Lordship and locality: multiple lordship in the north midlands during the long twelfth century (c.1066-c.1216)



Hannah Boston
Trinity College
University of Oxford

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Short abstract

This thesis addresses the phenomenon of multiple lordship in Leicestershire, Derbyshire, and Staffordshire, c.1066-1216, as a means of questioning the present historiographical dominance of the honour. It does so through a study of the multiple allegiances of the minor lords of this area. The first section addresses the origins of the practice of multiple allegiance in England, and traces its establishment in England in the first decades after the Conquest. Contemporary thought on the practice is then addressed. It is argued that the ideas of non-royal liege lordship are a guide to the aspects of the practice that concerned contemporaries, and shows how they sought to deal with these pragmatically. The second section draws on the thousands of private charters surviving for these three counties in order to provide a quantitative and qualitative framework for multiple allegiance. It is shown that families with multiple allegiance were roughly as common as those with a single lord by c.1216, and that many of these patterns were established by the early twelfth century. A series of case studies are then addressed which show that multiple allegiance often made families focus more on a particular locality, in which they sought to build up a base of power. The impact of lordship and locality, too, can be seen in the patterns of benefaction to religious houses. It is argued that in in studying twelfth century England, focus on the honour should be balanced with study of the locality.

Long abstract

This thesis addresses the origins, spread, and impact of multiple lordship in England, c.1066-1216. It seeks to question the current historiographical position that sees multiple allegiance as problematic through focus on the minor lords of Leicestershire, Derbyshire, and Staffordshire. In doing so, it proposes an amended model for how to study twelfth-century society that gives greater weight to the impact of geography and local power.

The Introduction provides the historiographical and social contexts for this research. Sir Frank Stenton popularised the study of the honour as a means of understanding post-Conquest English society. He believed that this was a 'feudal' form of order that began to break down in the later twelfth and into the thirteenth centuries. Others have followed this model, notably S.F.C. Milsom who saw a fundamental change in the lord's power over his honour following Henry II's legal reforms. As the term 'feudal' has increasingly fallen out of favour, historians have switched to 'honorial' as a focus of study for twelfth century England. In doing so, however, the same 'feudal' framework has continued in use. This thesis, then, seeks another perspective on the role of the honour in English society by looking at it from the point of view of the 'minor lords', the small tenants-in-chief and subtenants whose focus was primarily local. In particular, focus on this group shows that many individuals held land from several honours, some from the earliest decades after the Conquest. Rather than seeing the honour, therefore, as starting from a pristine point and breaking down, it is clear that it coexisted with a more diverse political and social framework than has hitherto been studied. This is not to deny that there was a change in the nature and strength of an honour across the twelfth and thirteenth centuries, but to challenge the idea of the scale of this change.

Since we can see individuals in late eleventh century England with multiple lordship bonds, and who can be seen interacting with others on the basis of neighbourhood and locality, it is nothing revolutionary to see similar things in the thirteenth century, even though the weight has shifted more towards locality and away from the seigneurial bond.

Chapter One addresses the origins of multiple lordship in Normandy, Anglo-Saxon, and post-Conquest England. It is argued that the concept initially appeared in northern France in the late Carolingian period, when the capitularies begin to try to legislate against it. Nevertheless, references to multiple lordship increase up to the eleventh century, and the practice seems to have been well-established by 1066. In England, the 'threefold' pattern of lordship does not seem to have been comparable to multiple lordship as it is understood in this thesis. Nevertheless, there was some multiplication within these types of lordship, particularly in commendation. After the Norman Conquest in 1066, multiple lordship quickly developed among the new settlers. This may have been in part from the continuation of ideas and practices from pre-1066. Of equal importance was the nature of the Norman settlement, which rarely granted lands as contiguous blocks. Instead, fragmented lands encouraged lords and their men to interact with other landholders and set locality and lordship on intersecting paths. This laid the foundation of widespread multiple lordship which survived into the twelfth century.

Chapter Two seeks to address what contemporaries thought about the practice through looking at the recurring concept of liege lordship in twelfth-century England. It is impossible to determine the extent to which liege-ship was a potent idea in the society, but since it was put forward as a means of dealing with multiple lordship, texts which discuss it can provide a useful index for what some contemporaries regarded as

problematic about multiple lordship. Aside from potential clashes in military service, the potential problems seem to have been relatively mundane, and are (at least in theory) resolved with pragmatic solutions.

Chapter Three is the first of three chapters of case studies from the north Midlands region. It takes a quantitative approach, drawing on thousands of private land-grant charters from the three counties in order to provide a framework for how frequent multiple lordship was in the society. It is shown that multiple lordship is roughly as common among the minor lords as single lordship. Moreover, the frequency of individuals acquiring lords does not seem to increase through the twelfth century: much of this framework was in place by 1135.

Chapter Four builds on this by providing a series of case studies on how multiple tenants interacted with their lords. It is argued that those men with multiple lords behaved differently from those with a single lord: the former were more likely to take measures to establish themselves in the landscape and in a particular region. Multiple lordship does not, however, seem to have made men less trusted: multiple and single tenants alike are referred to as honorial barons, and were made seigneurial officials. Chapter Five examines the impact of multiple lordship through a different lens: that of grants to religious houses. The benefaction patterns of men with single and multiple lords are examined. Those with single lords were more likely to follow their lords' grants, even when these were to houses far outside their own ambit. Multiple tenants tended to imitate several of their lords, but commonly the locality and proximity to a religious house seem to have been important factors.

Finally, this thesis draws some brief conclusions from the above, and makes some suggestions about how the widespread existence of multiple lordship should bear on the model of the development of ideas of land tenure and property. It is argued that the Milsomian model cannot stand up against the clear evidence for the complex

relationship of minor lords to their own lords, and the interweaving of different layers of tenure. Instead, it is suggested that tenure was becoming more secure in the twelfth century, prior to the Angevin legal reforms, as a result of the position of minor lords and other free landholders. This was in contrast to the tenures of the tenants-in-chief, who remained subject to the whims of the ruler. It is argued that more work needs to be done on the private charter of the twelfth century in order to understand the structures of twelfth-century English society more fully.

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Very great thanks must go, also, to my two endlessly patient supervisors, Professor George Garnett and Dr. Thomas Lambert. They have been my staunchest supporters and my sternest critics throughout this degree, and I am immensely grateful for both. My thanks to George for his inspiration, rigour, and pithy comments on my drafts; to Tom, for all of his help in clarifying my thinking and his rigorous approach to writing. Thanks, too, to Alice Taylor, David Bates, Alex Dymond, and Kerrith Davies for helping me with references for the more obscure corners of Normandy. Any errors that remain are of course my own.

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Rebecca Boston. Greatest of all thanks should go to my husband, Zander, for his constant support and encouragement.

This thesis is dedicated to the memory of my grandfather, James Steadman, and my mother-in-law, Cathleen Asch Goss, both of whom sadly passed away during its writing.

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Abbreviations

ANS	*Anglo-Norman Studies*
ASC	*The Anglo-Saxon Chronicle: A Revised Translation*, ed. D. Whitelock with D. C. Douglas and S. I. Tucker (London, 1961)
Barraclough	G. Barraclough, *The Charters of the Anglo-Norman earls of Chester, c.1071-1237* (Record Society of Lancashire and Cheshire, 1988)
Capitularia	*Capitularia regum Francorum,* ed. A. Boretius and V. Krause (2 vols., *Monumenta Germaniae Historica, Legum II* Hanover, 1883-1897)
Cole	BL. Add. MS. 5822 (1780 transcript of Bodleian, Gough MS. Derby I (S.C. 17857) by William Cole, antiquary), charters from this added by Darlington to his edition of the Darley cartulary (see Darley p.lxxvi)
CRR	Curia Regis *Rolls preserved in the Public Record Office* (20 vols., 1922-2006), ed. C. T. Flower, D. Crook, P. Brand
DAJ	*Journal of the Derbyshire Archaeological and Natural History Society* (1879-1960); *Derbyshire Archaeological Journal* (1961-)
Dale	*The Cartulary of Dale Abbey,* ed. A. Saltman (London, H.M.S.O., 1967)
Darley	*The Cartulary of Darley Abbey*, ed. R. R. Darlington (Kendal, 1945)
Davis	G. R.C. Davis, C. Breay, J. Harrison, D. M. Smith, *Medieval Cartularies of Great Britain and Ireland* 2nd edn. (London, 2010)
DB	*The Alecto Domesday* 34 vols. (1985-1992) ed. A. Williams
DBB	F. W. Maitland, *Domesday Book and Beyond: Three Essays in the Early History of England* (Cambridge, 1897)
Dialogue	Richard FitzNigel, *Dialogue of the Exchequer* (*Dialogus de Scaccario*), ed. E. Amt and S. D. Church (Oxford, 2007)
DRO	Derbyshire Record Office
Dugdale, *Monasticon*	W. Dugdale, Rev. J. Caley, H. Ellis, and B. Badinel (eds.), *Monasticon*

	Anglicanum (6 vols. in 8, London 1817-30)
EEA	*English Episcopal Acta*
EHD i	*English Historical Documents I, c.500-1042*, ed. D. Whitelock (2nd ed., London, 1996)
EHD ii	*English Historical Documents II: 1042-1189*, ed. D. C. Douglas and G. W. Greenaway (London, 1981)
EHR	*English Historical Review*
Fauroux, *Recueil*	M. Fauroux and L. Musset, *Recueil des actes des ducs de Normandie de 911 à 1066* (Caen, 1961)
Glanvill	*The treatise on the laws and customs of the realm of England, commonly called Glanvill*, ed. G. D. G. Hall and M. T. Clanchy (London, 1993)
GND	*The* Gesta Normannorum Ducum *of William of Jumièges, Orderic Vitalis, and Robert of Torigni,* ed. E. M. C. van Houts (2 vols., Oxford, 2003)
Golob, 'Ferrers'	P. E. Golob, 'The Ferrers Earls of Derby: A Study of the Honour of Tutbury 1066-1279' (2 vols., Cambridge University Ph.D. thesis, 1984)
Gresley charters	I. H. Jeayes, *Descriptive catalogue of the charters and muniments of the Gresley family in the possession of Sir Robert Gresley at Drakelow* (London, 1895)
HSJ	*Haskins Society Journal*
Hudson, *OHLE*	J. Hudson, *Oxford History of the Laws of England*, Vol. II, 817-1216 (Oxford, 2012)
Jeayes	I. H. Jeayes, *Descriptive catalogue of Derbyshire charters in public and private libraries and muniment rooms* (London, 1906)
Kniveton	A. Saltman, *The Kniveton Leiger* (London, H.M.S.O., 1977)
LAHS	*Leicestershire Archaeological and Historical Society*
LHP	*Leges Henrici Primi,* ed. L. J. Downer (Oxford, 1972)
Modwenna	Geoffrey of Burton, *Life and Miracles of St Modwenna*, ed. R. Bartlett (Oxford, 2002)

Nichols, *Leicester*	J. Nichols, *The History and Antiquities of the County of Leicester* (4 vols., London, 1795-1811)
ODNB	H. C. G. Matthew and B. Harrison (eds.), *Oxford Dictionary of National Biography* (Oxford, 2004), cited from online version, accessible at http://www.oxforddnb.com/
Okeover	Okeover Deeds from G. Wrottesley, 'An Account of the Family of Okeover of Okeover' *SHC* VII (1904) pp. 4-187 at pp. 127-187
OV	Orderic Vitalis, *Historia Ecclesiastica,* ed. M. Chibnall 6 vols. (Oxford 1969-1980)
Parker, 'St. Thomas'	'A Chartulary of the Priory of St. Thomas, the Martyr, near Stafford', collected and edited Rev. F. Parker, *SHC,* VIII (1887), pp. 125-201
Pollock and Maitland, *History of English Law*	F. Pollock and F. W. Maitland, *The History of English Law before the time of Edward I* (2 vols., 2nd ed. Cambridge, 1898)
PR	Pipe Roll
Ranton	Ranton cartulary, London, BL, Cotton MS. Vespasian, C.XV
RRAN i, ed. Bates	*Regesta Regum Anglo-Normannorum*: *The Acta of William I (1066-1087)* ed. D. Bates (Oxford, 1998)
RRAN i, ed. Davis	*Regesta Regum Anglo-Normannorum: vol. I (1066-1100)*, ed. H. W. C. Davis (Oxford, 1913)
RRAN ii	*Regesta Regum Anglo-Normannorum: vol. II, Regesta Henrici Primi, 1100-1135*, ed. C. Johnson and H. A. Cronne (Oxford, 1956)
RRAN iii	*Regesta Regum Anglo-Normannorum: vol. III, Regesta Regis Stephani ac Mathildis Imperatricis ac Gaufridi et Henrici Ducum Normannorum, 1135-54* ed. H. A. Cronne, H. W. C. Davis, and R. H. C. Davis (Oxford, 1968)
RB	*Red Book of the Exchequer* ed. H. Hall (3 vols., Rolls Series, London, 1857-1944)
ROLLR	Record Office of Leicestershire, Leicester, and Rutland
Rydeware	The Rydeware Cartulary, London, BL, Egerton MS. 3041

S	ESawyer (http://www.esawyer.org.uk)
SHC	*Collections for a History of Staffordshire* (1879-)
SRO	Staffordshire Record Office
Stone	The Cartulary of Stone Priory, London, BL Cotton MS. Vespasian E.XXIV
TRHS	*Transactions of the Royal Historical Society*
Tutbury	*The Cartulary of Tutbury Priory,* ed. A. Saltman (London, H.M.S.O., 1962)
VCH	*Victoria County History*
WP	William of Poitiers, *Gesta Guillelmi,* ed. M. Chibnall and R. H. C. Davis (Oxford, 1998)
WRO	Warwickshire Record Office

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Introduction I: Historiography and Methodology

Framing multiple lordship

Around the turn of the twelfth century, Orderic Vitalis interpolated a story about the murder of Count Conan of the Bretons into William of Jumièges' *Gesta Normannorum Ducum*. According to Orderic, when Duke William II of Normandy was preparing for his invasion of England in 1066, the count sent an envoy to the duke, claiming that the duchy was his:

> Robert, duke of the Normans, who you pretend is your father, entrusted his entire inheritance to my father Alan, his cousin, just before he went to Jerusalem. Then you and your comrades poisoned my father Alan at Vimoutiers in Normandy and invaded his land, which I was unable to defend on account of my tender years, and which you have unlawfully, because you are illegitimate, kept ever since. You now either hand over Normandy which you owe me, or I shall start a war against you with all my forces.[1]

Fortunately for William, the count's threat was forestalled. Orderic says that 'One of the Breton magnates, who had sworn fealty to both the count and the duke, and who carried out this mission between them, smeared poison on Conan's horn, his reins, and his gloves. He was Conan's chamberlain.' The unlucky count was at this time laying siege to Château-Gonthier in Anjou, and in the course of this contracted a mortal infection from the poison, leading to his death shortly afterwards. The chamberlain, whom Orderic calls a traitor (*proditor*), fled to Duke William.

[1] *The* Gesta Normannorum Ducum *of William of Jumièges, Orderic Vitalis, and Robert of Torigni,* ed. E. M. C. van Houts (2 vols., Oxford, 2003) vii (33), ed. van Houts ii pp. 162-5.

This story is interesting for a number of reasons, not least for Orderic's undermining of the legitimacy of Duke William on the eve of his great triumph.[2] For the purposes here, however, the most important aspect is the Breton magnate's dual allegiance. Orderic says that this unnamed magnate who poisoned Count Conan had sworn *fides* to both the count and Duke William. The implication seems to be that this conflict of allegiance led to the unnamed magnate's betrayal; and perhaps that the magnate's dual *fides* put him in a prime position to act most advantageously for his own advancement.

The focus of this thesis is on those individuals in England during the long twelfth century (c.1066-c.1216) who were the men of more than one lord, and the origins and impact of this practice. There is a need to move from alarmist (and probably untrue) anecdotes such as this to the body of evidence concerning multiple allegiance as it was practised. In the course of this thesis, I will be using 'multiple allegiance' or 'multiple lordship' to refer to those instances where one man owed a form of allegiance as a subordinate— whether termed *commendatio, fides* or *homagium*— to more than one lord simultaneously. Multiple lordship of this type was a common practice that had developed long before the Norman Conquest, was well-established in England by 1100, and continued to proliferate throughout the following century. The research below seeks to address the question of how the practice developed in England, and how it affected relationships between men and their lords, before offering an amended means of studying local society in the twelfth century. The introductory chapters will first discuss the current state of the historiography on

[2] It is also likely to have been invented by Orderic (K. Davies, 'Winning the West: the creation of Lower Normandy, c.889-1087 (D.Phil. thesis, Oxford, 2016) pp. 197-8 and n.). D. C. Douglas, *William the Conqueror: The Norman Impact upon England* (London, 1964), Appendix F, pp. 408-15 expresses scepticism about this, and Orderic's other accusations of poison (*ibid.,* pp. 408-11). He also notes that Count Conan died well after the Battle of Hastings, on 11 December 1066 (*ibid*., p. 410).

multiple lordship, before moving on to the terminological, legal, and geographical frameworks which will be the foundation of the thesis.

Multiple lordship in context: Stenton and the honour

The historiographical background for this study falls into two overlapping groups: that of the honour, and that of multiple lordship itself. These will be addressed in turn in the following sections.

The honour is one of the dominant concepts in the historiography of twelfth-century English society. It can be used to refer to several closely linked concepts: a body of lands held by a tenant-in-chief from the king; the lord's tenants on this land; and the honorial court, those who owed suit of court to the lord as his tenants. For a long time in twentieth-century historical writing, it was assumed that to write about the honour and to write about feudalism was to describe the same system, and the honour thus formed an integral part of the conceptualisation of 'feudal society'.[3] As historians of England became increasingly squeamish about using the term 'feudalism', many dropped the term in favour of the more superficially empirical 'honour'.[4] This was largely done, however, without decoupling the conceptual

[3] Sir Frank Stenton, who as discussed below was hugely influential in the adoption of the honour as a framework for studying the twelfth century, sought to build on the work of J. H. Round on 'feudalism' by looking at conditions away from the royal court— that is, addressing the 'feudal' honour. (F. M. Stenton, *The First Century of English Feudalism, 1066-1166*, 2nd edn. (Oxford, 1961), pp. 1-6). J. H. Round, *Feudal England: Historical Studies of the XIth and XIIth Centuries* (London, 1909), pp. 225-307. See also J. C. Holt, 'Feudal Society and the Family, I-IV' in his *Colonial England*, *1066-1216* (London, 1997), pp. 161-78, 197-270.

[4] 'Feudal' was a standard term of reference for many of the most influential historians of this period until recent decades. F. W. Maitland used it (F. W. Maitland, *Domesday Book and Beyond: Three Essays in the Early History of England* (Cambridge, 1897), pp. 150-72), as did Round, Stenton, Chibnall, S. E. Thorne, and S. F. C. Milsom (M. Chibnall, 'Feudal Society in Orderic Vitalis', *ANS* i (1978), pp. 35-48; S. E. Thorne, 'English feudalism and estates in land', *Cambridge Law Journal* 17 (1959), pp. 193-209; S. F. C. Milsom, *The Legal Framework of English Feudalism* (Cambridge, 1976). Recent works have turned away from the term, but continue to use 'honour'. John Hudson's influential *History of the Laws of England* only uses the term 'feudal' in connection to the 'feudal incidents' of wardship, marriage, and relief (J. Hudson, *Oxford History of the Laws of England Vol. II, 817-1216* (Oxford, 2012) p. 454). George Garnett

framework of the honour from the problems that so burdened the concept of feudalism.[5] The predominant framework of the honour, therefore, replicates many of the problems of 'feudalism', but more insidiously. In replacing the label 'feudal' with 'honorial', the framework of feudalism has been given a more respectable contemporary gloss— we can, after all, easily find references throughout the twelfth century to the *honor*— but it is more difficult to identify the problematic assumptions that have been imported.[6] In this thesis, three of the underlying problems with the honorial model will be addressed: the assumption that a bond of allegiance should be singular, and that multiple lordship was contrary to the norm; that an honour began as a tidy and discrete community around a lord, to whom sole loyalty was owed, and that multiple lordship was a sign of the breakdown of this system; and that society in the twelfth century can be explained in terms of either baronial or royal power.[7]

The honorial-centric view of English society primarily owes its present dominance to the work of Sir Frank Stenton, particularly in his seminal *First Century of English Feudalism, 1066-1166.*[8] As the title suggests, Stenton was comfortable with using this most awkward of terms, and saw feudalism as being a Norman import.[9] After the Conquest William granted parcels of lands to his men as honours, which they were to hold of him in return for an agreed military quota. The tenant-in-chief in turn granted

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does similarly in his 2007 book *Conquered England* (G. Garnett, *Conquered England: Kingship, Succession, and Tenure, 1066-1166* (Oxford, 2007), pp. 55-6).

[5] Debates about the utility or otherwise of the term have continued for a long while. The objection here is that in using 'feudalism' there is imposed an unhelpful framework that is simultaneously too vague and too specific, and that it is more fruitful to focus on the constituent parts of society. Elizabeth Brown's classic article on feudalism summarises many of the general objections: E. A. R. Brown, 'The Tyranny of a Construct: Feudalism and Historians of Medieval Europe', *American Historical Review* 79.4 (1974), pp. 1063-88.

[6] See for instance the use of *honor*, *passim* in the *Cartae Baronum, RB,* i. pp. 263-381.

[7] Stenton, *First Century,* pp. 3-5; cf. R. Rees Davies, *Lords and Lordship in the British Isles in the Late Middle Ages*, ed. B. Smith, (Oxford, 2009), 'Apologia', pp. 3-4. See also C. Carpenter, "Political and Constitutional History: before and after McFarlane", in *The McFarlane Legacy: Studies in Late Medieval Politics and Society,* ed. R. H. Britnell and A. J. Pollard (New York, 1995), pp. 175-206 at pp. 180-3.

[8] See Stenton, *First Century,* p. 6.

[9] *Ibid*., pp. 12-13, 24; see also Maitland, *DBB*, pp. 93-4, 150-72.

parcels of this land out to his own men, in order to fulfil the service that he owed to the king, and to reward and cement their service to him.[10] The performance of this service and attendance of the honorial court served to create a retinue around the lord that were focused on serving that single lord. The key, therefore, for understanding the English socio-political structure was the institution of the honour: the arrangement between the lord and his *fideles*, with land forming the lynchpin.[11] The basic model is sound, although questions can be raised about whether the honour was as central as the Stentonian model suggests.

Following Stenton's lead, the mid-to-late twentieth century saw a number of studies of individual honours. Notable among these are the studies by Diana Greenway on the honour of the de Mowbray, which provided an edited collection of the honour's charters, with a useful introductory essay analysing the honorial structure.[12] Other works by K. J. Stringer on the honour of Earl David of Huntingdon, Barbara English on the honour Holderness, Richard Mortimer on the honour of Clare, and David Crouch on the Beaumont honour of Leicester have also provided very useful studies of the operation and composition of secular honours in the twelfth century, and have begun to highlight that individual honours saw variation and complexity in their structures.[13]

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[10] Stenton, *First Century*, p. 13.

[11] *Ibid.,* p. 98. David Crouch argued that Stenton's views of the honour softened between the first and second editions, and claims that the famous 'feudal state in miniature' quotation was dropped in the latter. The phrase is still used, however: 'The honour of Bolingbroke was a feudal state in miniature. Within it the peers of the fee were tenants in chief, and any arrangement on which they were agreed needed no sanction except that which their lord could give.' (D. Crouch, 'From Stenton to McFarlane: Models of Societies of the Twelfth and Thirteenth Centuries', *TRHS* 6th ser. vol. 5 (1995), pp. 179-200, esp. p. 184; Stenton, *First Century*, p. 51).

[12] D. Greenway, *Charters of the honour of Mowbray, 1107-1191* (Oxford, 1972).

