been aware of the grievances of less important tenants.

Whether powerful and influential, or poor and insignificant, the features of the scutage policy of King John were the same. Scutage itself was becoming more expensive. It rose from two marks on the fee to three. It was becoming more frequent. The king had tried to levy it in such a fashion as to make it difficult to distinguish from an aid. He had abused his rights by allowing favoured lords to collect aids in the manner of scutages at very high rates on their own fiefs, a practice attacked and prohibited in Magna Carta<sup><105></sup>. Obviously the most offensive feature was the introduction of fines in lieu of personal service. Offensive because there was no system, fair or otherwise, no yardstick by which to measure the size of the fine imposed. In operation therefore, the fines were whimsical and manifestly discriminatory against lords outside the charmed circle and knights who held of honours in hand. The same lord could have a fine equivalent to three marks on the fee accepted on one occasion, only to discover that the equivalent of four marks was needed on another occasion. Powerful lords benefited from their influence at court or their willingness to serve in person. Tenants of honours in hand were severely mulcted by Crown officials.

It was not 'continual financial exactions' which lay at the root of rebellion, but the abuse of customary financial procedure and the patently arbitrary and unjust actions of the king and royal officials. King John could not deny custom, but at the same time custom was inhibiting his capacity to govern his realm. There was nothing new in this. King Henry II was trying to overcome the same problem in 1166. But custom

was a protection against royal *voluntas* to which the king's subjects had to cling. Any formal change in customary practice which subjects agreed to would have inevitably been to the king's advantage. At another level besides the purely financial however, a formal change in scutage procedure was unthinkable because it would have implied a negation of the basis of lords' land tenure, perhaps even their role in medieval society.

Scutage was the best possible ground on which to fight the king's demands because it was so fundamental to feudal concepts of land-holding and fealty. King John's East Anglian tenants-in-chief may have been old-fashioned in their outlook, or perverse in wanting to serve personally with their knights in largely professional, mercenary armies, but then so did French knights and their lords at Poitiers in the fourteenth century – with disastrous results. Monetary inflation during the reigns of the Angevins was a phenomenon, but to try to establish it as the overriding cause of all ills in John's reign is surely to import twentieth-century thinking into medieval events. East Anglian lords would have been astonished at the suggestion that they would not give their king money to aid his struggles: in fact they did, in 1204 for example. But at the root of affairs is their demand to be included in the workings of government, to control the scope of royal will. Magna Carta displays the direction of their attack. It contains repetitive emphasis on consent and consultation, e.g. caps. 12 and 14. All the areas where John could operate on a personal whim were to be rendered open to supervision.

It is undeniable that customary procedure could not cope with the long struggle against King Philip, but customary procedure was not designed to cope with such a war. It was wholly extraordinary. Inflation added to the burden, but it would have been an intolerable burden anyway without inflation. Other elements such as King John's temperament and the barons' perception of their role in society must be considered.

Scutage policy was not the cause of the rebellion in 1215, but there is a mass of evidence to show that the policy was the cause of resentment and discontent, that it was one of the elements which placed men in a mood of disaffection, ripe for rebellion. Scutage itself levied eleven times in fifteen years would have been a burden. Anything which made it more expensive or more difficult to pay was certain to produce dissension. Higher rates and fines did just that. It is no coincidence that reforms of scutage procedures occupy two clauses of Magna Carta.

## NOTES

1. E.g. P.D.A.. Harvey, 'The English Inflation of 1180-1220', *Past & Present*, 61, 1973, 3-35. P.A. Coss, 'Sir Geoffrey de Langley and the crisis of the knightly class in thirteenth-century England', *Past & Present*, 68, 1975, 3-37.