[13] K. J. Stringer, *Earl David of Huntingdon, 1152-1219: A study in Anglo-Scottish History* (Edinburgh, 1985); B. English, *The Lords of Holderness, 1086-1260: a study in feudal society* (Oxford, 1979); D. Crouch, *The Beaumont Twins: the roots and branches of power in the twelfth century* (Cambridge, 1986); R. Mortimer, 'The beginnings of the Honour of Clare', *ANS* III (1980) pp. 119-141; *idem*, 'Land and Service: the tenants of the Honour of Clare', *ANS* VIII (1986), pp. 177-197. These works' treatment of multiple lordship is discussed below. See also J. Hunt, *Lordship and the Landscape: A Documentary and*

By the late twelfth century, however, it is commonly argued that the socio-legal powers of the honour were beginning to break down.[14] This is thought to be due to a combination of factors, the most frequently argued of which are: the beginning of more direct intervention by the king in the tenures of subtenants (although some bond had been created by William I and at least theoretically maintained since);[15] the development and growth of multiple lordship as lords sought service outside their honour; the declining ability of a lord to direct his tenants; and the declining value of tenants' service.

For Peter Coss, increasing royal assertiveness was a key factor. The twelfth century was a feudal world structured around the relationship between lord and man, and was increasingly weakened by the 'latent threat to magnate power' presented by the forging of direct relationships between free subject and crown.[16] He sees this as beginning with the Angevin legal reforms, and continuing through the thirteenth century.[17] Under this pressure, and that of lords seeking service outside their honours, the latter began to break down. Bastard feudalism later developed as 'a response to the resurrection of public authority within feudal society and within the feudal state.'[18]

Archaeological Study of the Honor of Dudley, c.1066-1322 (British Archaeological Reports, British Series 264, 1997).

[14] See P. Coss, 'Bastard feudalism revised', *Past and Present* 125 (1989), pp. 27-64; D. Crouch and D. Carpenter, 'Bastard feudalism revised', *Past and Present* 131 (1991), pp. 165-89; P. Coss, 'Bastard feudalism revised: reply', *Past and Present* 131 (1991), pp. 190-203.

[15] Holt, '1086' in *Colonial England*, pp. 49-55.

[16] Coss, 'Bastard feudalism revised', p. 41.

[17] P. Coss, *Lordship, Knighthood and Locality*: *A Study in English Society, c. 1180-1280* (Cambridge, 1991) pp. 5-7.

[18] Coss, 'Bastard feudalism revised', p. 54.

David Carpenter, responding to Coss' argument, agrees with the overall model of honorial decline, but places its starting date earlier, and attributes it to the creation of multiple allegiances. He argues that lords were looking outside their honours for service from the reign of Henry I, and that it was a good thing for a lord, since 'the sooner he broke out of the honorial strait-jacket the better.'[19] Ambitious knights were breaking up the honour too, as they sought lords who could act as better patrons.[20]

David Crouch, too, agrees with the overall model of honorial decline, but attributes it to the drying up of patronage. The honour for him is

> in essence no more than an accumulation of acts of patronage between a lord and those who had consented to become his men; frozen by custom and obligation. Initially it would be flexible and even lively, capable of growth while free lands were available for further distribution. Then in two, three or four generations that flexibility would in the end stiffen, and the honor would become a fossilised shell of a community of interest long departed.[21]

He thinks, however, that lords had sufficient resources that a decline in the honour did not prove catastrophic for their power: the changes between 1180-1230 were not a crisis for magnates, but they were 'simply adjusting their position, shifting the weight from one leg to another'.[22]

A key assumption of this model of general decline is that there was a starting point when the honour was a tidy 'ideal type'. By analogy, this would seem to be a putative point that saw strong seigneurial control, and when a lord's tenants owed

[19] Carpenter, 'Bastard feudalism revised', pp. 185-6.
[20] *Ibid.*, pp. 188-9.
[21] Crouch, 'Stenton to McFarlane,' p. 198.
[22] Crouch, 'Bastard feudalism revised', p. 172.

allegiance solely to him.[23] As this thesis will argue, the latter of these was at no time true in England. Nevertheless this model, while teleological, is subtly pervasive. It shows clear parallels with the narrative of feudalism in Continental historiography, and it may be from here that the model has been ultimately drawn. Marc Bloch's *Société Féodale* of 1939 has been hugely influential on both sides of the Channel. In this work, he constructed a neat 'ideal type' of a feudal society organised around the bond between lord and man. The appearance of multiple lordship was, for him, an 'abuse', and something that precipitated the collapse of the entire social system— despite noting that it was present from the late ninth century onward.[24]

One of the most influential restatements of the feudal honorial model is that of S. F. C. Milsom. His *Legal Framework of English Feudalism* (1976) took issue with the work of F. W. Maitland, which had previously been the dominant position on the development of tenurial custom. Maitland had argued that all land had been dependent on the king from the time of the Norman Conquest, but that the fiefs that William the Conqueror had granted were thought of by contemporaries as being hereditary.[25] Milsom saw this approach as being too rooted in Roman Law, and instead argued that the key element in society was the bond of lordship. For him, the lord's court was sovereign— at least before the Angevin reforms. Before the reforms there could be no 'right' of inheritance, only custom and the lord's absolute 'discretion' over which decision would be best for the management of his lands.[26]

[23] See P. Dalton, *Conquest, Anarchy, and Lordship: Yorkshire, 1066-1154* (Cambridge, 1994), pp. 249-56.
[24] M. Bloch, *La Société Féodale*, (2 vols., Paris, 1939), i. pp. 325-36.
[25] Maitland, *DBB* pp. 171-2.
[26] Milsom, *Legal Framework*, esp. pp. 11-22, 36-54, 65-66. This view was a development of the earlier ideas of S. E. Thorne, whose work had heavily influenced Milsom. Thorne argued that the practice of inheritance developed gradually, and was only fully in place by c.1200: before this, tenants held land of their lord based on a relationship that had been created by the performance of homage. On the tenant's death, the land therefore reverted back to the lord: a grant was the tenant's 'for no fixed period, but only as long as the personal relationship of vassalage, the tie of homage between lord and man which constituted his title, continued. When that came to an end, as it did on the death of either of the parties, his fief came to an end with it.' (Thorne, 'English Feudalism', p. 196).

The ‘right’ of an heir to inherit could be no more than an expectation: on the death of the tenant, the land returned to the lord’s hand and the decision lay with him. If passed over for succession, a tenant could seek no redress from elsewhere.[27] For Milsom, this structure was fatally undermined by Henry II’s legal reforms.

From 1166 onward, Henry II and his court began to introduce new means for tenants to seek redress against their lords in the form of new assizes.[28] Rather than the lord’s decision being final, a claimant could now obtain a standard writ that would draw the case into the jurisdiction of the royal court.[29] The decisions of the lord’s court could thereby be undone, and the lord’s previous decision overruled in favour of a tenant with a stronger claim.[30] The change of jurisdiction caused more fundamental change however, as the king’s court was not able to exercise such discretion as the lord’s court, and abstract rules about property began to develop.[31] At the same time, the assize of *mort d’ancestor* began to break down the unity of the inheritance of an heir. Instead of receiving the seisin of land in one event, the Assize of Northampton (1176) which introduced the assize stated that the heir went straight into the lands in what Milsom termed ‘a magical event transacting itself without human intervention’.[32] Although the lord took the lands into his hand after the tenant’s death, it was to be done without the heir’s disseisin.[33] These elements came together to encourage the formation of abstract property rights, and, Milsom claimed, in a

[27] S. F. C. Milsom, *Historical Foundations of the Common Law* 2nd edn. (London, 1981), pp. 106-7.
[28] D. M. Stenton, *English Justice between the Norman Conquest and the Great Charter, 1066-1215* (London, 1965), pp. 71-79.
[29] Milsom, *Historical Foundations*, pp. 121-2.
[30] *Ibid*., pp. 127-8.
[31] *Ibid.,* p. 122; S. F. C. Milsom, *A Natural History of the Common Law* (New York, 2003) pp. 61-3.
[32] Milsom, *Historical Foundations,* p. 136.
[33] Milsom, *Legal Framework,* pp. 164 and 170-1.

way which had not been foreseen, destroyed the sovereignty of the lord's court and led to the gradual decline of the honour from the late twelfth century.[34]

His work is a strong restatement both of the 'ideal type' model of the honour, and the feudal model of power being vested in either lord, king, or both. For Milsom, the lord's feudal power over his man was absolute, and could only be ultimately overturned by the intervention of royal power. The feudal dichotomy is thereby reinforced with a legal underpinning, and the overall feudal narrative along with it. In particular, although his model for the century between the Conquest and the Angevin legal reforms is based on Stenton's *First Century of English Feudalism*, Milsom seems to have taken on Stenton's model of the honour and simplified it from the myriad complexities that Stenton noted in order to create a clean theoretical model.[35] As well as being problematic in itself, this becomes especially problematic when we turn our attention to Stenton's own sources. Stenton appears to have based his arguments almost entirely on evidence from Stephen's reign— which from the point of view of honours (as with much else), was anomalous.[36] Although some historians may express unease with the *extent* of Milsom's claims for seigneurial power, the underlying feudal narrative has barely been questioned, and his broad model has been widely accepted.[37]

[34] *Ibid.,* p. 183.
[35] For instance, the lord's honour seems to have been by no means as closed as Milsom assumed. Important discussions on this idea include J. C. Holt, *The Northerners* 2nd edn. (Oxford, 1992) p. 36; Coss, *Lordship, Knighthood and Locality*, p. 8. Stenton has also been challenged on the basis of royal intervention (J. Hudson, *Land, Law, and Lordship in Anglo-Norman England* (Oxford, 2004), pp. 4-5).
[36] I owe this point to George Garnett.
[37] P. Hyams, Review of *The Legal Framework of English Feudalism*, *EHR* 93 (1978), pp. 856-861; for a critical reading of Milsom and Thorne see Hudson, *Land, Law, and Lordship*, pp. 8-10, 67-77, 176-178, 212-216; *idem*, *OHLE,* pp. 636-653.

There are a few useful studies, however, that seek to go against this model. John Hudson has studied the customary and legal structures of the twelfth century through the charter sources. He does not agree with the Stentonian assumption of the honour as a closed world. Throughout his seminal *Land, Law, and Lordship* he refers to the possibility for royal intervention in the honorial court, that moves the royal impact back a generation from Henry II's reign to that of his grandfather, Henry I. Although this is an immensely useful corrective to the Milsomian model, it reinforces the 'feudal' historiographical framework by showing the power of the king against his lords. Through this, however, Hudson also provides a means of stepping outside the 'feudal' framework, and highlights how custom could be an important alternative source of authority. The potential for the king to interfere with a lord's decision, he argued, helped to maintain custom of at least succession among subtenants as early as Henry I's reign— that is, tenants' lands passing to their heirs with the lord's intervention.[38] The language used in twelfth-century charters was not rigid, but Hudson thinks that mention of inheritance became more necessary by the 1150s-60s in order to establish the rights of the heir.[39] Henry II's reforms therefore should be seen, he argues, as a solidification and standardisation of custom, rather than as a reform or revolution.[40]

In addition, his work is attuned to the impact of the power balance between a lord and his man, an important and under-studied topic to which this thesis seeks to contribute. For Hudson, a well-placed tenant could have considerable influence on their lord— although the lord held the ultimate weapon of disseisin, there was room

[38] Hudson, *Land, Law, and Lordship* pp. 148-50.
[39] See *ibid.*, pp. 77-85.
[40] *Ibid.*, p. 153.

for negotiation and political pressure.[41] Nevertheless, the majority of his material comes from Abingdon Abbey, and his main focus is therefore on the relationship between lord and man within an honour. The possibility of men having interests outside the honour, and its potential impact, is briefly noted in *Land, Law, and Lordship* and elsewhere.[42]

Peter Coss' work on Coventry, too, is important as a study that steps outside the honour and into the locality. His book *Lordship, Knighthood and Locality* focuses on the 'knightly class' around Coventry, c.1180-c.1280. His work is tinged with his ongoing interest in the history of the gentry as a class, so the focus in this book is on whether it is possible to see the forerunner of the kind of local associative bonds that can be seen in the 'classic' period of the emergence of the gentry. He concluded that even in a limited area around the town of Coventry, despite finding a few instances where groups of local knights came together to protect mutual interests, there was not enough local group activity to constitute a community.[43] Although the direction of this study is different from the present one, it provides a useful model as a counterpoint to works focused on a single honour. With his focus on a geographical area, rather than one defined by a lord's lands, his work is more attuned to knights as being actors in their own right, rather than simply as tools of their lords. The honours that his study covers, moreover, are placed within a landscape that acknowledges the coexistence of other social ties and forms of association, and that 'even in the hey-day of baronial justice...it is doubtful whether many feudal communities can have been entirely self-contained.'[44] He notes that in the *Leges Henrici Primi*, the one

[41] *Ibid.,* pp. 48, 152-3. For instance, Milsom, *Legal Framework*, p. 33 assumes that Glanvill's description of a lord who is unable to *justiciare* his tenant can only be referring to the tenant having some legal immunity, rather than this being due to a power imbalance (referring to *Glanvill* IX. 1, ed. Hall p. 105).
[42] *Hudson, Land, Law and Lordship, p. 49 n. 159; idem*, *OHLE*, 432 and ns. 112-4.
[43] Coss, *Lordship, Knighthood, and Locality*, pp. 4-11, 54-5, 154-6, 309-10.
[44] *Ibid.,* p. 8.

holding the court is recommended to bring together his *pares et vicinos* to witness property transactions, and that '[n]otions of neighbourhood and district must have co-existed with the feudal'.[45]

The 1995 essay by David Crouch, quoted from above, also argued for breaking outside the honour as a focus of study, in order to better understand the nature of seigneurial dominance and the structure of society.[46] As part of this, he recognised the existence of multiple lordship as a force that could cut across honours.[47] Although I will not be following here his suggestion of addressing 'a discrete region and a dominant personality who sought to control it' as an early form of bastard feudalism,[48] nor the idea that a county community should be sought in the twelfth century, his idea of a loose 'neighbourhood' of interests has proven useful.[49]

The model of the 'feudal' honour is thus ripe for reassessment. It is still useful and historically rooted to recognise the 'honour' as a feature of twelfth century society—but the historiographical baggage that has built up around the term needs to be addressed, and its dominance as a lens for the study of twelfth century society needs to be balanced with studies from other perspectives.

This thesis seeks to provide two challenges to the present 'feudal' honorial model. First, that honours were largely discrete entities and that evidence of multiple

[45] *Ibid.*
[46] Crouch, 'Stenton to McFarlane', pp. 185-6. See also his comments in *idem,* "Strategies of Lordship in Angevin England and the Career of William Marshal", in *The Ideals and Practice of Medieval Knighthood II: Papers from the Third Strawberry Hill Conference*, ed. C. Harper-Bill and R. Harvey (Woodbridge, 1988), pp. 1-2.
[47] '[…] the tenants of the honour were men with diverse ambitions and interests, which naturally led some of them outside the honour.' Crouch, 'Stenton to McFarlane', p. 185.
[48] *Ibid*., p. 194.
[49] *Ibid*., pp. 193-4, 198.

lordship is therefore evidence for decline. Instead of declining from a 'golden age' of an ideal and coherent honour, we can see that from the earliest days many of an honour's men had plural allegiance: in holding lands and owing homage to several lords, they created a more diverse political and social framework than has hitherto been recognised, and from the earliest years of post-Conquest England began to build their own local centres of power. It is impossible to deny that there *was* a change in the prominence of honours in the late twelfth and thirteenth centuries. The question here is the *scale* of that change. Since we can see individuals in late eleventh century England with multiple lordship bonds, and who can be seen interacting with others on the basis of neighbourhood and locality, it is nothing revolutionary to see similar things in the thirteenth century, even though the weight has shifted more towards locality and away from the seigneurial bond.[50]

The second challenge is to the classic feudal dichotomy of power and authority vested in baron and king as a means of explaining events and change in society. Much of twelfth-century historiography focuses on one as a means of describing or disputing the power of the other, even where their relationship is not thought to be antagonistic. The contention here, however, is that this dichotomy of power is too

[50] Although it is outside the scope of this thesis to provide a sufficiently long-range study to show this clearly, a focus on multiple lordship has the scope to contribute to the debate about the origins of bastard feudalism. This focus gives a way to break down the dichotomy of lords looking for service from the men within their honour, and 'breaking out' of it to look elsewhere, which as we have seen above in David Carpenter's article, has been taken as incipient bastard feudalism (Carpenter, 'Bastard Feudalism', p. 185; see above, p. 21). The contrast that is drawn in such a model appears to be too stark. The practice of multiple lordship gave lords scope for more flexibility in recruiting men and their service. Rather than there being a clear line of lords taking service from within the honour and without the honour, lords were able to give men a small portion of land from the honour— much smaller than a minor lord would need to maintain himself completely from— and thereby gain their support. The walls of the honour were porous; they were no 'straitjacket'. Taken from this perspective, the contrast between the honour and bastard feudalism seems too strong: what we are seeing in the latter case is a change in the means of securing and rewarding service through indentured service and money payments, not a fundamental difference in practice of where lords were able to look for service (see G. L. Harriss, "Introduction" in K. B. McFarlane, *England in the Fifteenth Century*, ed. G. L. Harriss (London, 1981), pp. ix-xi, xxiv; pp. 23-4).

simplistic. The power and ambitions of the minor lordly class, their localised structures and centres of power— and, underlying this, the impact of geography— need to be more fully recognised as another source of authority and motive force in the twelfth century, as they are in the later medieval period.

Throughout this thesis, the focus will be on a particular level of landholder who are here termed 'minor lords'. These are the social predecessors to the gentry, and, like them, encompassed a wide span of families: from those small landholders on the rise, to the greater subtenants of the earls and barons, to a few, very minor tenants-in-chief.[51] Although this covers a range of wealth and political power, these twelfth-century families show distinct characteristics. First, even if they hold some lands directly from the king, the vast majority of their lands, in both size and value, are held as a subtenancy from a tenant-in-chief or another lord. This work avoids, however, simply classifying these men as subtenants, in order to give due regard to their ability to direct their own men and lands. Second, their focus is predominantly local. They could hold land in one or two counties (very occasionally more), but their focus was primarily on their immediate localities. Only rarely do we see individuals with ambitions beyond the horizon of their lands.

The term 'minor lords' has some overlap with Stenton's 'honorial baronage'. Stenton popularised focus on this group in his *First Century*, characterising them as the most

[51] Hugh Thomas used 'gentry' as a term for this group in Angevin Yorkshire as a means of emphasising continuity with the later medieval class (H. Thomas, *Vassals, Heiresses, Crusaders, and Thugs: The gentry of Angevin Yorkshire, 1154-1216* (Philadelphia, 1993) pp. 3-6, 10-11). This thesis has gone, as it were, the other way, in using the less historiographically-rooted term 'minor lords' (see Coss, *Origins of the English Gentry*, (Cambridge, 2003), pp. 1-13 for discussion of the various historiographical uses of this word. Lennard's idea of the 'immediate lord' comes close to the category under study (R. Lennard, *Rural England, 1066-1135* (Oxford, 1959), pp. 47-8, 52-3, 105-6). See also J. Gillingham, 'Thegns and Knights in Eleventh-Century England: Who was then the gentleman?', *TRHS* 5 (1995), pp. 129-53, and J. Scammell, 'Formation of the English Social Structure', *Speculum* 68.3 (1993), p. 618).

important men on a lord's honour, with some role in advising and aiding their lord. In doing so he sought to show the community around a lord.[52] His discussion certainly has merit, and the term *baro* appears in contemporary charters, being used by lords to refer to some of their men. A considerable number of the minor lords, however were men, some of standing, who do not seem to have become involved in their lords' honours as witnesses to his charters, or in supporting his religious foundations, for instance. This sliding scale of involvement is an important nuance that needs to be made to the idea of the honorial retinue.

A significant but shadowy group will be omitted from the discussion below: those individuals who owed allegiance to a lord but held no land of him. Such men rarely seem to have appeared in charters, so it is impossible to do a companion prosopographical study of non-landholding minor lords, or even to suggest how many such allegiances existed. Nevertheless, we get occasional glimpses. We know that lords maintained military households in the immediate aftermath of the Conquest, and it is almost certain that these continued, perhaps to a smaller degree in settled periods.[53] It is likely that from the second generation after the Conquest these would have been largely composed of tenants' sons— both those who stood to inherit from their fathers, and younger sons seeking their own grant of land. The greater lords also seem to have recruited ambitious men from whom they had no tenurial connection, and rewarded them with cash or other movable rewards.[54] The

[52] Stenton, *First Century*, pp. 84-100.

[53] Abbot Adelelm of Abingdon travelled with his own military retinue in the immediate aftermath of the Conquest, *Historia Ecclesie Abbendonensis,* ii. 5, ed. J. Hudson (2 vols., Oxford, 2002-2007), ii. pp. 4-9. See also J. O. Prestwich, 'The Military Household of the Norman Kings', *EHR* 96 (1981), pp. 1-35, esp. pp. 5-6 on the difficulties of reconstructing even that of the king before the reign of Edward I; M. Chibnall, 'Mercenaries and the *familia regis* under Henry I', *History* lxii (1977), pp. 15-23).

[54] D. Carpenter, 'The Second Century of English Feudalism', *Past and Present* 168 (2000), p. 34.

career of William Marshal gives a rare glimpse into this world.[55] The ensuing discussion, therefore, should not be taken as representing the entirety of seigneurial relationships at this level: merely those that are illustrated by the evidence of the charters.

Similarly, the term 'knight' will not be used as a primary means of describing the group under discussion. Briefly, there are two reasons for this. First, the study covers a period during which an important shift in the social meaning of 'knight' seems to have occurred: from the very minor fighting men described as such in Domesday Book,[56] to a member of the lesser nobility by the end of the period. To use it in this sense across the 150-year period following the Conquest, therefore, is both imprecise and anachronistic. Second, identifying knights even in the later twelfth century is hardly straightforward, since the term is rarely used in twelfth-century charters. The rolls of the *Curia Regis* sometimes provide lists of *miles* from the *visnetum* as part of grand assize proceedings or who were required to confirm legitimate essoins *de malo lecti*.[57] In the later twelfth century, there is not sufficient overlap between these lists and that of individuals arising from the charter evidence to assume that they form one group. This is in contrast to the c.1220s, when the two lists are much closer.[58] Nor should we allow the category to be defined by those holding knight's fees. This would exclude a number of important minor lordly families, such as the de Applebys,

[55] D. Crouch, *William Marshal: Court, Career and Chivalry in the Angevin Empire, 1147-1219* (Harlow, 1990) esp. pp. 26-52; S. Painter, *William Marshal: Knight-errant, baron, and regent of England* (Toronto, 1933), pp. 17-60).

[56] See particularly S. Harvey, 'The Knight and the Knight's Fee in England', *Past and Present* 49 (1970), pp. 3-43.

[57] Coss, *Origins*, pp. 45-51.

[58] See *Glanvill*, II. 10-21, ed. Hall, pp. 30-7 for the role of knights in judicial proceedings. We should probably look to the decline in the number of individuals taking up knighthood as an explanation for the pattern described above. In the late twelfth century, some of the *milites* may still have been very minor, younger sons, or the like. By the second decade of the thirteenth century, the lower uptake in knighthood may mean that only those wealthier families who had weathered better the inflation of c.1180-1220— and who would be much more likely to appear in charters— were going to the trouble of the financial outlay involved in becoming a knight. (Coss, *Origins,* pp. 69-108).

whose similarities with 'knightly' families are plain, and who are described as knights in the thirteenth century and later.[59] Using the more neutral term 'minor lords' gives a stable category when contemporary terminology was in flux.

Multiple lordship in context: historiography of the practice

The focus on the honour in English historiography as discussed above has had a consequent effect on the treatment of multiple lordship. The focus on studying twelfth century society honour by honour has made multiple lordship a side issue, and generally one that is thought to indicate the weakness or decline of an honour. Although multiple homage's occurrence has been noted by a number of English historians, and some examples found, there has been no wide-ranging study that seeks to contextualise the practice in its legal and social setting. Historians' reactions to it tend to fall into two overlapping groups. The first is to sideline multiple homage. It is a point of curiosity, and something which ties into the wider narrative about the decline of the honour in the twelfth century, but is something to be observed in passing, and attributed little analytical significance. The second is to see multiple lordship as a more powerful destabilising force in the honour, and consequently in wider society.

J. C. Holt's classic study of *The Northerners* addressed the actions of the northern barons in the rebellion against King John. He presented multiple lordship as a 'weakness' of the tenurial bond between man and baron, saying that multiple tenancies 'were one of the main breaches in the unity of the barony', something made particularly acute by the fact that multiple tenants were often of higher wealth

[59] See Appendix, pp. 278-9; Gresley charters nos. 152, 174.

and standing than smaller tenants-in-chief.[60] He argued, 'To hold of many different lords was, in some ways, to hold of none and to enjoy a measure of political independence.'[61] He was not entirely honorially-focused however. A key recognition in Holt's study was that far from being 'automata', the northern knights were 'men of substance, who might have to be sought and won, and who might act along their own lines in pursuit of their interests and visions.'[62]

Barbara English recognised briefly the existence of multiple allegiance amongst her families of Holderness (Yorks.). She notes that many of the families who held in the area held more considerable tenancies elsewhere of other lords: 'It was usual rather than abnormal for barons and knights to hold extensive tenures of several baronies'.[63] The work of Richard Mortimer concurred: several of the largest tenants of the honour of Clare held elsewhere by the time of Domesday, and the number of multiple tenants increased through the twelfth century.[64]

David Carpenter, as discussed above, took the view that multiple allegiance helped to destroy the 'walls of the honour'.[65] Knights could also benefit from being able to take service with other lords.[66] This pattern of extra-honorial activity, he thought, had been present since the early twelfth century, but increasingly weakened honorial integrity, and therefore honorial strength.[67] More recently, John Hudson's *Oxford History of the Laws of England* acknowledges briefly that men were able to do

[60] Holt, *The Northerners,* p. 36.
[61] *Ibid.,* p. 36; see also p. 55.
[62] *Ibid*., p. 37.
[63] English, *The Lords of Holderness,* pp. 153; see also pp. 155-6.
[64] Mortimer, 'Land and service', pp. 194-5.
[65] Carpenter, 'Debate: Bastard Feudalism', p. 185; *idem*, 'Second Century of English Feudalism', p. 56.
[66] Carpenter, 'Debate: Bastard Feudalism', pp. 188-9; *idem*, 'Second Century of English Feudalism', p. 34.
[67] Carpenter, 'Debate: Bastard Feudalism', p. 189.

homage to more than one lord, and suggests that the concept of liege lordship was a means of theoretically clarifying these relationships.[68]

David Crouch followed both of the trends noted above in his *Beaumont Twins.* He notes that in addition to the 'family' honorial baron, there was another, 'intriguing' type, which he characterises as those of 'split allegiance'.[69] He traces the tenures and political behaviour of a few men of the latter type, notes that their tenurial and political activities seem to line up, and suggests that the occurrence of such barons 'may be of some importance'.[70] Crouch's main focus in the book is elsewhere, and he comments that a lack of honorial studies at the time of publication is a hindrance to comparison, so he does not take the analysis much further.[71] Although less damning than some, he still sees multiple tenancy as a weakening force, as multiple tenants 'exploited' their connections to plural lords.[72] He speaks of the 'confused' tenures held by a family in the twelfth century,[73] and that it was generally the 'family' baron— by which he seems to mean men of one lord— who were of higher standing.[74] The honorial baron, he argues, was 'the source of power of the great magnate...The solidarity between the honorial baron and his lord was the measure of the magnate's strength'.[75] By having men with split allegiance, Crouch argues, lords in England were placed in a weakened position.[76] As discussed in the section above,

[68] Hudson, *OHLE*, p. 432 and ns. 112-4. Hugh Thomas also briefly noted the occurrence of multiple allegiance in his 1993 study of Yorkshire, and suggested that it was not a new phenomenon in Henry II's reign (Thomas, *Vassals, Heiresses, Crusasders, and Thugs,* p. 27). On liege lordship see Chapter 2, below.
[69] Crouch, *Beaumont Twins,* pp. 127-132.
[70] *Ibid.,* p. 129.
[71] In a later essay, he described multiple allegiance as being 'common' on the honour of Leicester and elsewhere (Crouch, 'Stenton to McFarlane', p. 186).
[72] Crouch, *Beaumont Twins* pp. 128-9.
[73] *Ibid.,* p. 127.
[74] *Ibid.,* p. 131.
[75] *Ibid.*
[76] *Ibid.,* pp. 131-2.

however, he stated in a later essay that multiple tenancy was common, and sought to argue for the honour as only one element of twelfth century society.[77]

English historiography, then, has noted several different aspects of the phenomenon of multiple lordship in the twelfth century. Generally, however, the practice is acknowledged as a potential complicating factor, without much integration into the overall trajectory of the history of the honour, and the place of multiple lordship within the society. It is often beyond the scope of honorial studies to address how the tenants of an honour interacted with other lords. Moreover, it can take much painstaking work to identify individuals in other records outside the honour. This has, however, led to a corresponding gap in the discussion of multiple lordship. This thesis therefore focuses on multiple lordship in its own right and as a lens through which to examine local society in the twelfth century.

The main source used here, particularly in the second part of the thesis, is the private land charter. In all, several thousand survive for the three counties between the Conquest and 1216, and I have endeavoured to examine all extant records. The first for the region is 1094x1113, but examples from this early in the period tend to be sparse.[78] From those examined for this study there is a sharp uptick in the number of charters surviving from c.1150 onwards, and another increase in the first decades of the thirteenth century. All were in Latin, although the quality of this could vary widely.

[77] Crouch, 'Stenton to McFarlane', esp. pp. 184-6, 199-200.
[78] BL Loans 30, fo. 17.

In this period, private charters should be understood as records of orally-transacted agreements, and generally are focused primarily on grants of, or settlements of dispute over, land.[79] They give us an unparalleled glimpse into a society for which we have few other records: the letter collections, accounts, and other rich documentary sources only begin to appear in later centuries. Working with private charters raises a number of well-known interpretative issues, most notably relating to dating and authenticity, and these are addressed in Chapter 3. A more distinctive set of challenges arises, however, in working with charters in a regional, rather than the more familiar honorial, framework.

This required several analytical stages. First it was necessary to identify and examine as many charters as have survived from the relevant date and area. These include original single-sheet charters, copies in both secular and monastic cartularies, and editions produced by antiquarians such as William Dugdale and John Nichols, where the originals from which they were working are now lost.[80] Each charter then needed to be examined carefully to check authenticity, which required a study of its context, formulae, and the putative date. Next, each name that appeared was examined, their role in the charter, and in what seigneurial and geographical context they appeared. The focus was particularly on those individuals who appear with toponyms, since identification of these can be more clearly established.[81] As will be discussed further in Chapter 3, from this it was possible to compile an initial list of those individuals who were of sufficient standing to appear in a charter as landholder or witness, and

[79] M. Clanchy, *From Memory to Written Record,* 3rd edn., (Chichester, 2013) pp. 55-80, 87-105.
[80] W. Dugdale, Rev. J. Caley, H. Ellis, and B. Badinel (eds.) *Monasticon Anglicanum* (6 vols. in 8, London, 1817-30); J. Nichols, *The History and Antiquities of the County of Leicester* (4 vols., London, 1795-1811).
[81] On the significance of the use of toponyms by the Anglo-Norman landholding classes, see J. C. Holt, 'Feudal Society and the Family in Early Medieval England I: The Revolution of 1066', in *idem*, 'Colonial England', pp. 167-71.

to attempt to connect them with others of the same toponyms. These groups could be further refined in order to collate statistics for multiple lordship amongst this group, as used in Chapter 3. Those families with particularly good records were used for more detailed case studies, in order to illustrate different elements of the relationship between minor lords and their own lords.

*

This is the framework and source basis within which the thesis will be working. The second part of the Introduction lays out the historical context of what lordship looked like in this period, and the geographical context in which the case studies work. The main body of the thesis is then divided into two sections: the development and structures of multiple lordship, which draw some examples from the counties of Leicestershire, Derbyshire, and Staffordshire; and a series of more focused case studies that address individual families and their relationships with their lords.

Chapter 1 focuses on the means by which multiple lordship appeared in post-Conquest England. It is argued from the charter and narrative sources that the practice appears both in pre-Conquest Normandy and England, and is present amongst the first generation of post-Conquest settlers. In doing so, it demonstrates that the appearance of the practice in England fits into a wider chronological and Western European context, and should not be taken as evidence for the breakdown of the honour in the later twelfth century.

Next, Chapter 2 examines one of the few pieces of evidence that we have for how contemporaries in England regarded multiple lordship: the idea of liege lordship. Through focus on this in the ‘custumal’ and charter sources, we can see that multiple

lordship does not seem to have been taken as something out of the ordinary or inherently dangerous. Although multiple lordship could have had the potential to cause problems, a broad, slightly inconsistent body of thought sought to preemptively untangle potential clashes.

The focus then shifts from ideas and structures to figures and case studies. Chapter 3 takes a broad-based approach, and draws on wide-ranging charter evidence to show that multiple lordship in the north Midlands area was at least as common as tenure from a single lord through the twelfth century. The Appendix gives the breakdown of these figures in more detail. This study is important since no attempt has been previously made to establish the frequency of multiple lordship in the period.

This is followed by a more detailed discussion of individual families in Chapters 4 and 5, again based on the charter sources. The first of these focuses on the impact that multiple lordship had on the relationship between a man and his lords. Through this it is possible to see that minor lords seem to have been focused on both lordship and their locality: one of the commonest patterns seems to have been to take on an additional lord in order to expand one's tenures into a neighbouring piece of land. Although a lord's honour could provide a focus, minor lords existed in a web of overlapping ties. Chapter 5 seeks to draw this out from another angle, that of patronage to religious houses. Through an examination of which houses were selected, throughout the twelfth century, it is possible to examine the factors that seem to have driven the choice. This allows us, again, to contextualise the importance of the seigneurial tie alongside the importance of locality and kinship. We cannot, therefore, see multiple lordship as either a cause or a symptom of the so-

called breakdown of the honour. Our model of honorial studies should be modified to take into account the many extra- and cross-honorial connections that tenants had, particularly from other lords, and from locality. These were forces that were in existence for the lifespan of the honour, and, indeed for much longer than that.

Introduction II: Historical context

Just as 'honour' needs definition in order to be a useful historiographical concept, so too do a number of other ancillary terms for the twelfth century seigneury. Key among these is 'lordship', a term that can cover a wide range of scenarios. In its barest description, lordship in twelfth-century England was a hierarchical relationship between two people, based on mutual protection, service, and often on land. The form of lordship that is most visible in the surviving evidence, and is the main focus of this thesis rests on three key components: on homage and *fides*, tenure, and service.[82] In order to provide a historically-rooted discussion for the rest of the thesis, the role and definition of these in contemporary sources will be outlined here.

As discussed above, the main source for the present study is the private land charter— but these are generally brief and formulaic. They were written as records for those who knew the structures operating in their society, and so these structures are rarely made explicit. In order to discuss these, then, this chapter draws on two more detailed works. These are the *Leges Henrici Primi*, (hereafter *LHP*), written around the first decade of the twelfth century and the *Tractatus de legibus et consuetudinibus regni Anglie*, generally known as *Glanvill,* of 1187x89.[83]

[82] Some forms of landholding were possible without this. The *Leges Henrici Primi* mentions that the settlement of a dispute over land in fee-farm varies depending on whether or not the holder is the grantor's man (*LHP* 56,1-2, pp. 174-5). John Hudson is also sceptical about whether a grant of land to a free man always required homage (Hudson, *Land, Law, and Lordship*, p. 21; see also Garnett, *Conquered England*, pp. 81-2).

[83] F. Liebermann, *Die Gesetze der Angelsachsen* (3 vols., Savigny-Stiftung, 1898-1916) i. pp. 546-611; *The treatise on the laws and customs of the realm of England commonly called Glanvill*, ed. and trans. G. D. G. Hall (London, 1965). For discussion of the date and context of these works, see below Ch. 2, pp. 123-5.

The second part of the chapter will briefly address the geographical context for the case studies. The counties of Leicestershire, Derbyshire, and Staffordshire provide different seigneurial patterns, good sources, and a range of landscapes. By addressing these points and the state of these counties at the time of the Domesday Survey, this section sets the frame of reference for the second main section of the thesis, and those case studies that appear in the first two chapters.

The first of the key concepts for this thesis are those of homage and faith. The homage bond was probably usually made before witnesses, and possibly accompanied by gift-giving.[84] From stray references, it seems likely that the man-to-be commonly placed his hands between those of his new lord while reciting an oath.[85] It is clear from contemporary sources that this was regarded as a semi-sacral bond. Maitland describes the 'religious whisper' of *Glanvill* and Bracton when speaking of homage.[86] Although homage emerges from the sources as a strong force within society, it could be broken or dissolved in the right circumstances (*diffidatio*). Since it was in large part an agreement of mutual protection, action by either lord or man which contravened this could end the homage bond.[87]

[84] In a grant recorded in Dale Abbey cartulary, the grantee John, *nepos* of Bishop Walter of Coventry, became the man of Peter de Sandiacre the grantor in the presence of many *probi homines*, and gave to him 2 ½ marks, a bezant to his wife, and a gold ring to his son (Dale, no. 281). Given that the grant appears relatively straightforward, but that the charter is unusual in its poor drafting, it may be possible to argue for gift exchange at the homage ceremony being more generally practised. A charter of Burton Abbey of 1130x50 also mentions that after liege homage was sworn, the *pactum* of *fidelitas* was strengthened by the payment of three marks to the abbot, who used this to pay the church's workmen (BL Loans 30, fo. 37V; SRO D603/A/Add/7).

[85] Hudson, *OHLE* p. 431. References to a similar ritual form can be seen across a wide time-span in western Europe. See the discussion in J. le Goff, 'The Symbolic Ritual of Vassalage', in *idem*, *Time, Work, and Culture in the Middle Ages*, transl. A. Goldhammer (Chicago, 1980), pp. 239, 241-44.

[86] Pollock and Maitland, *History of English Law*, i. p. 297.

[87] Hudson, *Land, Law and Lordship* p. 21; *idem*, *OHLE* p. 335.

But homage was a relatively new term, both in England and on the Continent, where it seems to have originated, and its precise meaning seems to have been evolving through the twelfth century. In *LHP*, the lines between homage and *fides*, faith, were not clear-cut. *Homagium*[88] could be done to several lords, but *fides* seems to have been an implicit part of the bond,[89] and was occasionally used as a metonym for homage.[90] *Fides* was owed to all lords, but priority was to be given to God, to the *princeps*, and to the liege lord.[91] In *Glanvill*, however, *homagium* has overtaken *fidelitas* as a means of describing the lordship bond. It receives a considerable portion of Book IX to itself, and the writer carefully goes through how homage is to be done, to whom, and for what; its connection to relief; the kind of bond that is created; and in particular its relationship to landholding.[92] *Fidelitas* in turn seems to have taken over from *fides*, and the latter is a rarer term in the work.[93] It now appears when describing lesser situations that are discrete from homage, especially those connected with women's allegiance.[94]

[88] *Hominium* appears frequently as a synonym. The author of the *History* of Abingdon Abbey helpfully clarified this: '*abbas…Picotum in hominem, id est homagium, suscepit'* (1087x1100) (*Historia Ecclesie Abbendonensis*, ii. 43, ed. Hudson ii. pp. 48-9; cited Garnett, *Conquered England*, p. 78 n. 244).
[89] Hudson, *OHLE* p. 431; Garnett, *Conquered England*, p. 209 and n. 611.
[90] Drawing from this, it does not seem feasible to use the *LHP*'s statement on the *fides* reserved for the *terre princeps* as a definitive statement on the type of oath that was required by kings in the century after the conquest (*LHP*, 55,3, ed. Downer pp. 172-3). The Salisbury Oath of 1086 has generally been taken as the time when 'all landholding men of any account' did homage and fealty to the king (ASC 'E', s.a. 1085 (1086); *EHD* ii no. 1, p. 160; Holt, '1086', p. 31; Stenton, *First Century*, pp. 112-4). By *Glanvill*'s day in the 1180s, the king was the only lord to whom homage could be owed for 'mere lordship', rather than for a grant of land (*Glanvill*, IX. 2, ed. Hall p. 106).
[91] *LHP* 55,3, 55,3b, ed. Downer pp. 172-5; cf. Garnett, *Conquered England*, pp. 81-2. See Chapter 2 for discussion of ideas of liege lordship.
[92] *Glanvill* IX. 1-7 ed. Hall pp. 103-111, esp. IX. 2, p. 106.
[93] *Fides* in *Glanvill* is used to describe a part of homage and fealty (*Glanvill*, VII. 18; IX. 1, ed. Hall p. 92; pp. 103-6), and as a general term to mean, variously, the faith owed by a son to his father (*ibid.* II. 3, ed. Hall, p. 23); pledging of a solemn vow (I. 12; X. 3, ed. Hall, p. 8; p. 117); and in swearing to the truth of testimony (II. 7, ed. Hall, p. 28).
[94] Women were not allowed to do homage, but were able to swear fealty (*fidelitas*) to their lords (*Glanvill* IX. 1, ed. Hall, p. 103). In describing the provisions for co-heiresses, *Glanvill* says that the husbands of younger daughters were not bound to do *homagium uel eciam fidelitatem* to the husband of the eldest daughter until the third generation (*Glanvill* VII. 3, ed. Hall, p. 76). Similarly, a man marrying a widow with dower 'need only do *fidelitas* accompanied by an oath to her warrantor, and not *homagium'* (*Glanvill* VII. 12, ed. Hall, p. 86. See also VII. 18, ed. Hall, p. 92). Bishops were not to do

Both the *LHP* and *Glanvill* give useful insights into what contemporary writers expected of the seigneurial bond. For the compiler of the *LHP*, a man was to observe his lord's counsel (*obseruatione consilii sui*),[95] and should be towards his lord honourable, useful, and protective of his lord's power and health, both bodily and spiritual.[96] Treachery towards one's lord (*proditio*) is placed on a par with other things contrary to God's law.[97] For *Glanvill*, in the 1180s, the duties of the homage bond are owed by both the lord and man:

> *Mutua quidem debet esse dominii et homagii fidelitatis connexio, ita quod quantum homo debet domino ex homagio tantum dominus debet illi ex dominio, preter solam reuerenciam.*
>
> (The bond of trust arising from lordship and homage should be mutual, so that the lord owes as much to the man on account of lordship as the man owes to the lord on account of homage, save only reverence.)[98]

There is also a strong emphasis on fidelity and protection. The man is not to 'do anything which works to the disinheritance or bodily dishonour of his lord' (*ad exheredationem domini sui uel ad dedecus corporis sui*).[99] The man is to preserve his lord's honour, as long as this does not conflict with his primary obligation to the king and his heirs. He cannot attack him, except in self-defence, or when ordered to by the

homage once consecrated, but could swear *fidelitas* (*Glanvill* IX. 1 ed. Hall, p. 106). Bracton in the 1230s described *fidelitas* as being less solemn, and made a man liable for bearing faith— but did not make him his lord's man. It still had a sacral element however, and was to be sworn on a gospel-book (Bracton, *De Legibus et Consuetudines Angliae,* fo. 80, ed. S. E. Thorne (4 vols., London, 1968), ii. pp. 232-4; Pollock and Maitland, *History of English Law,* i. p. 298).

[95] *LHP* 55,3, ed. Downer pp. 172-3.
[96] *Ibid.,* 82,5, ed. Downer pp. 256-7.
[97] *Ibid.,* 55,3a, ed. Downer, pp. 174-5.
[98] *Glanvill*, IX. 4, ed. Hall p. 107.
[99] *Ibid.,* IX. 1, ed. Hall, p. 104.

king. For *Glanvill*, homage also provided protection for the man, however. A lord was not to demand service, including relief, from an heir, until he has received his homage for that tenement, and cannot take wardship of an heir until he has received that heir's homage.[100] Homage was to be done only for lands, free tenements (*tenementis liberis*), services, and for precise rents, and put a lord under obligation to warrant his man's lands, or give others in exchange if they were lost to a third party.[101]

After the reforms of Henry II's day, homage also seems to have helped to cement an heir's rights: if an heir came to the land when he was of full age, he was able to remain in it even against the lord's will, provided that he offered his homage and service, and a 'reasonable relief' (*rationabile relleuium*), in the presence of trustworthy men.[102] So strong was the heir's ability to push his lord on this, that even if the lord refused, he could keep offering it to his lord, and finally receive a writ commanding the lord to receive his homage, on pain of having to explain to the king or his justices why he would not.[103] In addition, the man could expect his lord to provide more general forms of protection for his person and position, which would increase in value with the lord's standing. Maitland summarised it neatly: '[I]n the middle ages the advantages of the rich and powerful must have been enormous. Happy then was the tenant who could say to any adverse claimant:- 'Sue me if you will, but remember that behind me you will find the earl or the abbot.''[104]

[100] *Ibid.,* IX. 1; 4, ed. Hall, pp. 103-4; p. 107.
[101] *Ibid.,* IX. 2, ed. Hall, p. 106; Garnett, *Conquered England*, pp. 74-5.
[102] *Glanvill* IX. 4, ed. Hall, p. 108.
[103] *Ibid.,* IX. 4-6, ed. Hall, pp. 108-10.
[104] Pollock and Maitland, *History of English Law* i. p. 306.

The second key component is the grant of land from lord to man. A central question for the period is the extent to which homage and land tenure can be linked. As a broad outline, the relationship between a man and his lord, formed by homage, was rewarded, and the man supported by the grant of a parcel of lands. As a result both of this and of the homage bond, the man was required to render service, both from the land and by his person. *Glanvill* assumed that homage should be done in return for a grant of land (*illo tenemento unde homagium suum prestat*).[105] Although he recognised that there were exceptions,[106] only the king could receive homage without giving land in return.[107] Hudson argues that the most we can say is:

> 'that homage was generally central to the bond of man and lord...A structure to explain twelfth-century land law cannot, therefore, happily rest upon the act of homage as peculiarly constitutive of the holding of each tenement by the vassal from the lord.'[108]

Nevertheless, that there was a strong link is undeniable, and indeed this connection between homage and landholding appears to have strengthened over time.[109] Charters, too, increasingly mention lands being given 'for [the grantee's] homage and service [*pro homagio et seruicio suo*]'.[110] Homage may not have been needed every time land was granted: it was probably not necessary to re-do homage for each

[105] *Glanvill*, IX. 1, ed. Hall p. 104.
[106] *Glanvill*, IX. 1, ed. Hall, p. 103. 'I say this on the assumption that the fees in question owe homage' (*Ita dico si feoda illa homagium debeant*). IX. 2, ed. Hall p. 106 mentions that homage is not due for dower, for free marriage until the third generation, or for younger sisters holding of eldest, free alms, or for marriage portions by the new husband.
[107] *Ibid.* IX. 2, ed. Hall p. 106; Garnett, *Conquered England*, pp. 83-7.
[108] Hudson, *Land, Law, and Lordship*, p. 21. Hudson argues that *Glanvill*'s 'preoccupation' with land tenure led to this statement, which is contradicted by other sources, most notably vernacular literature (*Ibid.,* p. 16). cf. Garnett, *Conquered England*, pp. 81-3.
[109] Hudson, *OHLE* pp. 431-2, 631.
[110] For instance, Dale nos. 41, 51, 303, 304, 394, 395, 460, 501. Although this phrase is relatively uncommon in charters, it generally appears in those instances where the performance of homage or its absence would have the greatest impact, namely in charters dealing with grants of land within families.

grant of land, and even references to lands being held for an individual's 'homage and service' may refer to this having been done in the past.[111]

The nature of the services required as a consequence of the homage bond and grant of land varied depending on the lord's requirements, and his previous relationship with the grantee.[112] Tenure of land by knight's service falls into two groups. In Domesday Book we can see small grants of lands given to unnamed knights, the descent of which are very difficult to trace.[113] Evidence from the first decades after the Conquest however, points to tenure by knight's service being the most common form of landholding for the greater tenants on an honour.[114] These grants of lands tended to be large, sufficient to pay for a knight and his equipment, and would have given these tenants local standing.[115] Tenants holding by knight's service were at least in theory required to do military service for their lord, both in his retinue when summoned by the king or occasionally the lord himself, and in guarding his castles.[116] In practice, this could be commuted with a money payment, known as scutage, instead, although the early development of this practice is obscure.[117] Those holding by this form of tenure in the twelfth century are often among the most visible in a lord's charters, and often form stable dynasties stretching into the later medieval

[111] Hudson, *OHLE* p. 336.
[112] We have little evidence for affective ties between men of this level and their lords during this period. Grants made by men to churches sometimes mention that the gift was given at least in part for the soul of the individual's lord, but these are formulaic, and the reasons for their inclusion may be complex. The discussion here and below, therefore, will focus on what we can see of the structures of how lordship was operating.
[113] Harvey, 'The Knight and the Knight's Fee', pp. 4-5; Stenton, *First Century*, p. 23.
[114] Mortimer, 'Land and Service', pp. 177-181.
[115] See Henry I's Coronation edict, c. 11. Magna Carta laid down a maximum relief of 100s. for a knight's fee (c.2, ed. D. Carpenter, *Magna Carta* (London, 2015), pp. 38-9).
[116] Dale abbey has a grant by Adam de Morteyn of lands at Stanton to Fulcher de 'Codinton' (now Cottons Farm, Normanton) at farm. This land is to be quit of military service (*exercitu*) and ward, the latter of which Saltman suggests would have been castleguard at Nottingham— although his reasons for saying so are opaque. The land is also to be quit from all services which pertain to the *corpus militis,* but not from forinsec service. (Dale no. 312; F. M. Stenton, *Documents illustrative of the social and economic history of the Danelaw*, (London, 1920) p. cxxvi).
[117] F. Barlow, *The Feudal Kingdom of England, 1042-1216* 5th edn. (London, 1977), pp. 147-8, 258-9.

period or occasionally beyond this.[118] Evidence from charters for homage is in general sparse, so it is not possible to say with certainty the role which homage played in tenure by knight service, but it generally seems to have been required.[119] Serjeantry, that is, lands held for a nominal non-military yearly render such as a rose or a pair of gloves, appears in the later twelfth century. It is thought to be a reward of lands made by a lord to his man for services previously rendered.[120]

Tenure by fee farm appears in Domesday Book and continues to crop up in the twelfth century.[121] This required a fixed amount of money to be paid yearly from the lands. As would be expected, the money render required of the 'farmer' is generally higher than that exacted from other forms of tenure, and correspondingly must have left less over for the 'farmer's' own pocket. Hudson argues that this form of tenure was often hereditary;[122] but variation in terms occurred.[123] As well as the money farm due each year, there may have been other things required such as hospitality or certain agricultural services.[124] The *LHP* suggests that homage was not always exacted for lands held in this way,[125] but in most of the instances to which this thesis will refer, the sources state explicitly that homage had been done.