2. Coss, p. 27.

3. Harvey, p.14.
4. See J.C. Holt, *Magna Carta*, Cambridge 1965, p.35; F.M. Powicke, *The Loss of Normandy (1189-1204)*, Manchester 1961, ch.8.
5. *English Historical Documents*, II, ed. D.C. Douglas & S.W. Greenaway, 2nd edition, London 1981, 559.
6. S.K. Mitchell, *Studies in Taxation under John and Henry III*, Newhaven 1914, p.24 & n.
7. *Ibid.*, pp. 49, 52-53.
8. Hugh, bishop of Lincoln, and Herbert, bishop of Salisbury. *Magna Vita Sancti Hugonis*, ed. J.F. Dimock, Rolls Series 1864, pp.249-250.
9. It is stated in the *Red Book of the Exchequer* that the rate for this scutage was two marks on the fee, p.12. However payments *pro scutagio* were usually three marks per fee. See Mitchell, p.98.
10. Harvey, p.13.
11. E.g. Thomas D'Arcy. *Rot.Lib.*, p.44; *The Chronicle of Jocelin of Brakelond*, ed. H.E. Butler, London 1949, p.63.
12. *Pipe Rolls* 1 John, p.290, 2 John, pp.140, 172, 8 John, p.238, 13 John, pp. 124, 135.
13. *Book of Fees*, p. 574; *The Red Book of the Exchequer*, ed. H. Hall, 3 vols.,Rolls Series 1896, p.345.
14. Together they had *servitia debita* totalling 110 knight's fees. St. Benet Hulme adds another three. H.M. Chew, *Ecclesiastical Tenants-in-chief*, Oxford 1932, pp. 4-5.
15. Chew, pp.42-43.
16. Chew, p.42.
17. J.C. Holt, *The Northerners*, Oxford 1961, pp.91-92.
18. I.J. Sanders, *English Baronies, a Study of their Origin and Descent*, Oxford 1960, pp.30-31; *Rot. de Ob. et Fin.*, p.515; *Rot. Litt. Claus.*, i, 252b.
19. He had nine knight's fees there. *Pipe Roll* 7 John, p.62; *Red Book of the Exchequer*, p.490.

20. Sanders, pp.16, 53. Robert fitzRoger offered 100 marks for having the marriage of his son and heir. *Pipe Roll 1 John*, p.273; *Memoranda Roll 1 John*, p.79.

21. He had been disseized for his action. Robert fitzRoger did not have to pay his 100 marks. *Pipe Roll 9 John*, p.178; *Rot. de Ob. et Fin.*, p. 397.

22. *Pipe Roll 6 John*, pp. 23, 24. Geoffrey fitzPeter had custody of the heir and seems to have protected his interests, for the debts were still owing in 1214 when William de Lanvalay was disseized for not paying. *Memoranda Roll 10 John*, p. 52; *Rot. de Ob. et Fin.*, pp. 279,528.

23. *Pipe Roll 5 John*, p.134; *Rot. Litt. Pat.*, p. 35. Roger de Lacy, constable of Chester was guardian of the heir. *Rot. Litt. Claus.*, i,91b; *Pipe Roll 13 John*, p. 123.

24. Sanders, pp. 52, 71, 97-98, 150.

25. These are the earls of Clare and Norfolk, Robert fitzWalter, William of Huntingfield. Other members of the Twenty-Five from East Anglia were Geoffrey de Mandeville, Hugh Bigod, Gilbert de Clare, William de Lanvalay, Geoffrey de Say and Robert de Vere, earl of Oxford. William de Albini and John fitzRobert were closely involved with the northern group. See J.C. Holt, *The Northerners*.

26. William Malet's Norman lands were centred at Gravelle, Ste. Honorine (Le Havre, Seine Inférieure), L.C. Loyd, *The Origins of Some Anglo-Norman Families*, Harleian Society, CIII, p.56.

27. *Reversi* was the clerks' title for 'those who had returned to their allegiance'. Holt showed 'the lists of *reversi* give an entirely false impression in that they automatically underestimate the strength of the rebellion in just those sections of the country where it was strongest.' *The Northerners*, pp. 37 ff.

28. The earl of Oxford owed 65 marks in 1201 for all his scutage. *Pipe Roll 3 John*, pp. 72, 141, 186. The earl of Clare owed £189/3/8 scutage in 1199 and 1201. *Pipe Roll 1 John*, p. 290, *3 John*, pp. 140, 172. For the others' quittances see *Pipe Rolls 1 John*, pp. 18, 55, 118, 128, 162, 179, 180, 291, *3 John*, pp.28, 88, 141, 173, 186, 209, 229, *4 John*, pp.16, 28, 67, 111, 117, 118, 143, 154, 155, 271, *5 John*, pp. 5, 26, 35, 97, 135, 185, 197, 211.

29. *Pipe Rolls 1 John*, pp. 69, 180, 291, *3 John*, pp. 72, 117, 141, 173, 186, 289, *4 John* pp. 28, 117, 137, 217, 271, 289, 270, *5 John*, pp. 5, 26, 97, 134, 135, 185, 192. Like his father, Richard de Muntfichet served. For his quittances see *Pipe Roll 16 John*, pp. 9, 10.

30. *Pipe Rolls 6 John*, p.118, *13 John*, p.99.

31. *Pipe Rolls 3 John*, p. 71, *4 John*, pp. 117, 269. His service was ten knights. *Red Book of the Exchequer*, p. 357.

32. *Pipe Roll 16 John*, p.11; Sanders, pp. 121-122.

33. Bigod owed £55 for King Richard's ransom and £27/12/6 for his Welsh scutage. *Pipe Roll 1 John*, pp. 265, 267. Clare owed £10 for Richard's second scutage, £66 approx. of the aid for the king's daughter, and £44/16/1 for Richard's Welsh scutage. *Ibid.*, pp.63, 264, 265.

34. After the enrolment of the scutage debt comes the phrase, 'set decit esse superdemandam,' *Ibid.*, pp. 265, 267.

35. See below, p.56.

36. See below, p.57.

37. *Pipe Rolls 1 John*, p. 290, *7 John*, p. 238. On this occasion (1205) Bigod immediately paid £80 (that is the scutage for 60 fees at two marks) but would not pay the £87 for the remaining 65  $\frac{1}{4}$  for which the kind demanded scutage.

38. *Pipe Roll 10 John*, p.14; *Memoranda Roll 10 John*, p.52

39. *Pipe Roll 10 John*, p.4.

40. *Pipe Roll 12 John*, p.209.

41. *Ibid.*, p.45. In two years he had paid £980.

42. In 1211 the earl was quit of 131 fees, several fractions of fees which amounted to about two more, nine and a quarter held by the countess, and seven and a half *de novo feffamento*. *Pipe Roll 13 John*, p.4.

43. *Pipe Roll 12 John*, p.31.

44. *Pipe Roll 16 John*, p.177.

45. *Pipe Roll 7 John*, p.238. Special visits by the earl himself to the Exchequer were required to stave off action on his scutage debts. In 1208 such a personal visit gained him respite until Michaelmas, *Memoranda Roll 10 John*, p.57.

46. It is worth recording the fine. 'Earl Roger le Bigot renders account for 2,000 marks for having respite all his life from service of 120 knights on a service of sixty knights and for having respite all his life from the demands the Barons are making on him for scutages arrears. Terms: Christmas year 13,500 marks, at the Exchequer 500

marks, and at the Michaelmas Exchequer following 340 marks, and at the next Easter Exchequer 360 marks and at the next Michaelmas Exchequer 360 marks... for which he has delivered to the king five hostages and also for his faithful service.' *Pipe Roll 13 John*, p.2.

47. The first such entry is in the year of the fine, 1211. It is noted in those words in the Chancellor's roll that the earl is quit of arrears from King Richard's time. *Pipe Roll 13 John*, p.16. Yet in 1214 the same arrears appear again for the sixteenth time. *Pipe Roll 16 John*, p.169.

48. *Pipe Roll 13 John*, p.2.

49. *Pipe Roll 14 John*, p.17.

50. See above, p.56.

51. *Pipe Roll 1 John*, p.290.

52. *Pipe Roll 3 John*, p.140.

53. *Feudal England*, London 1895, pp.253-56. 'Inquisitions *post mortem* stated that the service for Clare was unknown and other records mention no service done from Clare'. Sanders, p.35 & n.

54. His debts are listed and totalled in Exchequer Miscellanea P.R.O. 1/8b m. 2<sup>d</sup>.

55. P.R.O. Fine Roll no.16 m.9.

56. *Book of Fees*, pp.121, 183, 195, 203, 224.

57. *Pipe Rolls 7 John*, p.174, *10 John*, p.33; *Memoranda Roll 10 John*, pp.52, 66.

58. E.g. *Pipe Rolls 2 John*, p.20, *8 John*, p.238. See Holt, *The Northerners*, pp.89-92 on refusals to pay 1204 and 1205.

59. *Pipe Rolls 12 John*, p.31, *13 John*, p.24.

60. *Pipe Roll 8 John*, pp.42, 53, 54, 136, 169, 209, 239.

61. 'Claiming that they had left him amongst enemies overseas and that because of their defection he had lost castles and his lands, he took from them a seventh of all their moveables.' *Matthaei Parisiensis, monachi sancti Albani, chronica majora*, ed. H.R. Luard, 7 vols., Rolls Series 1872-83, ii.483. The seventh was in fact levied in summer 1203. Mitchell, pp.54, 62.

62. *Radulphi de Coggeshall chronicon Anglicanum*, ed. J. Stevenson, Rolls Series 1875, pp.152-54.