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[118] Mortimer, 'Land and Service', pp. 181-5; H. M. Colvin, 'Holme Lacy: An Episcopal Manor and its Tenants in the Twelfth and Thirteenth Centuries' in V. Ruffer and A. J. Taylor (eds.), *Medieval Studies Presented to Rose Graham* (Oxford, 1950), pp. 15-40. Occasionally tenure in fee appears in a usage closer to that of pre-1066 Normandy, where it meant tenure in return for a specific service that was not necessarily military (E. Z. Tabuteau, *Transfers of Property in Eleventh-Century Norman Law* (Chapel Hill, 1988), pp. 51-2). William the vicar of Marston-on-Dove granted a messuage in fee (*feudo*) in Hilton (Derbys.) to his godson William fitz Stephen, clerk of Egginton, for the service of maintaining a lamp in Hilton at the celebration of the Mass *antiquitus statutis.* (Dale no. 464).

[119] Garnett, *Conquered England*, p. 86 and *ibid.* n. 297; p. 125.

[120] Hudson, *OHLE*, pp. 634-5 and n. 41.

[121] The sources for the use of fee-farm by Burton Abbey are particularly rich: see Ch. 2 below. On fee-farm more generally see Lennard, *Rural England*, pp. 110-28, 142, 146-59, 276-7.

[122] Hudson, *OHLE*. pp. 338-9. The evidence of the Burton charters, below, suggest that in the first decades of the twelfth century succession was still under the church's control. The lands generally seem to have been granted for two lives. See also J. Hudson, 'Life grants of land and the development of inheritance in Anglo-Norman England', *ANS* 12 (1990), pp. 67-80.

[123] Garnett, *Conquered England*, pp. 97-8.

[124] Bl Loans 30, fos. 17-19.

[125] Under *LHP* c. 56, rubricated as *De firma tenanda*, it is recorded that if a dispute arises with someone who holds of the person or body in fee-farm, and that the farmer is not their man (*homo suus*), then the

Tenure by socage does not appear as a term until the thirteenth century, but is a convenient way to categorise the more nondescript forms of tenure that we see in the twelfth century based largely on the rendering of agricultural dues. Hudson suggests that the term developed as a means of categorising the tenure of sokemen and prefers for this reason 'free tenure'.[126] This kind of tenure required its tenant to render a set amount of money or produce, and probably certain agricultural dues, so may have blurred in its early years with serjeantry and fee farm.[127] It is unclear whether homage was always required from tenants in socage. Bracton states for the thirteenth century that it was not due for this type of tenure, although it was sometimes done.[128] Maitland noted, however, that by the latter century homage by tenants in socage seems to have been common.[129]

In addition to these services which were often specified in the charters recording these different types of grant, there were a raft of other services which only rarely appear in the written record, but which may have been exacted more widely than we have recorded. The homage bond also brought with it more intangible expectations

dispute is to be settled in the manorial court (*in ipso manerio*). If the farmer has done homage, however, and holds it in fee (*in feodo teneat et homagium inde fecerit*), the dispute is to go to the lord's court, or the court of the lord whose fee it is (*LHP* 56, 1-2, ed. Downer pp. 174-5). The rest of c. 56 may shed light on why there should be such a distinction. Its focus on the demands of the reeve's office indicates that the main focus of this chapter may have been more on the position of a reeve in managing his lord's estates (see Karn's argument that the rubrication of the *LHP* was later and inaccurate (N. Karn, 'Rethinking the *Leges Henrici Primi',* in *English Law before Magna Carta: Felix Liebermann and* Die Gesetze der Angelsachsen, ed. S. Juranski, L. Oliver and A. Rabin (Leiden, 2010), pp. 199-220). Since reeves were not infrequently drawn from the level of unfree men, this would account for the distinction: those holding lands by farm could either be the lord's officials, bound in a servile way to the lord and the soil, or higher-ranking freemen or minor lords— and disputes with their lord were treated according to this bond with their lord.

[126] Hudson, *OHLE* p. 340.

[127] *Ibid*., pp. 634-5.

[128] Bracton, *De Legibus,* ii. fos. 77b, 78, 79b, ed. Thorne, ii. pp. 226, 231.

[129] Pollock and Maitland, *History of English Law,* i. pp. 305-6. Bracton also warns against lords allowing villeins, through *negligentiam vel stultitiam,* to do homage, since it will be damaging to the lord (Bracton, *De Legibus,* ii. fo. 78, ed. Thorne, ii. p. 226).

of support and personal service of various kinds. These generally focused around attendance in the lord's retinue, in his household, and as a witness and support to his actions in courts. A lord was also entitled to the feudal incidents arising from his men's lands, namely relief, aids, wardship, and marriage, which could prove lucrative. Kings were entitled to impose aids across England, and similarly lords across their own lands. There were three aids that lords seem to have been able to take without consultation with their men by the later twelfth century. These were to pay for the knighting of his eldest son, the marriage of his eldest daughter, and the ransom of the lord's body if he had been captured in war. These seem to have been generally well-known.[130] *Glanvill* also mentions two other aids, which appear much less frequently. An heir was able to raise an aid from his (future) subtenants in order to be able to pay for his relief and entry onto the lands as their lord. Curiously, he states also that that lords are able to exact aids to pay for their own wars (*ad werram suam*). Tenants were not, however, to be constrained on this latter point beyond the degree to which they were willing to comply.[131]

Another element of the services owed by man to lord was submission to the lord's jurisdiction.[132] The appearance of lords' courts is difficult to date precisely, and will to some degree depend on our definition of the term. It is likely that lords had long been mediating disputes between their own men. With the closer connection in the post-Conquest period between land tenure and jurisdiction, conditions were favourable for the lord's ability to mediate between tenants becoming hardened into customary law. Lords' 'private' courts do not appear in charters until the mid-twelfth century, but the *LHP* shows a system in which they are already up and running, and

[130] *Glanvill* IX. 8, ed. Hall, p. 112.
[131] *Ibid.,* IX. 8, ed. Hall, p. 112.
[132] Lennard, *Rural England*, pp. 24, 34-9.

that some of the complexities of where a case should be heard have begun to be worked out.[133] In theory, the lord's courts were subdivided: the honorial court, for the lord's knights and free tenants, and the hallmoot for lower free and unfree tenants. In practice, the division between these may not have been so precise.[134] When we have evidence about how these courts were run, the lord's role seems to have been more as an overseer rather than dictating all decisions.[135] The suitors to the court seem to have most commonly been those to state the custom and to direct what should happen in the particular instance. The lord's main role was in providing a place and lending legitimacy to decisions, grants, and dispute resolution— backed up by the force and officials to intervene decisively when necessary.

Alongside the seigneurial structures, older structures continued. Shires, wapentakes, and hundreds had been established in the north Midland area long before.[136] These continued in use throughout the twelfth century and beyond, but much of our evidence for them in our period are from gatherings specially summoned by the king to resolve a particular dispute.[137] The well-known 1108 writ of Henry I reserved his right to summon meetings of the shire and hundred, but decreed that courts were otherwise to continue to meet at the same times and places as in the past.[138] It gives a

[133] *LHP* 9,4, 33,1, 57,1a-9a etc., ed. Downer, pp. 104-7, 136-7, 176-9; Maitland, *DBB*, pp. 80-3; P. Wormald, *The Making of English Law* (Oxford, 1999), p. 413.
[134] In 1159x61, John de Bagpuiz, a Ferrers military tenant, made provision for the inheritance of his two sons. The arrangement was first made before the earl's seneschall at the hallmoot of Barton (Derbys.), and afterwards before Earl William de Ferrers (BL Add. Cht. 21172; BL Harley MS. Cht. 45 F 23; Golob, 'Ferrers', i p. 151. For discussion of this family see below, pp. 206-9).
[135] The miracle stories from Burton Abbey seems to imply that an official could direct judgments, but that this was an abuse of power. These stories include one about a sheriff directing the court to make the judgment against the abbey. He is however divinely punished. While sitting amongst his family and boasting about this, he leans unwisely on his hand, slips, and knocks out his own eye (*Modwenna*, c. 47 ed. R. Bartlett, pp. 190-3. See J. F. A. Mason, 'Barons and their Officials in the Later Eleventh Century', *ANS* xiii (1991), pp. 248-9 on lords' sheriffs.
[136] See G. Molyneaux, *The Formation of the English Kingdom in the Tenth Century* (Oxford, 2015), pp. 157-64.
[137] Hudson, *OHLE*, pp. 276-80.
[138] *RRAN* ii., no. 892; on dating see R. Sharpe, 'The Prefaces of *Quadripartitus*', in *Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt* (Cambridge, 1994), p. 150 n. 10.

useful insight, too, into the jurisdiction over land of these and of seigneurial courts. The king's barons were to have their plea in his court, and a plea between the vavassors of the same baron were to go to the baron's court. If the vavassors in dispute were of different lords, the plea was to go to the county.[139] Some royal business used the county as well: justices in eyre held cases before the court, either at routine or extraordinary sessions;[140] and Hudson points out that some cases between tenants-in-chief can also be found in the county, rather than being heard before the king.[141] *LHP* states that the county court should deal with religious pleas, then royal, and finally those of individuals,[142] although it is unclear whether this was followed in practice.[143] Suit of the county court seems to have been owed by those with a certain, although unknown, quantity of land in the county,[144] which seems to have been sufficiently inconvenient for individuals to seek to be exempted.[145] Similarly, suit to the hundred seems to have been determined by the tenure of land within its jurisdiction.[146]

Hudson thinks that the division between county and hundred courts seems to have been a case of scale rather than substance, although more serious disciplinary cases may have been reserved for the larger court or royal justices.[147] Similarly, the divisions between the territorial and seigneurial courts were not always clear,[148] and they coalesced in cases where a lord held an entire hundred or shire.[149] Appletree

[139] *RRAN*, ii. no. 892.
[140] Hudson, *OHLE*, pp. 269-70, 280; W. T. Reedy, 'The Origin of the General Eyre in the reign of Henry I', *Speculum* 44 (1966), pp. 688-724; Stenton, *English Justice,* pp. 61-5, 71-4.
[141] Hudson, *OHLE*, p. 279; *English Lawsuits from William I to Richard I* (2 vols., London, 1990-1)*,* ed. van Caenegem, i. nos. 18, pp. 43-50; no. 160, p. 127; no. 245, p. 210; no. 267, pp. 226-7.
[142] *LHP*, 7,3, ed. Downer, pp. 100-1.
[143] Hudson, *OHLE*, pp. 278-9.
[144] *Ibid.,* p. 277; *RRAN*, i., no. 393.
[145] Hudson, *OHLE*, p. 278. Henry I's writ of 1108 expressed concerns on this matter (*RRAN* ii. no. 892).
[146] Hudson, *OHLE*, p. 281 and n. 65; *LHP*, 7,8, ed. Downer pp. 100-1.
[147] Hudson, *OHLE*, p. 282.
[148] *RRAN*, ii. no. 892; cf. *LHP*, 7,1, ed. Downer, pp. 98-9; Hudson, *OHLE* pp. 281, 285.
[149] *Ibid.,* pp. 284-5; W. O. Ault, *Private Jurisdiction in England* (New Haven, 1923), pp. 6-8.

wapentake in Derbyshire was held almost in its entirety by the Ferrers, and the hundred court seems to have been held at the Ferrers *caput* of Tutbury castle. Similarly, it is rarely possible to say with any certainty in what kind of court a charter's business took place. Occasionally it is mentioned that the transaction took place before a certain lord, or that a certain hundred witnessed it. For the research below, therefore, the type of court in which proceedings are happening is left to one side unless clear evidence is available: instead, the focus will be on the individuals who were present at a gathering.

The geographical context: The north Midlands

Although some wider structural discussion will range more widely, the core area for this thesis are three shires in the northern midlands: Leicestershire, Derbyshire, and Staffordshire. These are a particularly suitable area to study for four reasons. The first is the layout of the counties. All three meet with a fourth, Warwickshire, at No Man's Heath. North of here for approximately 16 miles, the Derbyshire lands form a corridor of no more than 7 miles wide between Leicestershire and Staffordshire, and therefore gives a useful test area to determine the extent to which county boundaries had an impact on the landholding of the minor lords.[150] Second, the counties provide useful contrasts in honorial geography. The Ferrers held the entirety of Appletree wapentake in Derbyshire, and a considerable number of vills in neighbouring wapentakes. These were abutted by other great lords, and there were a number of

[150] A number of vills in this area shifted between counties, which may indicate that these borders were somewhat unstable. Netherseal and Overseal, now in Derbyshire, were included in the Leicestershire folios of Domesday Book. Conversely, in the same area, Chilcote, Oakthorpe, Measham and Willesley, which are now in Leicestershire, were included in the Derbyshire folios. Appleby, Ravenstone, Stretton en le Field, Donisthorpe, and Linton appear on both the Leicestershire and Derbyshire folios (D. Holly, 'Leicestershire' in H. C. Darby and I. B. Terrett (eds.), *The Domesday Geography of Midland England* (Cambridge, 2nd ed., 1971), pp. 313-5).

very small tenants-in-chief, particularly in south Derbyshire and Staffordshire. In Leicestershire, by contrast, the Survey of 1124x1128 shows us clearly that almost half of vills by this time were subdivided by two or more tenants-in-chief. The area, then, allows us to examine how far this had an impact on prevalence of multiple lordship.

Third, the three counties are well-served with documents for the period. Considerable numbers of private charters survive, probably in part due to the longevity of many of the post-Conquest families, and a widespread interest in family history in more recent centuries which saw these collected and preserved.[151] A boom in the foundation of religious houses after 1066, which were understandably keen to preserve record of their endowments, furnishes us with a lot more information on the minor lords who were their patrons and neighbours. Fourth and finally, the region is relatively marginal. Although the earl of Chester exerted pressure here in Stephen's reign, and there were rebellions across the period, most of its concern seems to have been relatively local. It was sufficiently far from the usual royal ambit to feel little especial royal power; it had no great strategic value, and it was not particularly valuable economically. It is good for providing, therefore, a survey of local society in the period that in many cases had only local horizons.

The three counties present different geographical frameworks. Leicestershire is the lowest-lying, with only small areas to the north-west and east lying above 180m (600ft). Much of it is covered with the well-known Midlands clay. It is roughly divided in half by the River Soar. Although there were some ridges of high land and

[151] The Gresley and Shirley families did particularly well on this front: the former only became extinct in the early twentieth century; the latter still survives. In south Derbyshire and Staffordshire, the gentry seem to have been enduringly powerful: in this area still, there are a considerable number of small stately homes built from the late medieval period or up to the eighteenth century, many more so than are known from Leicestershire, for instance. Geography may have played a role: Derbyshire's poorer transport links and the relative isolation of some valleys and uplands may have allowed gentry to maintain influence over the local population for longer.

wold, the eastern half of the county seems to have been richer than the west. In the Domesday Survey, it appears to have been more densely populated, with a denser distribution of plough-teams and mills, and relatively little woodland.[152] Holly thought that this indicated 'a moderately high agricultural development'.[153] The west of the county was poorer, and although it had a comparable number of settlements, it had a noticeably lower population. In part, this may have been due to less fertile soil, less meadowland, and a larger amount of woodland. In particular, there is a large gap of settlement caused by Charnwood Forest. This forms the highest part of the county, lying between 120 and 275m (400 and 900ft), and although a few settlements appear on its edges, it seems to have been barely populated.[154]

At the time of the Domesday Survey, the king held extensive lands in the more valuable eastern half of the county, and only a small clutch of lands to the west of the Soar. The former of these included the large manors of Rothley and Great Bowden,

[152] Holly, 'Leicestershire', pp. 332-8, 344.
[153] *Ibid.,* pp. 353-6, quotation at p. 355.
[154] *Ibid.*, pp. 357-8.

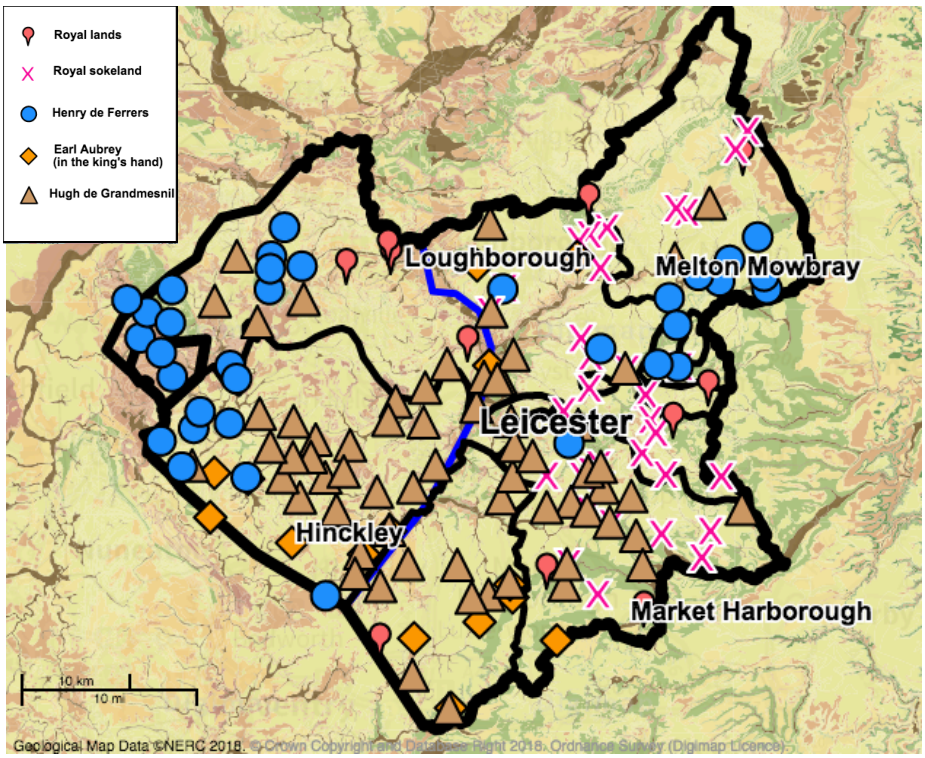


Fig. 1: Major landholders in Leicestershire at the time of

of which the former had 21 and the latter 10 dependent vills.[155] The king also had in his hand the lands formerly held by Earl Aubrey de Couci, who had resigned his English lands and withdrawn to Normandy shortly after 1080.[156] The largest landowner by some way was Hugh de Grandmesnil. His holdings clustered around the centre of the county, and the wapentakes of Guthlaxton and Gartree.[157] These lands later came to the Meulan earls of Leicester after the forfeiture by Hugh's heir. Henry de Ferrers held only two small blocks in the county: one in the east, to the north of the River Wreake; and one by the western border that abutted his lands in south Derbyshire.[158]

[155] *Ibid.,* pp. 316-7.
[156] DB i fo. 231V; *VCH* Leics, i. p. 290.
[157] DB i fos. 232-233; *VCH* Leics, i. pp. 291-2.
[158] *Ibid.,* pp. 291-2.

Derbyshire is a county of two halves. To the south of a line running roughly from Derby north-westward towards Ashbourne, the Midland clay continues and the landscape is low and gently rolling. This area had the densest population, the largest amount of meadow, and number of mills,[159] and the most valuable manors.[160] North of this line the geology changes to limestone hills with deep, narrow river valleys, and grassy uplands. The Light Peak region of the Peak District starts to the immediate north-east of Ashbourne, and has several peaks of around 500m (1640ft) above sea level. In the far northern part of Derbyshire, the Dark Peak region lies on sandstone, and rises in places above 600m (1969ft). Settlement on this higher land is very sparse, and so due to a relative dearth of documentary material for the period under study, the majority of the discussion below focuses on the region to the south of Bakewell. The county was relatively poor, particularly outside the southern lowlands; by the time of the Domesday Survey, there were many waste vills in the north-western uplands.[161] Nevertheless, there was some value in these uplands: the

[159] Holly, 'Derbyshire', in *Domesday Geography,* pp. 319-21.
[160] *Ibid.,* pp. 297-301.
[161] *Ibid.,* pp. 313-15.

Survey makes reference to the lead works, *plumbaria*, at seven manors in the Derwent Valley, including Hope, Bakewell, and Wirksworth.[162]

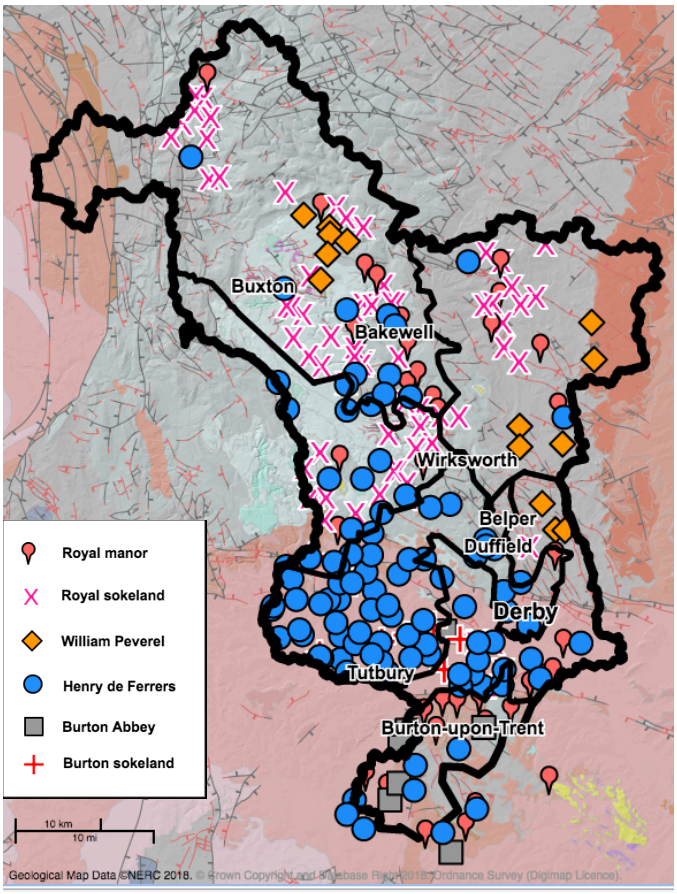


Fig. 2: Major landholders in Derbyshire at the time of Domesday Book

At the time of Domesday, King William had inherited from Edward in the far north of Derbyshire an unbroken line of manors from the eastern to the western border.[163] To these he seems to have added nearby manors lying to the west of the Derwent, which Stenton thought looked like 'a deliberate attempt on the part of the king to round off his possessions in the north of the county.'[164] By 1086 King William also had received the forfeited lands of Earl Edwin, which included a line of manors

[162] *Ibid.,* pp. 323-4; Lennard, *Rural England*, pp. 241-2.
[163] These were Ashbourne, Parwich, Wirksworth, 'Mestesford', Darley Dale, Bakewell, Ashford, and Hope, all of which had a considerable number of dependent vills. They had been farmed before the Conquest in two groups, of which Bakewell, Ashford and Hope formed one. These paid *TRE* £30, 5 ½ sesters of honey, and 5 cartloads of lead (DB i fos. 272-272V; *VCH* Derbys i, p. 297).
[164] *Ibid.,* p. 298.

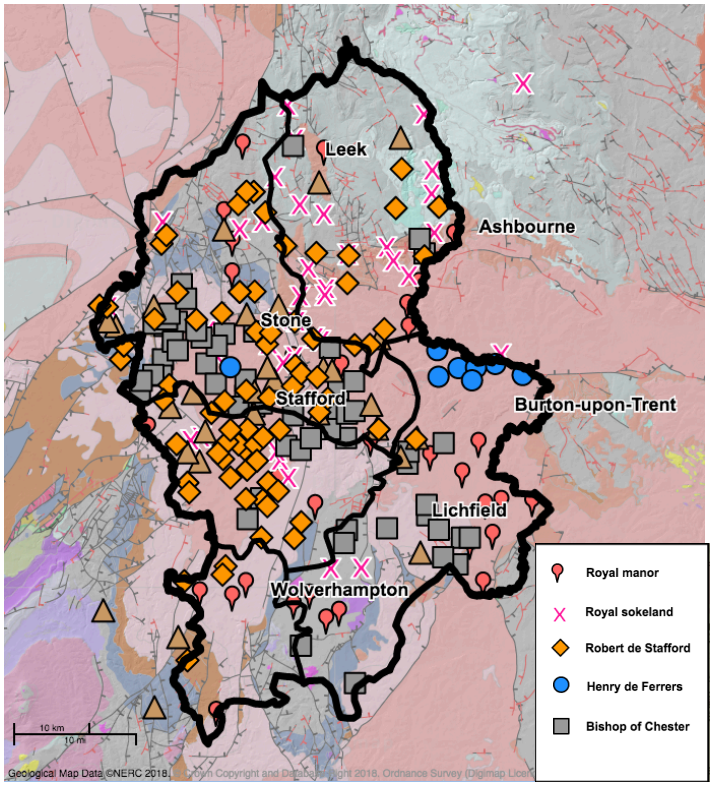
along the Trent in the southern part of Derbyshire, and which are recorded in Domesday under the name of Earl Edwin's father, Aelfgar, as the *TRE* tenant.[165] William Peverel held these manors by 1086, probably as the king's bailiff, and they seem to have become part of his own property by 1108.[166] Further south, almost all the land west of the River Derwent was held by Henry de Ferrers, along with a clutch of manors further north between the Rivers Dove and Wye and a couple of outlying vills in the high uplands. Henry's *caput* lay at Tutbury Castle, just over the border into Staffordshire, but his greatest body of lands was in western Derbyshire, and, as noted above, included the entirety of Appletree wapentake.[167] Burton Abbey held a scatter of lands in the lowland area of Derbyshire, extending both to the north and south of the Trent, although they were denser to the immediate west of Derby.[168] Hugh earl of Chester held Markeaton, immediately to the north of Derby, with three 'waste' berewicks.[169]

The outlines of the county of Staffordshire have undergone significant change since the Domesday Survey: land in the south and west was transferred to Shropshire, some by the end of the twelfth century; and the region of Birmingham has been more recently transferred to Warwickshire.[170] Those parts of this region that were populated were generally sparse, and the soils were poor.[171] The central part of the county, in which Stafford lies, is lower-lying, and comprised of heavy but relatively fertile clay.[172] Here could be found the greatest population density, and the most

[165] *Ibid.*
[166] *VCH* Derbys i, pp. 303-4.
[167] DB i fos. 274-276; Lennard, *Rural England*, pp. 31-2.
[168] DB i.., fo. 273.
[169] *Ibid.,* fo. 273V; *VCH* Derbys i, p. 299. See Lennard, *Rural England*, pp. 237-41 for discussion of the vills and agricultural production in post-Conquest Derbyshire.
[170] P. Wheatley, 'Staffordshire' in *The Domesday Geography of Midland England*, pp. 163-4.
[171] *Ibid.*, p. 214-5.
[172] *Ibid.*, pp. 212-3.

valuable manors.[173] Mills and meadows were relatively frequent, and as with Derbyshire, it is from this region that the majority of our documentary record comes.

Fig. 3: Major landholders in Staffordshire at the time of Domesday Book



To the north of this area the county becomes bleak, and had at the time of Domesday a sparse population in what Wheatley terms 'a drab and sombre landscape' with little arable land.[174] In the north-east, the land rises to above 250m (800ft) to form the southern Pennines, and joins on its eastern border with the Peak District in Derbyshire. The county was heavily wooded, with around half of vills recorded as having some tract of woodland.[175] In addition to these, there was the large royal forest at Cannock, and the large ancient woodland of Needwood, which lay to the south-west of Tutbury.[176] So the county's geography meant that it was generally poor in 1086. Added to this, around a fifth of vills are described in the Survey as waste

[173] *Ibid.*, pp. 184-191.
[174] *Ibid.*, p. 211.
[175] *Ibid.*, pp. 194-7.
[176] The forest survived as a royal chase into the seventeenth century after the forfeiture of the Ferrers following Simon de Montford's rebellion. At the beginning of the nineteenth century the forest was finally enclosed, following several decades of resistance by a local pressure group. Despite the publication of two volumes of poetry celebrating the area, Francis Noel Clarke Mundy's *Needwood Forest*, and Thomas Gisborne's *Walks in the Forest,* Parliament passed an Act in 1803 allowing its enclosure and deforestation. (*VCH* Staffs ii, pp. 349, 354).

(*wasta*), of which half lay in the northern uplands.[177] How far this should be attributed to King William's subduing of the area is unclear.[178]

Despite being a large county, Staffordshire's entry in Domesday is a mere five folios, and only 11 tenants-in-chief are listed. The king's lands were scattered across the county fairly evenly, although he had fewer manors on the western side. Aside from the king, most of the lands in the county were held by the Bishop of Chester, Earl Roger, Henry de Ferrers, and Robert de Stafford. The bishops held a largely contingent group of manors in the west of the county, and from here a line of manors spread eastwards to the border with Warwickshire, focused mainly in the lowlands.[179] Roger earl of Shrewsbury had the majority of his lands in the neighbouring county of Shropshire, but some of his manors lay just over the border into western Staffordshire. He also had a line of manors, largely along the lowlands of the county, but with a handful in the high uplands on the north-east.[180] Henry de Ferrers similarly had manors in Staffordshire that abutted his lands in western Derbyshire; but he also had a small interest in Stafford itself, and at Chebsey to the west.[181] The largest landholder in the county was Robert de Stafford, who held lands in a block to the south-west of Stafford, with loose lines of manors spreading up to the north and, east, and west of the county.[182] As Slade noted, however, the spread of his manors meant that he was not in as strong a position as those lords of the region who had consolidated lands: Robert's were interspersed by those of the bishops.[183]

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[177] Wheatley, 'Staffordshire', pp. 202-4.
[178] *VCH* Staffs, iv, pp. 12-3.
[179] DB i fo. 247.
[180] *Ibid.,* fos. 248-248V.
[181] DB i fo. 248V; *VCH* Staffs, iv, p. 30.
[182] *Ibid.,* fos. 248V-249V.
[183] *VCH* Staffs, iv, pp. 30-1.

The discussion above sought to situate the practice of multiple lordship in its historiographical, social, and physical context. Since the structure of lordship and its component parts are complex, but the terminology of lordship is so historiographically loaded, it has been necessary to dwell on these aspects in order to explain the terms as fully as possible and to establish a clear framework.

This thesis focuses on the development, practice, and impact of multiple lordship in 'long' twelfth century England. It foregrounds the minor lords of the north Midlands, and aims to show three main points. First, that multiple lordship was a longstanding feature of seigneurial relationships, and that its appearance in post-Conquest England fits into a wider geographical and chronological framework. Generally, it seems to have been an accepted practice, and there seems to have been a partially-developed customary framework to preemptively solve any difficulties. It should not, therefore, be treated as a sign of the breakdown of the honour in twelfth century England.

The second main point is that multiple lordship seems to have been reasonably frequent throughout the twelfth century, and at least as frequent as tenure from a single lord. Multiple lordship does not seem to have destroyed a lord's ability to trust his man, but there was nevertheless some impact on the man's behaviour. The focus of those families with multiple lords is both on lordship and locality, and they thereby allow us a way into seeing the impact of these two forces. The coexistence of neighbourhood and honour was important from the start of the Norman settlement— not necessarily, as Coss hypothesised, in the sense of a local community that formed around a central focus— but in that what and who was near to a minor lord's lands seems to have had a tangible impact on his behaviour. As Coss argued for the later medieval period, 'Local communities comprised proud and fractious men, with

definite minds of their own.'[184] In some cases the geographical and political landscape meant that they aligned with a single lord; in others the forces acting on individuals could pull in different directions. Focus of this kind provides us with an amended model for studying the twelfth century. By placing minor lords in the foreground, we are able to see that lordship and locality were both important forces. This allows us to begin to break out of a focus on the honour alone, and the 'feudal' framework that this brings with it.

[184] Coss, 'Bastard feudalism revised', p. 57.

Chapter 1: Multiple lordship in the eleventh century

It was commonplace in twelfth century England for men to owe allegiances to several lords simultaneously. This practice was already in place, however, within 20 years of the Conquest: clearly, it was through no mere accident that a man accumulated lords.[185] This chapter seeks to address the question of where the practice originated, and how it came to be established in post-Conquest England. It is argued that multiple lordship in twelfth-century England had its taproot in pre-1066 northern France, and some secondary roots in Anglo-Saxon England. In post-Conquest England the interaction of these two prior systems combined with the circumstances of the Norman settlement to create a seigneurial framework which owed something to all three.

The rationale for this is twofold. First, in order to understand the pattern of twelfth-century lordship, it is necessary to address its roots. Second, this chapter seeks to demonstrate that multiple lordship was a practice found across a broad geographical and chronological span. There does not seem to have been some starting point, either in England or Normandy, where we can see a universal pattern of single lordship which broke down into a pattern of multiple lordship: instead, the latter appears as part of 'feudal' society. It should not, therefore, be seen as something anomalous in twelfth century England, or as a sign of a breakdown in the relationship between man and lord.

'Lordship' is a useful shorthand for talking about hierarchical personal relationships in this period— but as with any other label, careful definition is needed, particularly

[185] For discussion of a similar pattern in the post-Carolingian world see Bloch, *Société Féodale* i. p. 328.

when addressing different societies across time and space. Each of the three sections of this chapter therefore— Normandy, Anglo-Saxon England, and post-Conquest England— will first address the dimensions of lordship, before moving to examine how multiple lordship operated in each society and why it occurred.

Normandy before 1066

Due to the lack of custumals for Normandy and northern France, our understanding of lordship in these regions in the eleventh century must be drawn together from charters and narrative sources.[186] For Normandy we have Marie Fauroux's collection of ducal charters up to 1066,[187] although few survive before the reign of Duke Richard II (996-1026).[188] The extant charters for Normandy as a whole must only represent a small percentage of the total grants that were made by dukes: even towards the end of the eleventh century it seems that the majority of lay transactions were still taking place without charters.[189] There are also a few narrative sources for Normandy, of varying reliability.[190] Nevertheless, these may provide a useful view of

[186] The earliest written record of Norman law and customs, the *Très Ancien Coutumier*, was not produced until the later twelfth century (*Le Grand Coutumier de Normandie: The Laws and Customs by which the Duchy of Normandy is Ruled*, ed. J. A. Everard and W. L. de Gruchy (Jersey and Guernsey Law Review, 2009); Tabuteau, *Transfers,* p. 1; Pollock and Maitland, *History of English Law*, i. pp. 70-2). Narrative sources, as is common for this period, were produced in a ecclesiastical context— but the majority of the charters produced were from the same. Of these, most are donations by laymen to churches; little charter evidence survives for transfers between laymen, and it has been argued that these were rarely recorded in writing (Tabuteau, *Transfers*, pp. 7-8). In addition, many of those charters that we now have were transmitted as pancartes in or cartularies, and originals are few. Care is needed with all of these, but particularly the former two, in case of poor transmission or deliberate falsification (*ibid*., pp. 9-10). See also L. Musset, 'L'aristocratie Normande au XIe siècle', in P. Contamine (ed.), *La Noblesse au Moyen âge: Essais à la mémoire de Robert Boutruche* (Paris, 1976), pp. 71-72.

[187] M. Fauroux (ed.), *Recueil des actes des ducs de Normandie de 911 à 1066* (Caen, 1961).

[188] Davies, 'Winning the West', pp. 177-8.

[189] Tabuteau, *Transfers,* pp. 7-8.

[190] The *Libri III de Moribus et actis primorum Normanniae Ducum* was written 996-c.1020 by Dudo, canon of St-Quentin and later chaplain to Duke Richard II. The monk William of Jumièges abridged this for his *Gesta Normannorum Ducum* probably c.1050-60, and added the history of the intervening decades. The information on England was almost certainly added in the years after the Conquest, which took the work up to c.1070. Jumièges' work was then copied with interpolations by Orderic Vitalis, c.1095-1109, although the latter made some additional small revisions up to c.1113. (Dudo of St-Quentin, *De Moribus et Actis primorum Normanniae ducum,* ed. J. A. Lair (Caen, 1865). *History of the Normans*, ed. and trans. E. Christiansen (Woodbridge, 1998), p.xiii; *GND* ed. van Houts, i. pp. xix-xxi,

contemporary ideas of lordship and land tenure, especially since the writers of narratives often seem to have drafted documents.[191]

This topic of Norman lordship is of course an enormous one, so here there will only be room to briefly sketch the outlines. Relationships between men and their lords seem to have been formed by an oath, and were referred to in the early eleventh century as 'commendation', (*commendatio*),[192] which came to be replaced with 'homage'(*hominagium, homagium*) in the second half of the century.[193] Details of this are few—generally only that such-and-such a man 'gave himself with his hands', although William of Poitiers' account of Harold's oath to Duke William gives a rare description.[194] As Garnett points out, there is no clear evidence that this kind of oath in pre-1066 Normandy brought the expectation of a grant of land, as it seems to have

lxviii. On Dudo's accuracy, see Christiansen's introduction in *History of the Normans*, esp. p. xv; L. Abrams, 'Early Normandy', *ANS* XXXV (2012), pp. 61-2; Davies, 'Winning the West', pp. 104, 116. E. Albu Hanawalt, 'Dudo of St-Quentin: The heroic past imagined', *HSJ* vi (1994) 111-18 shows Dudo's considerable debt to the Aeneid as a model). See also *The* Gesta Guillelmi *of William of Poitiers*, ed. and trans. R.H.C. Davis and M. Chibnall (Oxford, 1998).

[191] G. Garnett, ''Ducal' succession in early Normandy', *Law and Government*, ed. Garnett and Hudson, p. 88; Garnett, *Conquered England*, p. 163). For Orderic Vitalis, see G. Garnett, 'Robert Curthose: the duke who lost his trousers', *ANS* XXXV (2013) pp. 220-4; M. Chibnall, 'Charter and Chronicle: the use of archive sources by Norman historians', *Church and Government in the Middle Ages: Essays presented to C.R. Cheney on his seventieth birthday* (Cambridge, 2008) pp. 1-18 at 4-5, 12-14; Fauroux, *Recueil*, no. 13.

[192] J. C. Holt, 'Feudal Society and the Family in Early Medieval England II: Notions of Patrimony' in *Colonial England,* p. 211 gives an account of commendation of knights being granted for life as part of a dispute resolution. Fulbert of Chartres used the term in a letter dating to before 17 February 1008, requesting the commendation of certain knights (*commendationem uestrorum militum*), *The Letters and Poems of Fulbert of Chartres*, ed. F. Behrends (Oxford, 1976) letter 9, p. 21). It appears once in Fauroux's collection in a charter of 1066 which survives in a fourteenth-century *vidimus*, in which five knights are commended to Bishop John of Avranches, to hold their fiefs of him henceforth (Fauroux, *Recueil,* no. 229). The term had been in use for several centuries by this time: the term used in late Carolingian capitularies is similarly *commendare* (C. E. Odegaard, *Vassi and Fideles in the Carolingian Empire* (New York, 1972), pp. 4-5, 83-84).

[193] Garnett, ''Ducal' succession', p. 94 and n.; Musset, 'L'aristocratie normande' p. 90 n. 7.

[194] This account may contain anachronisms from post-Conquest practice in England, so should be used with care. Garnett, *Conquered England*, p. 75; WP, c.42, ed. Davis and Chibnall pp. 70-1. Compare G. Duby, *La Société aux XIe et XIe siècles dans la region Mâconnais* (Paris, 1953), p. 173.

done in post-Conquest England.[195] It does seem, however, to have brought other expectations of mutual protection, and support in legal and military fields.[196]

Nevertheless, it was becoming increasingly common for men to hold benefices (*beneficia*) of lords—that is, parcels of land held in exchange for service.[197] Charter evidence gathered by E. Z. Tabuteau in her careful study of property in Normandy shows that *beneficia* gradually shifted from being a precarious to a hereditary form of tenure through the eleventh century, although they remained dependent on the grantor.[198] Failure to carry out the services due could still terminate the relationship, and the material rewards which came along with it. Alongside this development, we can see another category of lands falling under seigneurial control in Normandy. Although we do not have sufficient records to give an accurate picture, it seems likely that much land at the beginning of the eleventh century was possessed by men as *alodia,* namely hereditary family land that does not seem to have been

[195] Garnett, *Conquered England*, p. 76; cf. *Glanvill*, IX. 2, ed. Hall, p. 106. In the early eleventh century, Dudo only rarely seems to have connected oaths and homage to the granting of benefices. Garnett, ''Ducal' succession', p. 94; F. Lifshitz, 'Translating 'feudal' vocabulary: Dudo of St-Quentin', *HSJ* 9 (1997), p. 45. The *Conventio Hugonis Chiliarchi* of Count Hugh of Lusignan, written based on events in Poitou in the 1020s, says that during an argument with a count from whom he held a tenement, he 'defied' the count and broke all fealty with him. According to Hugh, the agreements were renounced, and his benefice thereby became an allod. (Cited J-P. Poly and E. Bournazel, *The Feudal Transformation*, *900-1200* (New York and London, 1991) pp. 76-7).

[196] Tabuteau, *Transfers*, pp. 52-65. Where a grant of land was made, a lord may also have been required to act as a warrantor. The charters occasionally connect fidelity and knighthood: Fauroux, *Recueil* nos. 30, 95, 126; Musset, 'L'aristocratie normande', pp. 91-2.

[197] Tabuteau, *Transfers*, pp. 96-9. *Feodum*, 'fief', began to take over from *beneficium* in the mid-eleventh century, and had largely supplanted it by the later eleventh century. The earliest use of *feodum* seems to be in a charter of 1031x1040, '[*concedo*] *ecclesiam et decimam cum feodo Farmanni presbiteri...et foefum Osuli de Monasterio* (Tabuteau, *Transfers*, p. 51. Tabuteau cites Doc. 305 from her schema of Norman charters, but this appears to be in error. I have not yet been able to find the correct reference). Pollock and Maitland pointed out that the *beneficium* developed in turn from the *precarium* (Pollock and Maitland, *History of English Law*, i p. 67). In later Norman law, peasants could do homage for their tenements, although it is unclear if this was the case in eleventh century Normandy. Some instances have also been noted in southern France, cited in Poly and Bournazel, *Feudal Transformation*, pp. 66-7. This discussion therefore is focused on the level of society capable of becoming *milites*, and those above.

[198] Tabuteau, *Transfers,* pp. 96-103; Poly and Bournazel, *The Feudal Transformation*, p. 66. Terminology in charters is not necessarily foolproof (see Garnett, ''Ducal' succession', p. 86 n. 30), but the trends are broad enough to be clear.

subordinated to any lord.[199] Gradually, we can see that lords began to be able to make grants of men with their alodial land;[200] Tabuteau's earliest instance dates from the 1040s.[201] In effect, then, two major forms of landholding were gradually beginning to blur into a form of dependent, hereditary tenure.[202] The discussion of multiple lordship below, therefore, will focus on the commendation-homage bond—but also instances of holding land from several lords, since this too could be bound up with allegiance. In the discussion below, it will first be necessary to range more widely than Normandy in order to establish the early structures, before focus moves to the duchy.[203]

References to multiple commendation first begin to appear in Carolingian capitularies from the early ninth century.[204] Charlemagne's capitulary of 805, given at Thionville (*Theodonis villa*) gives a clear statement:

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[199] Tabuteau, *Transfers*, pp. 102-3. These two categories, *alodium* and *feodum*, were in existence by at least the early ninth century, where they were contrasted in a capitulary: *aut in beneficio, aut in alode* (*Capitulare Missorum Niumagae Datum* of March 806, in *Monumenta* i. no. 46, p. 132. See also *Capitula de Causis Diversis* of ?807, in *Monumenta* i. no. 49, p. 136).

[200] Tabuteau, *Transfers,* pp. 96-106. The reasons for this shift towards dependency are somewhat opaque, and there is not space here to do more than sketch its outlines. J. C. Holt's argument that it was in part caused by an increase in the number of castles—which he saw as being indivisible holdings—has been challenged by George Garnett's point that partitioned castles can be found even within the ducal family. Similarly, Holt's arguments about the influence of ducal confiscations and confirmations do not seem to have been widespread enough to cause such a rapid and sweeping change. (Holt, 'Notions of Patrimony', pp. 210-12; Garnett, ''Ducal' succession', p. 85). The reorganisation of the aristocracy into lineages based on primogeniture c. 1030s-40s had the effect of concentrating resources in fewer hands, and strengthened these families. (D. Bates, *Normandy before 1066* (Harlow, 1982), pp. 33-5, 118-9; Garnett, ''Ducal' Succession', p. 86) The unrest during this period allowed them to indulge in widespread encroachment on lands; and lesser families may have placed themselves and their holdings under the protection of greater men. This would have caused a gradual and patchy shift towards dependency—but nevertheless, these conditions were widespread enough to change conditions across the duchy (Bates, *Normandy*, pp. 103-5)).

[201] Tabuteau, *Transfers*, p. 103; Pollock and Maitland, *History of English Law*, i, pp. 70-2. Duby argued for a similar situation in the Mâconnais occurring between 980-1030, where small and middling allodists became gradually drawn into the power of the greater lordships. (Duby, *Mâconnaise,* p. 193).

[202] Tabuteau, *Transfers*, pp. 103-4, 108.

[203] The subsequent discussion of Carolingian material is particularly relevant for Normandy, since it has been thought that there were strong parallels in the authority of the Carolingian and Norman rulers (*Ibid.*, pp. 4-5). The *pagi* of Upper Normandy remained in place; those in Lower Normandy were re-established under ducal authority (Davies, 'Winning the West', pp. 146-7; J. Dunbabin, *France in the Making, 843-1180* 2nd edn. (Oxford, 2000), pp. 199-206).