63. *Rot. Chart.*, pp.38, 52, 53, 53b, 57b, 58, 61b, 64b, 65, 68b, 84, 84b, 112b, 114b, 125, 128b, 129, 145b, 150, 150b, 151, 151b, 152, 152b, 159b, 160. After 1205: pp.186, 191, 214. One of these post-1205 was the treaty of May 1212 with Count Renaud of Boulogne which was witnessed by virtually every great noble in England including Robert fitzWalter, Geoffrey de Mandeville, Gilbert de Clare and Geoffrey de Say. *Ibid.*, p.186. They may all have been assembled before the onslaught on Wales. Earl Bigod's two other appearances were in 1213 and 1215. One may have been politically important. He was probably called upon to witness the charter about a hostage of Adam de Port. *Ibid.*, p.191. The last occasion is recorded among charters of summer 1215 but is dated *anno quinto*. *Ibid.*, p.214. Even if this is taken as an error for *decimo quinto*, it makes no difference.

64. The last charter he witnessed in 1205 was given on 7 June at Portsmouth. *Rot. Chart.*, p.154. For witnessing before June 1205 see *ibid.*, pp.65, 65b, 76b, 1119b, 128, 130b, 147, 151, 152b, 153b, 154. After 1205: pp.204b, 210b. Clare's son Gilbert witnessed the treaty with the count of Boulogne in 1212. *Ibid.*, p.186.

65. *Ibid.*, pp.192, 197.

66. In January 1215 the king sent letters patent of safe conduct to Bigod to come to discuss *gravamina* at New Temple, London. *Rot. Litt. Pat.*, p.126b.

67. The reason for this is that fitzWalter, though he did witness some charters, was fully occupied fighting in France until 1203. From then until early 1204 he was imprisoned in France after the fall of Vaudreuil castle.

68. After 1205 he appears at least fifteen times before 1212. *Rot. Chart.*, pp.162b, 165, 171, 174b, 175, 177, 177b, 182, 183, 184, 184b, 186, 186b.

69. *Pipe Roll 16 John*, pp. 2, 3, 10, 14, 170, 173.

70. *Pipe Roll 1 John*, pp. 107, 109, 257.

71. *Ibid.*, pp. 9, 92, 93.

72. *Pipe Roll 16 John*, pp.2, 10.

73. *Pipe Roll 13 John*, p.124, *16 John*, p.10. The family of the baron had been based in Essex since Domesday. The chief holdings were in Epping Forest. The family name appears in such place-names as Stapleford Tawney and Theydon Bois. They also held land at Elmstead, Great Stambridge and Latton. J.H. Round, *Geoffrey de Mandeville*, London 1892, p.91. Gilbert de Tany rebelled in 1215 and his lands were

granted to Ralph Gernon. *Rot. Litt. Claus.*, i.265b. The best evidence that Gilbert was an Essex man is that he was on the jury which declared the custom of Essex and outlawed fitzWalter in 1212. Like most of the other jurors he rebelled. *Rot. Litt. Claus.*, i. 165b.

74. 'This scutage could not be imposed on either the prelates or lay barons, and because of it almost all the barons turned aside from loyalty to the king.' *Red Book of the Exchequer*, p.12.

75. *Dialogus de Scaccario*, p.112. Translation from *English Historical Docs.*, II, 598.

76. Raimes, lord of Rayne, Essex. 'The fees of Richard de Raimes which he rendered to the king because he could not distrain his knights.' *Pipe Roll 3 Henry III*, p.111. The tenants he could not distrain included Earl Bigod and Earl Robert de Vere.

77. He had four knights enfeoffed *de veteri* and three and a half on demesne. *Red Book of the Exchequer*, p.353. After 1166 he was charged on 7½.

78. *Pipe Rolls 3 John*, p. 71, 4 *John*, p.269, 5 *John*, p.134, 6 *John*, p.35, 7 *John*, p.174, 8 *John*, p.238.

79. His fines varied between 50 marks (1201) and 10 marks (1205). Usually however he had to pay scutage on his fifteen knight's fees as well. E.g. *Pipe Rolls 5 John*, p.137, 8 *John*, p.169.

80. *Pipe Rolls 1 John*, p.290, 3 *John*, p.140, 4 *John*, p.116. The baron in 1166 claimed he had been deprived of one and a half fees. Nevertheless he was charged for ten. *Red Book of the Exchequer*, p.410.

81. *Pipe Roll 6 John*, p.241.