[204] F. L. Ganshof, *Qu'est-ce que la féodalité?* (2nd ed., Brussels, 1947), pp. 68-9. On the capitularies see R. McKitterick, *The Frankish Church and the Carolingian Reforms* (London, 1977), pp. 18ff; W. Ullmann, *Law and Politics in the Middle Ages: an introduction to the sources of medieval political ideas* (London,

De iuramento, ut nulli alteri per sacramentum fidelitas promittatur nisi nobis et unicuique proprio seniori ad nostram utilitatem et sui senioris […][205]

This line comes on the heels of a number of attempts by Charlemagne to control the oaths of his subjects: sworn associations were to be prevented, and everyone was to swear an oath of *fidelitas* to him and his sons.[206] Following the above, further attempt was made to control allegiance: when making provision for the division of the kingdoms in February 806, Charlemagne laid down that after his death, each man was only to receive *beneficia* in the kingdom of his lord, in case, the capitulary hints darkly, *scandalum aliquid possit accidere*.[207] Ganshof thought that these references indicated a wide-ranging attempt by the Carolingians to control multiple commendation, but Reynolds pointed out that these are likely to relate to the specific political conditions of the time— namely, the problem of an individual potentially

1961), pp. 203-209; *idem*, *The Carolingian Renaissance and the Idea of Kingship* (London, 1969), pp. 30-5. See J. L. Nelson, 'Legislation and Consensus in the reign of Charles the Bald' in her *Politics and Ritual in Early Medieval Europe* (London, 1986), pp. 100ff., for discussion of the assemblies that preceded the writing of a capitulary in the later ninth century.

[205] The capitulary goes on to allow that this excepted *his sacramentis quae iuste secundum legem alteri ab altero debetur.* (*Capitulare missorum in Theodonis villa datum* (805), in A. Boretius, *Capitularia regum Francorum*, (2 vols., Hanover, 1881), i. 124, c. 9; P. Roth, *Feudalität und Untertanenverband* (Weimar, 1863), p. 203; both cited by F. L. Ganshof, 'Depuis quand a-t-on pu, en France, être vassal de plusieurs seigneurs?', *Mélanges Paul Fournier* (Paris, 1929), pp. 262-3; J.-F. Lemarignier, 'Political and monastic structures in France at the end of the tenth and the beginning of the eleventh century' in *Lordship and Community in Medieval Europe: Selected Readings*, ed. F. L. Cheyette (New York and London, 1968), pp. 100-27 at pp. 108-9. Originally published as "Structures monastiques et structures politiques dans la France de la fin du Xe et des débuts du XIe siècle", in *Il monachesimo nell'alto Medioevo (Settimane di studio del Centro italiano di studi sull'alto Medioevo* 4 (Spoleto, 1957), pp. 357-400, but revised by the author for the Cheyette volume).

[206] *Duplex legationis edictum*, March 23 789, c. 18 (ed. Boretius, *Capitularia*, i. p. 63) required the oath to be sworn to him as king. This was followed in 802 by capitularies requiring that an oath to be taken to Charlemagne as emperor (*Capitulare missorum generale*, early 802, c. 2, ed. Boretius, *Capitularia,* i. p. 92; *Capitularia missorum specialia*, early 802, ed. Boretius, *Capitularia*, i. pp. 101-2). The use of *fides* in the capitularies seems to have had a distinctly religious flavour: it is frequently invoked in the context of the *fides* owed to God. In requiring such an oath, Charlemagne seems to have been tying himself and his successors into a sacral framework (J. M. Wallace-Hadrill, 'The '*Via Regia*' of the Carolingian Age' in his *Early Medieval History* (Oxford, 1975), pp. 181-200, esp. 187-188).

[207] *Divisio regnorum*, c. 9; ed. Boretius, *Capitularia*, i. p. 128. This is underlined by the following capitula, where *unusquisque liber homo post mortem domini sui licentiam habeat se commendandi inter haec tria regna ad quemcunque voluerit* (*ibid*., c. 10; ed. Boretius, *Capitularia*, i. p. 128).

having two kings.[208] Nevertheless, we can infer from these statements that such practices were possible, and we may wonder how effective such capitularies were at preventing additional commendations taking place. With the decline of central Carolingian power after 888, it has been argued that magnates were constructing rival seigneurial networks, [209] but it may be that these are simply becoming more visible in the period: lordship and construction of retinues seem to have been present throughout the Carolingian Empire.[210]

[208] F. -L. Ganshof, 'La vassalité dans la monarchie Franque', in *Les Liens de Vassalité et les Immunités,* 2nd edn. (Brussels, 1958), pp. 153-170, esp. 159 and n. 21; S. Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (Oxford, 1994), pp. 87-9.

[209] This is bound up with the so-called *mutation féodale* of the year 1000, with which this brief section on Normandy will not attempt to engage. This is an issue that has been debated for a considerable time, and recently seems to have reached an *impasse*, rather than a resolution. In the sources of c.1000 across much of France it is possible to see a sudden shift. Minor lords, knights, and castellans increasingly appear, and judicial, military, and other (bannal) powers previously exercised under Carolingian oversight were now becoming annexed by such men (on this point, see Goebel, *Felony and Misdemeanor*, pp. 157-9, 166-71, 202-6). The sources record more instances of violence, and peasants' standing in society appears to decrease. The debate centres on how to interpret the sudden appearance of these phenomena in the sources. For 'mutationist' historians, the change in the sources is indicative of a real and rapid change—a 'feudal revolution'— taking place in society, which had catastrophic effects for the social order. (The literature on this subject is vast, so only a few key works are given here: T. Bisson, 'The Feudal Revolution', *Past and Present* 142 (1994) pp. 6-42; the responses by S. D. White, T. Reuter, and C. Wickham, *Past and Present* (1996-7) and Bisson's rejoinder, 'The 'Feudal Revolution': Reply' *Past and Present* 155 (1997), pp. 205-55; P. Bonnassie, 'The banal seigneury and the 'reconditioning' of the free peasantry', in L. K. Little and B. Rosenwein (eds.) *Debating the Middle Ages: Issues and Readings* (Oxford, 1998), pp. 114-33 give a good overview of the main issues). The points against the idea of a 'feudal revolution' may be summarised in three main camps. The first, as outlined notably by Barthélemy, argues that the apparent 'revolution' is merely a change is documentation, allowing us to see for the first time structures and practices that had been present for a long time previously (D. Barthélemy, 'The year 1000 without abrupt or radical transformation', in *Debating the Middle Ages*, ed. Little and Rosenwein, pp. 134-7). The second may be characterised as a 'gradualist' strand, which argues that the changes supposedly happening around the year 1000 were taking place over a much longer period. The third, as represented by Stephen White, seeks to discover alternatives to seigneurial power as being the key to the society by examining how disputes were handled, and new solidarities such as the Peace and Truce of God were established (*The Peace of God: social violence and religious response in France around the year 1000*, ed. T. Head and R. Landes (Cornell, 1992), pp. 1-3, 15-18; F. L. Cheyette, 'Giving each his due', in *Debating the Middle Ages* ed. Little and Rosenwein, pp. 170-9 at pp. 173-4). The third similarly does not seek to deny these processes. More recent work by Charles West has sought to characterise a slow development of formalised ritual in society, which provides a move forward from the debates above (C. West, *Reframing the Feudal Revolution: Political and Social Transformation between Marne and Moselle, c.800-c.1100* (Cambridge, 2013)).

[210] Barton notes that the more powerful magnates in the late Carolingian period created retinues around themselves, in places effectively turning their principalities into small kingdoms. The father of *duces* Odo and Robert held huge lands and offices in Neustria. Building on this, his sons created a successful *ducatus* there by allying with the entrenched local lineages which rivalled the control of the Carolingian kings, and Odo was able to mount his defence of Paris against the Vikings that led to his election as king. All Neustrian lands were then granted to Robert by the king, and these seem to have formed the powerbase that allowed Robert to overthrow Charles the Simple in 922. (R. E. Barton, *Lordship in the county of Maine, c.890-1160* (Woodbridge, 2004), pp. 23, 80-2; K. F. Werner, 'Les

By the late ninth century sufficient records survive to give the earliest currently known example of multiple lordship in northern French regions. This is a dispute from 895 over one Patericus, a vassal of both Berenger, count of Mans, and Abbot Robert of St-Martin, preserved in a note in the latter cartulary.[211] It is recorded that the provost and attorney of St Martin of Tours brought a complaint to Berenger, count of Mans, that Patericus, one of his vassals, had usurped the lands of the abbey.[212] Berenger replied that although he had given Patericus a benefice, he was also the vassal of his *amicus*,[213] the abbot of St-Martin. Nevertheless, he threatened Patericus with confiscation of his benefice if he failed to return the usurped lands to the church. Patericus failed to do so; so after an appeal to King Odo, Abbot Robert intervened and decided in favour of the abbey.[214] Nor was this isolated; several more instances can be found from the early tenth century and in slowly increasing numbers thereafter.[215] By the eleventh century, it is possible to show that there was a high proportion of individuals on French lands with some form of connection to two or more lords.[216]

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premiers Robertiens et les premiers Anjou (IXe siècle-début Xe siècle)', in *Pays de Loire et Aquitaine de Robert le Fort aux premiers capétiens* ed. O. Guillot and R. Favreau (Poitiers, 1997), pp. 24-5). On the prevalence of retinues in the Carolingian world, see West, *Reframing the Feudal Revolution,* pp. 50-77, esp. pp. 55-56; pp. 126-129. J. L. Nelson provides a useful discussion of noble knightly activities in the ninth century: 'Ninth-Century Knighthood: the Evidence of Nithard', *Studies in Medieval History presented to R. Allen Brown*, ed. C. Harper-Bill, C. J. Holdsworth, J. L. Nelson (Woodbridge,1989), pp. 255-265.

[211] Ganshof, 'Être vassal de plusieurs seigneurs', pp. 267-9; Bloch, *Société Féodale,* i. p. 329.

[212] Ganshof, 'Être vassal de plusieurs seigneurs', pp. 267-9.

[213] *Ibid.,* p. 268 n. 35. The idea of a man's allegiance being split between two lords who were on good terms is another useful reminder that multiple lordship did not automatically lead to a breakdown in political society— particularly when, as can be seen here, the lords in question were willing to lend aid towards making their man stand to right.

[214] It is interesting to note that this decision was made after Robert was told that Patericus only owed the service of three knights. The abbot argued that this was not a sufficiently heavy burden to justify the taking of the abbey's lands, suggesting that there may have been conditions under which encroachment was considered to be justified. (Ganshof, 'Être vassal de plusieurs seigneurs', p. 268 and n. 36).

[215] *Ibid.,* pp. 266-7, 269-70.

[216] Duby, for instance, thought it likely that all knights of the Mâconnais in central-eastern France were bound to more than one lord by the end of the eleventh century (Duby, *Mâconnaise*, p. 193). This position in French areas has been contrasted with that in the German Empire. Lemarignier noted that our first references to multiple allegiance of any sort does not occur there until the eleventh century. He

What historiography there is on multiple lordship in French regions tends to tie it to the decline of centralised Carolingian power, and this seems to have given a distinctly moral flavour to the discussion, particularly in Francophone scholarship. Due to space I will not attempt to address these criticisms of the practice in a French context, but merely discuss them here as evidence for the recognition of multiple lordship. Marc Bloch's foundational 1939 book *Société Féodale* used feudalism as a means of explaining post-Carolingian society. He sidelined multiple homage to a brief chapter, <<*L'homme de plusieurs seigneurs*>>, and isolated thinking about its impact on his framework to these pages.[217] He condemned it for running in opposition to a society that for him was structured around the homage bond. For Bloch, multiple homage was an 'abuse'[218] and 'the very negation of that dedication of the whole being to the service of a freely chosen chief of which the contract of vassalage had originally implied.'[219] Others concurred. For Lemarignier, 'hostile clienteles, raised up by the play of successive allegiances, bred a growing anarchy'.[220]

thought, however, that multiple allegiance was the result of the decline of central authority, and so assumed that the continuation of the latter in German regions prevented the former (Lemarignier, 'Political and monastic structures', pp. 108-9). These earliest references are a diploma of Henry IV of 1074, concerning one Ulric, a knight, who appears to have had allegiance to Henry and Ernst of Austria; and one of Henry V of 1123, where the knight Anselm of Molsberg seems to have been a vassal of the emperor and of St-Maximin of Trèves. By the mid-twelfth century the practice was well-established, however. At some time 1166xc.1190, Werner of Bolanden, an imperial *ministerialis*, had a list of the benefices which he held made, which reveals that he held land from no fewer than forty-five lords (*Ältesten Lehnsbücher des Herrschaft Bolanden*, ed. W. Sauer (Wiesbaden, 1882); Reynolds, *Fiefs and Vassals*, p. 447).

[217] Bloch, *Société féodale*, i. pp. 325-36.

[218] *Ibid*., i. p. 330.

[219] *Ibid.,* i. p. 326. Translation from M. A. Manyon's edition of *Feudal Society*, 2nd edn., (London, 1962), p. 212.

[220] Lemarignier, 'Political and monastic structures', p. 101.

F. Olivier-Martin took a similar view: multiple vassalage caused *'déformations'* in the original system of vassalage.[221] F.-L. Ganshof offered less of a moralising perspective on the practice, but otherwise followed Bloch closely. He, too saw multiple allegiance as damaging: he argued that it took a 'destructive course' in a society,[222] that it could strain the relationship between lord and vassal, and that it was one of the most destructive elements in the breakdown of the strength of the original personal bond.[223] In order to prevent the practice 'from too seriously weakening' vassalage, liege lordship was developed, with varied success.[224] Nevertheless, he also acknowledged that a vassal could benefit from the practice by taking on additional lords and receiving additional benefices.[225]

The historiographical view chimes with some comments from eleventh-century northern French regions. As we move forward to this period, evidence of the presence and discussion of multiple lordship increases. Orderic Vitalis' account of Count Conan of the Bretons, with which this thesis opened, is one such view.[226] To briefly recap, Orderic relates that on the eve of Duke William's expedition to England, Count Conan of the Bretons mounted a counter-claim on Normandy, threatening to attack the duke if he did not immediately hand it over. One of the count's men, who is not named, was reportedly also William's chamberlain. He

[221] F. Olivier-Martin, 'Les liens de vassalité dans la France Médiévale', in *Les Liens de Vassalité et les Immunités*, p. 219
[222] Ganshof, *Féodalité*, pp. 121-5, quotation at p. 125. He was speaking here of Germany, but the quotation chimes with his attitude towards the effect of the practice in French society.
[223] *Ibid*., pp. 121-2; Ganshof, 'Être vassal de plusieurs seigneurs', p. 270.
[224] Ganshof, *Féodalité*, pp. 122-4. Quotation at p. 122.
[225] Ganshof, *Féodalité,* pp. 69-70, 124. A couple of case studies of aristocratic families in Normandy note that some were multiple tenants, but as with the English historiography, when the practice appears in a case study it is generally sidelined— albeit, accepted as part of the political landscape without the concerns of Bloch and Ganshof. (Musset, 'L'aristocratie normande' pp. 71-96; *idem,* 'Naissance de la Normandie' in *Documents de l'Histoire de la Normandie, publiés sous la direction de Michel de Boüard*, ed. E. Privat (Toulouse, 1972), pp. 94-8). An exception to this are the studies of the Giroie and Bellême families on the Norman borders, but these are unusually well-documented examples.
[226] *GND* vii (33), ed. van Houts, ii pp. 162-5. See above, pp. 15-16.

poisoned Conan and fled to William, whom, it is implied, protected him and benefited from his betrayal. Orderic is likely to have invented this story,[227] apparently as an attack on Duke William's legitimacy. But this only makes the contours of this story more striking, if Orderic chose to use these elements. According to this account, therefore, William's entire claim to the duchy, and his conquest of England, were enabled by the actions of a traitor. Multiple *fides*, he seems to thereby imply, encouraged instability and betrayal, and may have been the mark of an untrustworthy man.[228]

Such a view may have found favour a little earlier with Ivo of Chartres. When he found he had a *miles* who had also sworn allegiance to William the Conqueror, he insisted on letting him go from his own service. According to Ivo, 'such engagements are contrary to those which this man has previously contracted towards his lawful lords by right of birth'.[229] Nevertheless, there may have been differing views on the topic. Dudo of St-Quentin's story of Count Herluin of Ponthieu suggests that in the early eleventh century, there was some concern about encroaching on the men of another lord.[230] By the time that William of Jumièges

[227] Davies, 'Winning the West', pp. 197-198 and n.

[228] This may have been prompted in part by the instability around St-Evroult, where multiple allegiance exacerbated existing political divisions. See below pp. 75-7 and Chibnall, 'Feudal Society in Orderic Vitalis', pp. 36-37.

[229] J. P. Migne, *Patrologiæ cursus completus. Series Latina* (221 vols, Paris, 1844-65) vol. 162, col. 214; Bloch, *Société Féodale*, i. p. 327.

[230] Dudo related that that Count Arnulf I of Flanders (c.890-965) attacked and took Montreuil castle from Count Herluin of Ponthieu. In response, Herluin went to Duke Hugh of the Franks 'so that he would come to his assistance because Herluin was his count and knight (*miles*), ready to do him all kinds of service (*seruitium*).' He says, however, that Herluin was treated 'as an apprentice knight' *(tiro*) by Hugh and was refused any aid. In despair, Herluin then went to Duke William Longsword to ask for help, but was told that he should go back and ask for his right for protection from Hugh. Hugh responded on a second application that he was bound by 'sworn friendship' (*conjuratae amicitiae*) to Arnulf, and refused to break it on Herluin's account. In response, Herluin seems to have formally dissociated himself from Duke Hugh, and told him that ''it is right that you should not take offence if anyone else should come to my aid (*auxilium*)''. Herluin then returned to Duke William to seek his help, who summoned an army and defeated Arnulf's forces in Montreuil for Herluin. This narrative, written sometime between 996x1015 shows that Herluin had to formally break his bond with his own lord before another lord would consent to aid him (Dudo, iii. 59, ed. Christiansen, pp. 79-80; Tabuteau, *Transfers*, pp. 54-5; see also Lifshitz, 'Translating 'Feudal' Vocabulary', pp. 44-5).

took this story from Dudo and reworked it in c.1060, the concern which the latter had felt does not seem to have been relevant, and the bonds of lordship to have been regarded by William as more flexible.[231]

There is little in the way of more recent comment on the practice by historians, although a number have noted individual instances, or areas where multiple allegiance was more frequent. In Normandy, the border regions appear to have been one such area.[232] Daniel Power's important study of the Norman frontier focuses mainly on the late twelfth century,[233] but he argues that only under William the Conqueror did the frontier begin to be secured.[234] The political landscape was more fragmented in William's early reign and under his predecessors.[235] Certainly, Norman ducal power seems to have been weaker here. It has been suggested that the southern frontier was one of the earliest places for the appearance of non-ducal castles in Normandy, and Bates has argued that it was also one of the few places in the duchy where the *ban* was appropriated from the dukes by local castellans.[236]

[231] In William of Jumièges' narrative, there is none of the to-ing and fro-ing in Dudo. Rather, William Longsword agreed to help Herluin immediately, 'and deeply moved by compassion, gathered a large force and quickly set out' (*GND* iii. 10, ed. van Houts, i. pp. 90-1). Some of this may derive from William of Jumièges' concern to write more plainly than Dudo, but nevertheless the omission is striking, since Jumièges was as concerned as Dudo to show William Longsword's moral probity.

[232] See also A. Lemoine-Descourtieux, *La Frontière Normande de L'Avre: De la fondation de la Normandie à sa réunion au domaine royal (911-1204)* (Rouen, 2012) on the families of a frontier region.

[233] D. Power, *The Norman Frontier in the Twelfth and Early Thirteenth Centuries* (Cambridge, 2004), p. 1.

[234] *Ibid*., p. 13.

[235] D. Bates, 'The Rise and Fall of Normandy, c.911-1204' in D. Bates and A. Curry (eds.), *England and Normandy in the Middle Ages* (London, 1994) p. 24.

[236] Bates, *Normandy*, pp. 114, 121-2. In a charter of 1063x6, William of Moulins-la-Marche was described as using the economic and jurisdictional rights of the ban (Fauroux, *Recueil*, no. 225). Robert, Count of Mortain, also possessed something like lay advocacy in this area in 1082 (*RRAN* i, ed. Davis, no. 145). By contrast, Bates argues that bannal lordship and lay advocacy were 'stillborn' in Normandy, due to forceful exercise of ducal prerogatives in the second half of the eleventh century. (Bates, *Normandy*, p. 122). Only one out of Fauroux's collection of charters uses the term 'ban'. This is an original charter of 1063x6 of Duke William endorsing the confirmation by William lord of Moulins of the grant by his ancestor to St Peter's of Chartres. Along with the *bannum* it confirms the *vicaria*, various taxes, and the revenues of the castle of Moulins. This appears to have been a relatively unusual grant (Fauroux, no. 225).

The lesser landholders in the border areas were commonly bound to more than one lord from a combination of land tenure in exchange for service, including military service and castle-guard, or serving as seigneurial officials.[237] In the south-east border region, in the Eure, Iton, and Avre valleys, the castellaries of l'Aigle, Conches, and Dreux were caught between the spheres of power of the greater magnate families, particularly the Breteuil, Evereux, and Montforts. In this area, Power argues, smaller men tended to have lands and even castles scattered across the holdings of the greater magnates.[238] Although they were a key element to magnate power, with their divided, 'Janus-like obligations', they could prove unreliable supporters.[239] Power states that men in this position would have had a substantial impact in being able to weaken loyalty to lords, and would have had some potential for independent action.[240] To compound this instability, both lesser and greater Norman border magnates could be pulled into the orbit of neighbouring potentates, as happened with the count of Anjou in the 1050s.[241] For Power, then, the main factor contributing to multiple lordship in the border regions was the geographical scatter of lands; a weak political hierarchy made the practice problematic.

Orderic Vitalis' account of the political struggles local to his monastery of St-Evroult preserves another instance of multiple allegiance. The Giroie family were the founders of the house, so Orderic paid close and approving attention to their activities.[242] By c.1020, the family seem to have become the men of the troublesome

[237] Power, *Norman Frontier*, pp. 27-9, 267.
[238] *Ibid*., p. 267.
[239] *Ibid.,* p. 269.
[240] *Ibid*., pp. 266-9, 300; Bates, 'The Rise and Fall of Normandy', pp. 23-4.
[241] *Ibid*., p. 24.
[242] By c.1020 the family had lands in Normandy at Montreuil-l'Argillé, Échauffour, Verneuces, Bocquencé, and Glos. Searle described the pattern as 'scattered properties with significant clustering.' (E. Searle, *Predatory Kinship and the Creation of Norman Power, 840-1066* (London, 1988), pp. 179-180; OV III 34-39, ed. Chibnall, ii. pp. 32-39).

Bellêmes, whose main lands lay outside the boundaries of Normandy.[243] They received lands soon afterwards from Geoffrey de Mayenne, a castellan whose main interests lay in Maine, and from the dukes of Normandy.[244] David Bates noted that the Giroie used these allegiances to acquire extensive lands, sometimes by playing their lords' rivalries off against one another.[245] At least for a while, the family seem to have been loyal vassals to the Bellêmes.[246] Nevertheless, the family became trapped by their allegiances to Bellême and Mayenne, who were at constant war with one another.[247] William fitz Giroie in particular fell foul of conflicting allegiances. In 1044 he found himself defending the castle of Montaigu for Geoffrey of Mayenne, against William Talvas, the latter a member of the Bellême family and another of his lords.[248] With Talvas being unable to take the castle, he took Geoffrey prisoner until fitz Giroie destroyed the castle in question. Once released, Geoffrey built his man a new castle at St Céneri-sur-Sarthe; but relations between fitz Giroie and Talvas were severely damaged.[249] Soon after, Talvas laid a trap for fitz Giroie: he invited the latter to his wedding, but had him captured, imprisoned, and mutilated.[250] In

[243] J. Boussard, 'La seigneurie de Bellême au Xie siècle', *Mélanges Louis Halphen,* pp. 43-54; J.-M. Maillefer, 'Une famille aristocratique aux confins de la Normandie: Les Géré au XIe siècle', *Cahier des Annales de Normandie. Autour du pouvoir ducal normand, Xe-XIIe siècles* 17 (1985), p. 178. A 'Giroius Fortini' appears as witness to a number of charters of Yves de Bellême between 1040 and 1065 (*Cartulaire de Saint-Vincent du Mans* ed. R. Charles and S. J. G. M. M. d'Elbenne (Fleury, 1913), nos. 545, 624, 834. The Bellême lords were themselves multiple tenants. In the first decades of the eleventh century, William I de Bellême held Alençon from the dukes of Normandy, and the castle of Domfront from the counts of Maine. Bellême itself was in the county of Perche; it was held from Normandy for a while, but later fell under the lordship of the king of France (Chibnall, *Orderic Vitalis* vol. II, appendix I, p. 362).

[244] Maillefer, 'Les Géré', pp. 183, 198.

[245] Bates, *Normandy before 1066*, p. 63.

[246] Most notable was the botched attempt to rescue Robert de Bellême from Maine. Robert had led an expedition into the region, but had been captured and imprisoned at the castle of Ballon. William fitz Giroie and other Bellême men raised troops, and defeated Count Herbert 'Wake-dog' of Maine. Without William's command, however (*contradicente Willelmo*), the castellan Walter de Surdon and two of his sons were captured and hanged. In retaliation, Robert de Bellême was killed. (Orderic Vitalis' interpolations into *GND*, vi.7, ed. van Houts, ii. pp. 56-57; Maillefer, 'Géré', 182-183; G. H. White, 'The First House of Bellême', *TRHS* 22 (4th ser., 1940), p. 80).

[247] *Ibid.;* Chibnall, 'Feudal Society', 36-37.

[248] OV III 27-28, ed. Chibnall, ii. pp. 26-29.

[249] White, 'Bellême', pp. 82-87.

[250] Orderic Vitalis' interpolations into *GND,* vii (10-12), ed. van Houts, pp. 108-113; OV III 15, ed. Chibnall, ii. pp. 14-15; M. Bennett, 'Violence in eleventh-century Normandy: feud, warfare and politics',

retaliation, William fitz Giroie's kin attacked the Bellême lands, and Talvas was eventually exiled by his own son.[251]

After the 1050s, Duke William's attempted expansions into Maine put the family in further difficulties. Robert fitz Giroie was required to fortify the castles that he held from Count Geoffrey in the region, and fight against the duke, a move which earned him exile.[252] After Robert's death in c.1061,[253] his nephew Arnold, son of William Giroie, was brought into accord with Duke William. As part of this, Arnold received lands from the duke in Montreuil, Échauffour and St Céneri, and had his paternal inheritance confirmed.[254]

Even the greater nobles could fall into difficulties, however. According to Orderic, Roger de Mortemer found himself caught between his allegiance to the duke and to Count Ralph of Crépy.[255] At the battle of Mortemer of 1054, while commander of the duke's army, Roger intervened to protect his lord Ralph from capture, sheltering him in his castle of Mortemer for three days before escorting him back to his own lands. For Roger's support of Ralph over himself, Duke William exiled Roger. Although they were afterwards reconciled and most of Roger's lands restored, the duke did not

in *Violence and Society in the Early Medieval West*, ed. G. Halsall (Woodbridge, 1998), pp. 126-40 at pp. 129-133.

[251] Orderic Vitalis' interpolations into *GND,* vii (11-12), ed. van Houts, pp. 110-113; Chibnall, *The Ecclesiastical History of Orderic Vitalis* vol. II, appendix I, pp. 363-365. Arnulf de Bellême was later killed after stealing a nun's pig (Orderic Vitalis' interpolations into *GND,* vii (12), ed. van Houts, pp. 112-113).

[252] Maillefer, 'Géré', p. 186.

[253] OV III 72-4, ed. Chibnall, ii. pp. 78-81. Orderic recounts a strange story claiming that Robert had been accidentally poisoned by his wife Adelaide with two apples. Taking into account Orderic's strong partiality for the Giroie as patrons of St-Evroult, and the detail he added that Adelaide was a kinswoman of the duke, this looks like an unsubtle accusation against William.

[254] OV III 106-7, ed. Chibnall, ii. pp. 122-3. The duke's favour, however, only lasted as long as an alliance with the Giroie was useful: by 1063, Arnold was exiled and died a few years later. Orderic again claimed poison, administered this time by Mabille de Bellême (*ibid*., III 106-8, ed. Chibnall, ii. pp. 122-5). Maillefer, 'Géré', p. 188.

[255] OV VII. 15, ed. Chibnall, iv. pp. 88-89; F. Barlow, *William I and the Norman Conquest* (London, 1965), p. 37. Tabuteau, 'Definitions', p. 56 and n. 132.

give him back the castle of Mortemer and gave it instead to his kinsman William de Warenne.[256]

Not all instances of multiple lordship were in such unstable circumstances, however. The Goz family first appear in the early decades of the eleventh century in the Risle or Bessin region, probably around Toutainville.[257] Duke Richard II made Toustain Goz *vicomte* of the Hiémois between 1017-1025, after which it was recalled for the use of the duke's second son Robert. Goz regained it during the minority of Duke William II.[258] Toustain's son Robert was later made *vicomte* of the Avranchin by the latter duke in 1055x1056, and Robert rapidly became well-established in the area. By the mid-eleventh century, in addition to their patrimonial land at Toutainville, they had acquired grants from the dukes, notably at Saint-Sever on the border of the Bessin and the Avranchin; and other land around the Bessin and at Creully as fiefs from Hamon Aux Dents and his son Richard.[259] Since the family was less prominent we have fewer sources for their activities, but they do not seem to have encountered difficulties from this arrangement. With sufficient sources, it is likely that a similar pattern of multiple lordship could be seen across Normandy.[260]

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[256] Orderic recounts this story through the deathbed speech of Duke William, and has him describe Roger's protection of his lord Ralph as 'a just and seemly service' (OV VII. 15, ed. Chibnall, iv, pp. 88-89). Tabuteau suggests that Orderic did not mean to attribute this praise to Duke William (Tabuteau, 'Definitions', pp. 56-7). It is likely that this was Orderic's own view intruding: as we have seen elsewhere, he had definite views on the importance of maintaining one's homage bonds (see above, pp. 15-16). His attribution of such a statement to the duke, however, may have been a deliberate statement: even the duke who thereby lost out by his man's action, approved of the principle of Roger protecting a lord to whom to he had sworn homage.

[257] Musset, 'Naissance de la Normandie', pp. 94-95.

[258] *Ibid*., pp. 95-6.

[259] *Ibid.*, p. 96; *idem*, 'L'aristocratie Normande', p. 79.

[260] Instances can be found elsewhere in eleventh-century France. In the Mâconnais, we find the instance of Humbert le Hongre in the later eleventh centruy. He was a knight with allods that lay between Cortevaix and Chapaize, and he held a fief of the Gros family, castellans of Uxelles. He aided the family, witnessed their acts, appeared for them in court, sent his son to them for fostering, and offered himself as a hostage for them. When one of the Gros brothers became a monk and chamberlain at Cluny, Humbert began to support the house. (Duby, *Mâconnaise*, p. 192 and n. 2: enfeoffed by the Gros; subscribed their acts: (*Recueil des Chartes de l'abbaye de Cluny*, ed. A. Bernard and A. Bruel (6 vols., Paris, 1876-1903)) vol. 4, nos. 2995 (1049x1109), 3302 (1049x1109), 3440 (c.1070), 3574 (c.1080), vol. 5 no. 3926 (2 April 1117); their hostage in the castle of Uxelles, *ibid.,* vol. 5, nos. 3784 (c.1100), 3896

In sum, it is clear that multiple lordship was present in Normandy, and indeed across northern France from at least the post-Carolingian era, if not earlier. Examples from within the Norman heartlands are difficult to find due to the survival patterns of charters, but more instances are visible on the frontiers of the duchy. Although it could contribute to unrest in already unstable border areas, and there were occasional examples of contemporary criticism of the practice, it nevertheless could be advantageous for the men in question. By taking several lords they could acquire more lands; the lords could increase the number of men whom they could call on for service.

Anglo-Saxon England

When we turn to England before 1066, we are confronted with a society that knew several quite distinct forms of subordination for free men. Maitland put it succinctly: 'We may distinguish three bonds by which a man may be bound to a lord, a personal bond, a tenurial bond, a jurisdictional or justiciary bond.'[261] From our sources, it is clear that these forms could also overlap, and that it was possible to have one lord who performed all three of these functions.[262] This section will follow the broader framework of this chapter in addressing whether multiple lordship existed in pre-Conquest England. It will first argue that the 'threefold' system of lordship in Anglo-

(1110x1116); his son at the ducal court, *ibid.,* vol. 5, no. 3809 (1101)) Humbert also, however, held fiefs from two other bodies: the castellan of Bourbon-Lancy, and the abbey of Cluny (Duby, *Mâconnais*, p. 193; *Chartes de Cluny* vol. 4 nos. 3104 (1049x1109), 3642 (c.1090)). In eastern Maine in the early eleventh century, Hugh Dublellus, the castellan of Mondoubleau was bound to Counts Hugh of Maine and Odo II of Blois. There is nothing in the documentation to suggest that this was in any way unusual or problematic. He appeared as witnesses for both counts, and sought confirmation from both for his grants to the abbey of Tuffé (Barton, *County of Maine*, p. 91; *Cartulaire de l'abbaye de Saint-Vincent du Mans*, nos. 180, 186).

[261] Maitland, *DBB*, p. 67.

[262] Stephen Baxter's Venn diagram remains one of the clearest expressions of this. S. Baxter, *The Earls of Mercia: Lordship and Power in Late Anglo-Saxon England* (Oxford, 2007), pp. 211-13.

Saxon England is of a different nature from the kind of multiple lordship that is the focus of this thesis, since each type of lord seems to have had a different role, and only one (or possibly two) was based on allegiance.[263] It was possible, however, to have multiplication within these types of lordship, although our number of certain cases of this are relatively low. Moreover, all Anglo-Saxons also theoretically had the king as their preeminent lord, whose claim on his man's service outweighed that of any other lord.

The sources for Anglo-Saxon England are relatively rich, but patchy. As well as the more than 1500 charters and writs catalogued in the eSawyer database, we have a rather haphazard collection of laws and other legal and administrative writings.[264] The Anglo-Saxon Chronicle in its various recensions is a contemporary witness for much of the eleventh century, and we have a number of monastic narratives and saints' lives, although since many of these were produced after 1066, they should be read with an eye to possible anachronisms.[265] Domesday Book is another post-Conquest source that purports to be a record of the late Anglo-Saxon world, and is a uniquely detailed record of how society on the final day of Edward the Confessor's life was remembered twenty years later.

Maitland's 'threefold' framework has found widespread consensus in more modern historiography.[266] This section will briefly address each type in turn, and what each is

[263] There is some doubt as to the relationship between the personal and land-lord, the implications of which will be discussed below, pp. 89-90.
[264] P. H. Sawyer, *Anglo-Saxon Charters: an annotated list and bibliography* (London, 1968), now updated and available at esawyer.org.uk; Liebermann, *Gesetze der Angelsachsen* provides the definitive collection of legal texts; *EHD* ii, nos. 61, 172-175, 181-189.
[265] J. Hudson, 'Imposing feudalism on Anglo-Saxon England: Norman and Angevin presentation of pre-Conquest lordship and landholding' in *Feudalism, New Landscapes of Debate,* ed. S. Bagge, M.H. Gelting, and T. Lindkvist (Turnhout, 2011), pp. 115-134, esp. pp. 121-4.
[266] Amendments have however been made to his view of what the lords' roles constituted; for instance, his views on the *landhlaford* as being a 'well-endowed immunist' on the continental model have fallen

thought to have involved, beginning with personal lordship. Maitland took the majority of his evidence for this from Domesday Book, particularly Little Domesday Book where the information is richer.[267] There are many entries in the latter which describe such-and-such a man as being the *commendatus* of his lord in the time of King Edward (*TRE*).[268] This term does not appear in pre-Conquest England,[269] being instead a loan-word from Normandy where it referred to a man who had placed himself in the lordship of another.[270] Maitland does not attempt to connect the term to the late Saxon laws, but Ann Williams and others have linked this figure to the lord whose primary role was in protecting his man, for whom the only contemporary term seems to have been the catch-all *hlaford*.[271] The essentials of the relationship seem to have been subordination of the man to his new lord and the swearing of an oath of loyalty.[272]

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out of favour. (Maitland, *DBB,* pp. 282-90, quotation at p. 283; P. Wormald, 'Maitland and Anglo-Saxon law: beyond Domesday Book' in *The History of English Law: Centenary Essays on Pollock and Maitland, Proceedings of the British Academy* 89, ed. J. Hudson (London, 1996), esp. pp. 6-9). Stephen Baxter has also taken issue with his interpretation of the commendation bond. See below n. 284.

[267] The differences between the information recorded in Great Domesday and Little Domesday are well-known. The latter covers only Essex, Norfolk, and Suffolk, and is thought to be a draft that for unknown reasons was never written up into Great Domesday (V. H. Galbraith, *The Making of Domesday Book* (Oxford, 1961), pp. 3-7; H. B. Clarke, 'The Domesday Satellites' in P. Sawyer (ed.), *Domesday Book: A Reassessment* (London, 1985), pp. 50-71 at p. 51.

[268] On the significance of this baseline and abbreviation, see Garnett, *Conquered England*, pp. 9-24.

[269] The *Vita Aedwardi* uses *commendare* to describe King Edward's entrusting to Harold of Queen Edith, the kingdom, and 'those men who have left their native land for love of me' (*The Life of King Edward who Rests at Westminster*, ed. F. Barlow 2nd edn. (Oxford, 1992) pp. 122-5) The author is likely to have been Continental, and this may explain his use of the term (*Ibid*., pp. xliv-lix).

[270] See above pp. 65-6, and below, pp. 93-4. It could also refer to the relationship between the duke and his vassals (Garnett, *Conquered England*, p. 185) This term is a useful reminder that what we are seeing in Domesday Book is a record of England through a Norman prism. As with the appearance of *alodium* on some circuits (Maitland, *DBB*, pp. 153-4), what we may be seeing here is *commendatus* being used to map a Norman understanding of a relationship onto an English situation. Nevertheless, since the English term for this is not known, *commendatus* will be used here for convenience to refer to the personal lord of the late Saxon period.

[271] A. Williams, *The English and the Norman Conquest* (Woodbridge, 1995), pp. 73-4. Her comment is unfootnoted, so it is difficult to determine how perfectly or otherwise she saw the *commendatus* and the personal lord of the lawcodes coalescing. Stephen Baxter followed her lead in making this connection, and asserted that *Swerian* was a record of the oath that could form this relationship (Baxter*, Earls of Mercia*, pp. 204-8).

[272] *Swerian* has the man promise to 'be loyal and true to N., and love all that he loves, and hate all that he hates, in accordance with God's justice and worldly custom; and never, willingly and intentionally, in word or deed, do anything that is hateful to him; on condition that he keeps me as I deserve, and carries out all that was our agreement, when I subjected myself to him and chose his favour.' The date of this

Before discussing the evidence of the lawcodes, a major difficulty in their use must be acknowledged. We can see that the codes use two terms to identify lords: the *hlaford* and the *landhlaford* (*landrica* in some sources), but the use of these terms is inconsistent, in one case between different manuscripts of the same code.[273] Various attempts have been made to disentangle this, but the current consensus seems to be to accept that the distinction is opaque,[274] or to try to argue that every lord receiving fines in the codes must be a *landhlaford,* however they are labelled.[275] Without space to discuss the problem fully, the line taken here will be this: that, barring some scribal slips, the *hlaford* in the laws broadly correlates to the personal lord, and the *landhlaford* to the soke lord.[276]

work is difficult to establish, but Wormald has suggested that it may be post-Alfredian, if it is modelled on the oath of loyalty to the king. The phrase 'By the lord, before whom these relics are holy' echoes III Edmund 1's 'all shall swear in the name of the Lord, before whom that holy thing is holy.' (*Swerian*, Liebermann, *Gesetze*, i. 396-9; cited Baxter *Earls of Mercia*, p. 205; Hudson, *OHLE*, p. 221; D. Whitelock, *The Beginnings of English Society* (London, 1974), p. 33. Wormald, *Making of English Law*, pp. 383-4) Maitland suggested that the few references to *homagium* in Domesday Book may have had the same meaning as *commendare*. The latter certainly, he thinks, involved an oath and a symbolic ceremony. (Maitland, *DBB*, pp. 69-70).

[273] Different manuscripts of III Edgar 7.1 concerning the seizing of one with a bad reputation who has failed three times to appear in court, disagree as to whether the *landhlaford* or *hlaford* should take half of the convicted man's goods. *Landhlaford* appears in recension G, but *hlaford* in A (BL Harley MS. 55, f.4), and G2 (BL Cotton MS. Nero Ai (B), f. 88v). Cited S. Baxter, 'Lordship and justice in late Anglo-Saxon England: the judicial functions of soke and commendation revisited', in *Early Medieval Studies in Memory of Patrick Wormald*, ed. S. Baxter (Farnham, 2009), pp. 383-420, at p. 405 and nn.

[274] *Ibid.*, pp. 405-7.

[275] T. B. Lambert, *Law and Order in Anglo-Saxon England* (Oxford, 2017), p. 312.

[276] This line is taken for two reasons: first, to assume that *hlaford* was used in our extant manuscripts to refer to two different lords, even within the same code, seems to convolute the sources, and, perhaps, to assume considerable and consistent scribal carelessness. Second, there is no basis for assuming that the *landhlaford must* receive all the fines, and the *hlaford* nothing. It seems far more plausible to assume that the *hlaford* would sometimes receive financial incentives for participating in the justicing of his men. In the case of I Æthelred 1-1.13 the *hlaford* was allowed to take an oath with two thegns, swearing that his accused man's oath had not failed, that the man had not lost an ordeal, and he had not been convicted of stealing. If the man was found guilty, he was to pay the accuser double, presumably the value of the goods claimed to have been stolen, and to pay his wergeld to his *hlaford*. If we are to take Tom Lambert's line on this, it would assume that midway through this code *hlaford* would switch which lord it indicated, and that the *landhlaford* would receive the wergeld (Lambert, *Law and Order*, p. 312). A more straightforward reading would give that the *hlaford* referred to the personal lord throughout the code, and that this same lord was to receive his man's wergeld as payment for losing his man's reputation or person to the king's justice.

If we take this line for the laws, the personal lord's primary role was to protect his men. The judicial framework into which his role was fitted, however, deliberately limited his scope to do so.[277] He was required to act as surety (*borh*) for his man; to bring him to stand to right in court; and may have been able to receive various fines and forfeitures if his men were convicted.[278] Although IV Æthelstan stated that a free man was able to change lords,[279] by III Edmund it was added that this was only possible if the man in question was not currently under an accusation, in order to prevent men from evading justice.[280]

[277] We have the occasional case of lords protecting their men too enthusiastically. A man named Leofric was caught in possession of a stolen bridle. His *domini*, three brothers, attacked the owners of the bridle—presumably the latter had been Leofric's accusers. Two of the brothers were killed; the fate of Leofric was not known. (Sawyer 883, cited Baxter, 'Lordship and Justice', pp. 407-8) I Æthelred 1-1.13 includes safeguards to prevent a man accused of theft from being able to collude with his lord and escape justice. If the man evaded the ordeal, the *hlaford* has to swear swear with five thegns, if he is accused of advising his man to escape. If he successfully clears himself, he receives the wergild of his man; if not, the king receives the wergild, and the lord is outlawed.

[278] Some coercion may have been necessary to ensure that this was carried out. In places, we can see measures in the lawcodes to try to prevent a *hlaford* abusing his power in order to get his man off the hook. II Cnut forbids those men who seek to protect their men by misrepresenting them as freemen or slaves; or to try and bring a countercharge in court against those seeking to accuse him (II Cnut 20.1, 27).

[279] IV Æthelstan 5- 'no lord shall prevent a free man from lordseeking if he [the free man] has acted rightly in all respects to [the lord]' (*ne dominus libero homini hlafordsocnam prohibeat qui ei per omnia rectum fecerit*).

[280] III Edmund 3. In addition, if a *hlaford* could not be found who was willing to take on a man of bad reputation, he was to be slain and buried in unconsecrated ground (I Aethelred 4.1; II Cnut 33.1). Those with no surety but a better reputation were imprisoned until trial (II Cnut 35).

In Domesday Book, commendation mostly appears in Little Domesday.[281] The networks of individual lords can be reconstructed where our evidence allows,[282] although caution is needed: the information recorded was shaped by post-Conquest needs.[283] Nevertheless it appears that a lord's power in the hundred could help either to attract men to his commendation, or that men commended themselves to magnates further afield in order to counterbalance locally powerful lords.[284] If, as discussed above, a commended lord had a role in protecting his man in court, it would be advantageous to receive this protection from a lord with many other *commendati* in the same hundred, whose support could make a significant difference to the outcome

[281] The few entries in Great Domesday which involve the *commendatus* largely refer to after 1066. Earl William commended (*comes Willelmus commendauit*) two brothers living in Cromhall to the reeve (*prepositus*) of Berkeley *ut eorum haberet seruitium* (DB i. fo. 163). DB i. fo. 166 says that the Abbot of Evesham 'commended' the vills of Stoke and Hidcote (Gloucs.) to two *milites*. Similarly, DB i. fo. 236V has Ralph Framen holding 3 ½ carucates of land in Asfordby (Leics.) 'in commendation' (*in commendatione*) from the king, and Roger d'Ivry's wife held Islip and Oddington from the king in the same way (DB i. fo. 160-160V). In Berkshire, Walter Giffard is recorded as holding Lyford from the Abbot of Abingdon. Before 1066, Alfyard's sons held it from the abbot, and could not go elsewhere without his permission, but they, presumably post-Conquest, commended themselves to Walter without the abbot's command (*commendauerunt se* […] *sine abbatis precepto* DB i. fo. 59). Bedfordshire gives consistently more information on *TRE* landholders than much of the rest of Great Domesday, and has the only entry that records a *TRE* commendation: that of Leofeva, who was the *commendata* of Earl Waltheof (DB i. fo. 213).

[282] A particularly striking example comes from the hundred of Colneis in Suffolk, where it is possible to see extensive networks of commendation under Eadric of Laxfield and Northmann, who had 107 and 96 commended men respectively, although the means by which they attracted so many men is unknown (A. Williams, 'Little Domesday and the English: the hundred of Colneis in Suffolk', in *Domesday Book* ed. E. Hallam and D. Bates (Stroud, 2001), pp. 103-20 at pp. 114-6).

[283] Baxter argued that this was the reason for the *commendatio tantum* formulae found across Little Domesday. Maitland thought that this was an evaluation of the commendation bond as being weak, arguing that 'the freedom that men had of forsaking one lord for another, of forsaking even the king for the ambitious earl, was a freedom that was akin to anarchy.' (Maitland, *DBB*, p. 171). Baxter, however, contextualised the instances in which these phrases appear, and argued that the rendering of *tantum* as 'mere' has been given the wrong connotation. Rather, it sought to express that the man and his lord were bound by commendation only and that the man did not hold dependent tenure of his lord. The successor therefore had no claim over the man's land, as his *antecessor* had not had (Baxter, *Earls of Mercia,* pp. 220-5; *idem,* 'Lordship and Justice', pp. 389-398). This argument seems to have been accepted in many quarters, most recently by John Hudson in his *Oxford History of the Laws of England*, p. 222.) While superficially convincing, this is problematic when set against the evidence of antecessorial inheritance in Domesday. A lord sometimes got the land of the *antecessor*'s men, and claims were sometimes made on the basis of the men of the *antecessor*'s land, which suggests that matters may be more complex than he argues. (See DB i. 44V for the dispute between William de Chernet and Picot in South Charford (Hants.); P. Sawyer, '1066-1086: A Tenurial Revolution?' in *Domesday Book: A Reassessment*, pp. 76-80; cf. Garnett, *Conquered England*, pp. 27-8) See below, pp. 112-13 for further discussion of antecessorial inheritance).