82. His fief was in the sheriff's hands until 1206. *Pipe Roll 8 John*, p.34. For that year's scutage demand see *ibid.*, p.35. The expenses incurred in John's reign crippled the barony. Gilbert's successor in 1230 was heavily in debt. By 1244 the fief had probably passed to the Crown in order to pay the debts. In a desperate attempt to salvage something Gilbert had remained loyal in 1215. His *servitium debitum* was ten, and originally the quota had been filled by five knights enfeoffed and five due from the demesne. *Red Book of the Exchequer*, p.410. But his barony was remarkable in that the tenants came to be almost exclusively powerful lords, and they refused to perform any service. Already, by 1166 the king had seized one of the fees and the bishop of Ely was denying service for half a knight's fee. *Ibid.*. Matters came to a head in 1206. The £10 owed was never paid; debts from subsequent campaigns mounted even though Gilbert served personally in Ireland and Scotland. *Pipe Rolls 12 John*, p.32, 13 *John*, p.4. Kentwell's loyalty in 1215 was in order to gain the lands of some of the most powerful rebels who were his tenants, as indeed happened – on

paper at any rate. *Rot. Litt. Claus.*, i. 240b. But of course he could not execute a royal mandate in East Anglia and after 1217 things returned to pre-war conditions. The barony slowly fell to pieces. In 1230 seven of the ten fees had been appropriated by others and the debts grew impossible. *Pipe Roll 26 Henry III*, pp.192, 195. *Memoranda Roll 14 Henry III*, pp. 45-46, 61.

83. *Red Book of the Exchequer*, p.400.

84. *Pipe Roll 4 John*, p.116.

85. *Ibid.*, *Pipe Rolls 6 John*, p.245, *7 John*, p.235.

86. 'Tenants in honours in hand paid fines to the king as though they were tenants-in-chief.' Mitchell, p.60.

87. B. Feeney, 'East Anglian Opposition to King John', unpublished Ph.D thesis, Reading 1973, Appendix I.

88. *Rot. Litt. Claus.* i. 245b, 312b; *Pipe Roll 2 Henry III*, p.80. For an account of the family's origins and importance see J.H. Round, 'The Counts of Boulogne', in *Studies in Peerage and Family History*, III, 156-159.

89. *Book of Fees*, pp.242, 236, 237, 481; W. Farrer, *Honours and Knight's Fees*, 3 vols. London, Manchester 1923-25, III, 210-211. *Red Book of the Exchequer*, p.529; *Rot. de Ob. et Fin.*, p.161.

90. *Pipe Roll 1 John*, p.104.

91. *Pipe Rolls 8 John*, p.169, *3 John*, p.126, *4 John*, p.136, *5 John*, p.5, *6 John*, p.35.

92. *Pipe Roll 6 John*, p.35; *Rot. de Ob. et Fin.*, p.162.

93. He held Ridgewell, Hormead and Braughing in Herts. *Red Book of the Exchequer*, p.576j; Farrer, iii.266.

94. *Pipe Rolls 3 John*, p.71, *5 John*, p.133.

95. *Pipe Rolls 1 John*, p.104, *3 John*, p.70, *4 John*, p.270, *5 John*, p.133, *6 John*, p.35.

96. *Pipe Roll 3 John*, p.71.

97. *Pipe Rolls 3 John*, p.140, *4 John*, p.112.

98. *Pipe Roll 7 John*, pp.74, 155, 174, 239. His treatment in 1205 can be compared with that for example of fitzWalter who had to pay a fine as well as scutage.

99. *Book of Fees*, p.110; *Red Book of the Exchequer*, p.580.
100. Farrer, iii. 383-384; *Red Book of the Exchequer*, pp.499, 502.
101. *Ibid.*, pp.478, 395, 570; *Book of Fees*, p.224.
102. Farrer, iii. 396-397; *Book of Fees*, p.121; *Pipe Roll 7 John*, p.180; P.R.O. Fine Roll no.16, m.9; *Red Book of the Exchequer*, pp.596, 597.
103. *Ibid.*, pp. 478, 479, 501.
104. *Book of Fees*, p.484. Robert fitzWalter too, held fees of Boulogne. *Ibid.*, pp.238, 276,476-479, 485.
105. King John's own use of the terms *scutagium* and *auxilium* would indicate that the distinction between them was theoretical rather than practical. For example, in November 1212 he allowed his half-brother , William Longsword, earl of Salisbury, the privilege of levying a scutage on his fief *ad terras instaurandas*, at the advanced rate of three marks on the fee. Here are the terms of his licence to the sheriff of Berkshire. 'We order you to arrange for our brother W. earl of Salisbury, a scutage on knight's fees held of him in chief in your bailiwick whether in demesne or in ward, namely at the rate of 3 marks and a similar reasonable aid from his free tenants for stocking the lands of this earl.' Similar orders were circulated to the sheriffs of eighteen other shires where the earl of Salisbury had land. *Rot. Litt. Claus.*, i.127. This sort of thing was specifically prohibited by Magna Carta, cap. 15.