[284] R. Abels, 'Sheriffs, Lord-seeking and the Norman Settlement of the South-East Midlands' *ANS* 19 (1997), pp. 29-32.

of disputes.[285] The creation of commendation networks was not limited to local lords, however— connection of relatively minor landowners to the great magnates was not uncommon,[286] and it has been argued that men may have had some choice about to whom they commended themselves.[287] Certainly, we see instances where husbands and wives are recorded as commended to different lords,[288] or vills where almost every occupant seem to have had a different lord.[289]

In its most basic form, the relationship of personal lord to man did not involve any grant of dependent land. No reference to landed possession appears in the lawcodes, but we see frequent references in Domesday to men *TRE* who could 'go with their lands where they wished', or some similar formula. These men appear to have been in possession of land that they had taken to their lord and place under his protection.[290] The commended lord may have had some right over the land, and

[285] See Hudson, *OHLE*, pp. 52-53. See also the statement in Hemming that after the Conquest, Abbot Æthelwig attracted new commended men 'either because of kinship (*consanguinitas*) or because of their close vicinity (*vicinitas*)' (*Hemingi Chartularium Ecclesiae Wigorniensis*, ed. T.H. Hearne (2 vols., Oxford 1723), i. 269-71, quotation at p. 271; *English Lawsuits,* ed. van Caenegem, i. no. 10, p. 31; Baxter, *Earls of Mercia*, pp. 168-80, esp. p. 176).

[286] J. Campbell, 'The Late Anglo-Saxon State: a maximum view', in *idem, The Anglo-Saxon State* (London, 2000) p. 18; Baxter, *Earls of Mercia*, *passim*., esp. pp. 61-74, 211-213).

[287] Relative power of lord and man, previous kin relations and the lord's standing in the area must also have played a role. See *The Dialogue of Solomon and Saturn:* 'A wealthy earl may, according to his own inclination, easily choose a mild lord, perhaps a prince; the poor man has no such choice.' (*The Anglo-Saxon Poetic Records: A Collective Edition, Vol. vi, The Anglo-Saxon Minor poems*, ed. E. Dobbie (London, 1942), pp. 31-48, at lines 391-3; cited by Baxter, *Earls of Mercia*, p. 206. P. O'Neill has dated this to the milieu of King Alfred's court in the ninth century, although D. Anlezark has argued for St. Dunstan's circle in the tenth (D. Anlezark, *The Old English Dialogues of Solomon and Saturn*, Anglo-Saxon Texts 7, (Cambridge, 2009), pp. 50-7; P. O'Neill, 'On the date, provenance and relationship of the 'Solomon and Saturn' dialogues.' *Anglo-Saxon England* 26 (1997), pp. 139-168) The case of Eadric of Laxfield is also instructive. See above, n. 282.

[288] DB ii. fo. 309. Alwine was commended to Eadric, and his wife to the abbot of Bury St Edmunds. Unlike homage, which could only be performed by men in the post-Conquest era, women were clearly able to commend themselves to lords. (cf. *Glanvill* VII. 12; IX. 4 ed. Hall p. 86; p. 108).

[289] Orwell (Cambs.) contained six sokemen *TRE*. Of these, two were bound to Edith the Fair, one to Archbishop Stigand, one to the son of Robert Wimarc, one to the king, and one to Earl Ælfgar (*Inquisitio Comitatus Cantabrigiensis*, ed. N.E.S.A. Hamilton, (London, 1876), p. 77, discussed in Maitland, *DBB*, p. 63. See also DB i, fos. 193V, 194V, 196).

[290] Maitland, *DBB,* pp. 46-9. Maitland argued that the primary reason was the need to have a lord who would warrant the man's title to his land. (*Ibid.,* pp. 70-2). As mentioned above, these references to the pre-Conquest *status quo* may be to help in establishing post-Conquest claims to land. By emphasising that a particular man was able to withdraw with his lands, it would signal that the lands in question had

Maitland thought that he may have received some render from it;[291] but he was nevertheless not a 'landlord' as we would understand it for the twelfth century. His man does not seem to have been required to pay rent or do services for the land other than this render, and the man was able to withdraw himself and his land from the lord if he so wished.[292] Occasionally, the commended lord may have been able to influence dependent land held by his man from another lord: Hemming complained that several tenants of Worcester had managed to turn *læn-land* into a more permanent arrangement with the help of their Leofwineson commended lords.[293]

So much for personal lordship. The second kind of lordship identified by Maitland and subsequent historians is the lord with judicial oversight. This individual has been identified with those men who had soke over particular areas, both in Domesday Book and late Anglo-Saxon writs.[294] Soke is a slippery concept, and one that was rooted in the land. Domesday uses it in phrases such as 'X held this land and could grant or sell, but the soke remained to [manor] Y',[295] or notes that the soke of land Z belonged in place Y.[296] Current historiography argues that it was primarily a

belonged to the man, not the lord, and thus help to establish the claim of the man's successor (cf. Garnett, *Conquered England*, pp. 24-31).

[291] Maitland, *DBB*, p. 72.

[292] *Ibid.* The will of the thegn Ketill Alder may also be useful here (Sawyer 1519). This was drawn up close to the Conquest before his departure to Rome on pilgrimage. The date given by Sawyer is 1052x66. In light of the fact that Ketil is named as a *TRE* figure in Domesday, it is plausible that this will was drawn up closer to the Conquest. He names Archbishop Stigand as his lord, and arranges for him to receive the heriot if he should die on pilgrimage. In Domesday, Ketill is recorded as having held land *TRE* at Hainford (Norfolk) 'under' Stigand, and of him at Walsingham (DB ii. 243V, 254); in the will, Ketill respectively grants these to his brother, and to his sister Gode and 'the church'. Wealthier men may have had the choice as to whether or not they wished to put their land under their lord's protection; lesser men may have had to do so in order to be accepted as a *commendatus*.

[293] See Baxter, *Earls of Mercia*, pp. 168-77 for detailed discussion of these cases.

[294] E.g. F. Harmer, *Anglo-Saxon Writs* (Manchester, 1952), nos. 8-12, no. 44.

[295] E.g. Authgi was the man of Eskil, and could sell freely, but the soke of his land was to remain with Eskil at Colmworth (DB i. fo. 211V).

[296] E.g. Barrow upon Trent (Derbys.), DB i. fo. 272V. Small pieces of sokeland detached from a manor were also possible, both before and after the Conquest. Half a carucate of the king's soke of Mapperley was in Henry de Ferrers' manor of Spondon (Derbys.) DB i. fo. 273. See also Baxter, *Earls of Mercia,* pp. 227-8.

territorial right to receive certain punitive fines, receive labour services, and food renders from the territory covered.[297] There may also be some connection to fold-soke, namely the duty of a man to pasture his sheep in the lord's fold and thereby allow the latter to gain the dung as fertilizer for his fields.[298]

The sokelord often appears to have been contrasted with the commended lord in Little Domesday.[299] Only rarely do men in this area seem to have had the same lord fulfilling both functions.[300] Baxter calculated that in Suffolk, excluding the soke of the Abbey of Bury St. Edmunds,[301] 80% of men were commended to a different lord from the one who held their soke.[302] From Little Domesday we have a brief account of these two lords' involvement in a case. One Brungar held Aveley *TRE* with the soke, and was himself within the soke of the Abbot of Bury St. Edmunds.[303] Robert fitzWymarc had the commendation of Brungar. When stolen horses were found at Brungar's house, the abbot and Robert went to the plea about this theft, since, the entry says, the former had the sake and soke, and the latter had the commendation over Brungar. It is recorded ambiguously that they 'went away amicably', and the

[297] Baxter, *Earls of Mercia*, pp. 237-40, 258-9; Hudson, *OHLE*, p. 114; R. Faith, *English Peasantry and the Growth of Lordship* (London, 1997), pp. 90-1, 118-9.
[298] Maitland, *DBB*, pp. 76-7, 85. In some cases, fold-soke and commendation seem to have gone together: DB ii. fos. 247; 250. I owe these references to Richard Purkiss.
[299] Baxter, 'Lordship and Justice', pp. 410-17; Campbell, 'The Late Anglo-Saxon State', p. 18.
[300] Williams, 'Little Domesday and the English', p. 114.
[301] Baxter showed that 92% of the men of St. Edmund had the abbot both as soke and commendatory lord. Three free men at Market Weston (Suffolk), for instance, could not grant or sell their lands, but commendation and soke and sake remained with the saint (DB ii. fo. 353V). Baxter has also claimed that the Latin formulae used in the Bury folios do not appear elsewhere in Domesday, and suggested that this points to the abbot having cooked the books to assert the abbey's rights and to block potential claims from other landholders post-Conquest (Baxter, 'Lordship and Justice', pp. 415-7; Hudson, *OHLE* p. 120).
[302] Baxter, 'Lordship and Justice', p. 417. The source for these commendations is presumably testimony from the sworn men, although it is to be perhaps questioned how well they could remember the situation from twenty years previously with precision. Baxter has suggested that there may also have been written records of commendation (Baxter, *Earls of Mercia*, p. 205; cf. S. Harvey, *Domesday: Book of Judgement* (Oxford, 2014), pp. 81-2, pp. 174-5).
[303] Individuals could not logically have soke over themselves. Within each piece of land, therefore, there must have been overlapping soke-rights depending on the person in question.

hundred recorded that it had not seen a verdict.[304] Although the precise role of the two lords is not spelled out for us, it is clear nevertheless that they both had a role to play in settling the fate of Brungar. According to the current historiographical framework, the abbot would have gained by receiving the fines if Brungar were found guilty, and Robert would have had a duty to protect his man if he were able.[305]

As discussed above, there is no clear consensus on how to interpret the terms *hlaford* and *landhlaford* in the laws. Nevertheless, a brief round-up of the roles attributed to the *landhlaford* in the lawcodes may run thus. The *landhlaford* seems to be significant for the devolution of jurisdictional rights and their relationship to land tenure. They appear in several main categories of laws from the late tenth to the mid-eleventh century. Men who refuse to render tithes,[306] who buy livestock without witnesses,[307] are convicted in court,[308] are of bad repute and want access to the law,[309] evade the ordeal,[310] are seeking to clear a kinsman of theft,[311] or have sworn a false oath[312] pay their dues or forfeitures of goods to the *landhlaford*, or to the king if there is not a *landhlaford* over the relevant area. The *landhlaford* may also have had a responsibility in some areas to make sure that men in his territory were paying Peter's pence.[313]

[304] DB ii., 401V.
[305] See Maitland, *DBB*, pp. 103-4.
[306] II Edgar 3.1; III Aethelred 7; I Cnut 8.2.
[307] IV Edgar 8.1, 11; I Aethelred 3.1; III Aethelred 5.
[308] III Edgar 7.1.
[309] III Aethelred 3.2, 3.3.
[310] III Aethelred 4.1.
[311] III Aethelred 7.
[312] II Cnut 37.
[313] Northumbrian Priests' Law, 57, 58.

Maitland's third type of lord was the tenurial lord, whose role was in leasing *læn-land* to a tenant.[314] The land was usually granted for a specified period of time—'three lives' seems to have been common,[315] but others terms were possible.[316] This type does not appear in the laws, but can be seen in charters, particularly those issued by the bishops of Worcester,[317] and, less clearly, throughout Domesday Book. Men had a clear incentive to take on lands in this way: leased land seems to have added to a person's status, as well as providing additional resources. The tenant was required to provide service and rent to the lessor in return. Our best record of what was required is in a tripartite chirograph by Bishop Oswald of Worcester to King Edgar.[318] According to this, lessees of Worcester were to pay church-scot, swine-scot and toll, build bridges, provide riding service, and assistance in land management such as in burning lime and building deer fences for the hunt.[319] Military service may also have been required.[320] There is not space here to offer a criticism on the lines of distinction between this lord and the other two, other than to mention briefly a couple of points that may suggest that the lines between personal and tenurial lordship may not have been clear.

In Bishop Oswald's chirograph, the lessees were required to 'always be submissive and obedient and acknowledge the lordship of whoever is bishop (*archiductor*) at the

[314] Maitland, *DBB*, pp. 313-18.

[315] Leases of this type survive in charters from the eighth to the eleventh century, e.g. S1270 (840x52), S1275 (871x77), S1282 (907), S1297 (943 for 963), S1058 (1044x51).
[316] E.g. lease for one life S1255 (774), S1424 (1022), S1426 (1061x5); leases for two lives: S1254 (718x45), S1262 (798x822), S1425 (1049x52); four lives S1278 (872); lease for five lives: S1272 (849).
[317] Those issued by Bishop Oswald of Worcester (961-92) are particularly numerous: SS 1297-1375; but several survive for his successor Bishop Lyfing (d.1046) SS1392-7.
[318] No original survives, but the Worcester copy is preserved in Hemming's cartulary. S1368. Galbraith thought that it was spurious (V. H. Galbraith, 'Notes on the Career of Samson, Bishop of Worcester (1096-1112)', *EHR* 62 (1967), pp. 100-1. More recent opinion is more favourable: Stenton thought that it was authentic (F. M. Stenton, *Anglo-Saxon England* 3rd edn. (Oxford, 1971) pp. 485-6), and Faith concurred (Faith, *English Peasantry*, pp. 98, 108). See also *ODNB* 'Oswald'.
[319] cf. Baxter, *Earls of Mercia*, p. 209.
[320] *Ibid.;* R. Abels, *Lordship and Military Obligation in Anglo-Saxon England* (London, 1988), pp. 152-9.

time.'[321] While this may have been primarily for the purposes of ensuring that the required service was done, in practice it must have moved the relationship between lessor and lessee closer to something that leaned towards allegiance, namely protecting the lord's interests, obeying his commands, and acknowledging a hierarchy. Another straw in the wind comes from earlier in Devon c.1000. A letter by Ælfthryth, probably the wife of King Edgar and mother of Æthelred II, to Archbishop Ælfric of Canterbury and Ealdorman Æthelweard of Wessex reads: 'I inform you both that I bear witness that Archbishop Dunstan assigned Taunton to Bishop Æthelwold, just as the bishop's charters say. And King Edgar then relinquished it, and instructed all his thegns who had any land in that estate that they should hold it in conformity with the bishop's wish, or else give it up.'[322] Some personal connection, or at least obedience, seems to have been expected here. The tenurial lord may have been distinct from the other two forms, but there are some hints that may allow the tentative suggestion that some sort of personal bond was also created as part of the lease.[323]

This excursion into the late Anglo-Saxon framework of lordship shows clearly that these different types of lords fulfilled separate roles towards their men, the query about the tenurial lord notwithstanding. Multiple lordship as discussed elsewhere in this thesis is concerned with the circumstances thrown up when a man owed the same kinds of service to several lords simultaneously, that included a tie of allegiance which added a 'contractual', or perhaps even a moral, dimension to the

[321] S1368 (964).

[322] S 1242 (995x1002); Hudson, *OHLE*, p. 96.

[323] Stephen Baxter also suggested that dependent tenure could create 'moral and social obligations manifest in the expectation and performance of service', particularly military service (Baxter, *Earls of Mercia*, p. 256). 'Some sort of personal bond' is as far as we can go, however, for the impact of dependent tenure. The fact that some lessees seem to have been able to place leased land under a different lord, as if it were their own inheritance, shows that some distinction was still present between the personal and tenurial lords. (Maitland, *DBB*, p. 72).

relationships. What we can see in Anglo-Saxon England is a series of different specialized roles which could be spread out between different lords, or rolled up into one. I do not, therefore, think that the Anglo-Saxon freeman with a commended lord, a soke lord, and land on lease from a third lord, should be thought of as a man of several lords. It was possible, however, to have multiplication *within* these types of lordship.

Most straightforward are those forms that are related to lands and their acquisition: soke and tenurial lordship. The Anglo-Saxon settlement was many generations old by 1066, and there had been plenty of time for accidents of inheritance, dower, and grant to create a patchwork of fragmentary lands.[324] These could be scattered over wide areas: the Leofwinesons are an extreme example, holding land which they had gained through inheritance, royal grant, sale, and encroachment in every shire in the kingdom north of Berkshire, save three.[325] But even more minor families may have been ambitious to scoop up any available land through similar processes, albeit on a smaller scale. As a result of this, it would be theoretically possible for a small landholder with a scatter of lands to have more than one sokelord, if his land fell within their territories.[326]

Similarly, it seems to have been possible for men to hold or lease lands from more than one lord. Maitland pointed out that among the many unnamed small landholders in East Anglia there were very probably those who were listed a few times: 'he holds a little land under one lord, and a little under another lord; but in all he holds

[324] *Ibid.,* p. 339; Lennard, *Rural England*, pp. 1-3.
[325] R. Fleming, *Kings and Lords in Conquest England* (Cambridge, 1991), pp. 60-3.
[326] From Suffolk, we have a single reference to a split in soke. At Mellis, Wulfwin had half the commendation and half of the soke; Wulfeva had (?the other) half of the commendation, and the king had (?the other) half of the soke (DB ii. fo. 323V). As with splitting of personal commendation (see below, pp. 93-4), this may have implied a split in revenues.

little.'[327] It is possible to see in Domesday some of the greater landowners holding lands from lords in addition to the king. Gytha, the wife of Earl Godwine, also held some of her lands from her husband.[328] Thorkell, who held land of the king, is recorded in the post-Conquest history of Abingdon abbey as having done homage to the abbot for a lease of lands, with the witness and consent of Earl Harold. [329] At first sight this looks suspiciously post-Conquest—there are more references in Domesday Book to honey than to homage—and the term does not appear in Anglo-Saxon sources.[330] Nevertheless if we disregard the anachronistic reference to homage, we encounter cases like this in late Saxon England. In Hertfordshire, Ælfric Black held land in Datchworth *TRE*, from the Abbot of Westminster, and the hundred reported that he could not alienate it from the church. The entry then adds the curious statement that 'in respect of other lands he was Archbishop Stigand's man'.[331] His relationship to Westminster seems to be that of a leasehold, but some assumption is being made that this brought with it some personal element. More straightforward cases appear: one Cypping was recorded as holding some of his manors from Earl Harold, but also had two manors on lease from the Bishop and church of Winchester.[332] Siward held lands from the abbeys of Barking and Ely. [333] Clearly, men were taking advantage of the flexibility in *lænland* to expand their landed holdings.

[327] Maitland, *DBB*, pp. 106-7.
[328] DB i. fos. 38V, 39V.
[329] Hudson, 'Imposing Feudalism on Anglo-Saxon England', pp. 122-3.
[330] Maitland, *DBB*, p. 69.
[331] DB i. fo. 133; Maitland, *DBB*, p. 74.
[332] DB i. fos. 46V, 47.
[333] DB ii. fos. 18V, 19.

There is also clear evidence for individuals being bound to more than one personal lord.[334] A well-known writ granted by Edward the Confessor gave Ælfric Modercope leave to 'bow' before the abbots of Bury and Ely.[335] It has been suggested that such permission was a usual requirement,[336] but evidence from Domesday shows that splitting of commendation was taking place at a level at which it is difficult to imagine the king concerning himself. It is likely in the case of Ælfric that there was a backstory which has left no evidence, and it is tempting to suggest that this may have been a dispute between abbots. Domesday Book records some very minor individuals as 'half-commended' to two lords, and occasional instances appear of individuals with commendation split into more parts.[337] It seems likely that both the service and the money payment of the *commendatus* would have been similarly split.[338] In Hartismere hundred in Suffolk, one Ælfric had had a sixth of his commendation owed to Eadric of Laxfield, and five sixths to Aki, the antecessor of Robert Blunt.[339] In the same county, Helmingham's entry gives the impression of a more complicated network. Two men there, Blæcmann and Godric, were both half-commended to Saxi, and half-commended to an unnamed person who was himself commended to Eadric.[340] Sub-commendation also seems to have been recognized, therefore.[341]

[334] Clarke argued that splitting of commendation only happened in East Anglia, since we only have evidence for it occurring here. Little Domesday Book seems, however, to have been an earlier draft for Great Domesday, which was never written up. It is not possible to argue, therefore, that there is any great significance in our only evidence coming from this region. (P. A. Clarke, *The English Nobility under Edward the Confessor* (Oxford, 1994), pp. 62-5, 95).
[335] S1081 (1051x2 or 1053x7); Harmer, *Writs*, no. 21; see also no. 22 and pp. 149-50, 443. Modercope clearly had some important connection to the two abbeys, since both were left lands in his will (S1082 (1051x2 or 1053x7) and 1490 (1042x3).
[336] Harmer, *Writs,* pp. 149-50.
[337] DB ii. fos. 182V, 249V, 309; R. Welldon Finn, *Domesday Book: A Guide* (Chichester, 1973), p. 42; Williams, 'Little Domesday and the English', p. 114.
[338] DB ii fos. 182V, 187V; D. Roffe, *The Inquest and the Book*, (Oxford, 2000) p. 29 n. 53.
[339] DB ii fo. 309; see also ii fo. 376V.
[340] DB ii fo. 376.
[341] Maitland, *DBB*, p. 74; Williams, 'Little Domesday and the English', pp. 112 and 116.

The effect of this splitting of personal lordship has not been much explored. Baxter's study of the men of the earls of Mercia concluded that even holding land and owing allegiance to the same lord gave the bond 'a certain strength and unity of purpose', and that division of this could weaken the seigneurial control.[342] By analogy, division of commendation would be worse; although for the personal lord there could be advantages to having a *commendatus* with strong connections with other lords and networks of power.[343] We do not have clear evidence for how divided commendation came into existence, but it is possible that it was structural. Some instances may have been driven by parage—that is, brothers holding lands jointly.[344] Since a lord's rights within commendation 'seem to constitute an alienable and heritable seignory',[345] when a man holding a collection of commendations died, the right to these commendations may have passed to his sons. Maitland suggests that sometimes men may not have been able to prevent themselves from being transferred between lords.[346] The bridle-thief Leofric, discussed in a footnote above, is recorded as having had three lords who were brothers, and who seem to have been rather over-enthusiastic in their protection of him.[347] Nowhere, aside from possibly with the odd case of Ælfric Modercope, above, do we see a suggestion that taking more than one personal lord was a deliberate choice by an individual.[348]

[342] Baxter, *Earls of Mercia*, p. 255.
[343] *Ibid.,* pp. 255-7. This structure may have parallels in the twelfth century.
[344] One Wulfsige and his two brothers each held one third of a man's commendation (DB. ii. fo. 333V). Parage was a well-established practice in Anglo-Saxon England, for instance S 883; *EHD* i, no. 118 (995). The term occasionally appears in Domesday: DB i. fos. 46, 46V.
[345] Maitland, *DBB*, p. 74.
[346] *Ibid.*
[347] Sawyer 883, cited Baxter, 'Lordship and Justice', pp. 407-8. See above, n. 277.
[348] In the customs of Norwich, it is recorded that one of the burgesses *non posset recedere nec homagium facere* without permission of King Edward (DB. ii. fo. 116) which suggests some restriction on taking on additional lords. Since this is one man out of 1320 burgesses recorded there, however, this seems to have been an unusual case. 'Homage' only appears three times in Domesday, and seems to be used as a synonym for commendation. In Northamptonshire, it is recorded that the sokemen of Rushden, Irchester, and Raunds were Burgred's men, and so Bishop Geoffrey was claiming their *hominationem* from William Peverel (DB. i. fo. 225V). In Norfolk, Drogo of Beuvriere was recorded as claiming North Barningham and Plumstead *pro homagio tantum* (DB. ii. fo. 172).

In an important sense, however, in the pre-Conquest period, all the English owed allegiance to another lord who has not yet been considered— namely, the king. Possibly from the time of King Alfred, but certainly from the reign of Edward the Elder, all men of law-worthy age had theoretically been required to swear an oath of allegiance to the king.[349] In our last clear pre-Conquest reference, Cnut's proclamation of 1027 and his first lawcode refer to the *fides* and the *rihtan getrywþan* which was owed to the king.[350] These ideas seems to have had some ideological and practical impact. In *Anglo-Saxon Chronicle* CDE s.a. 1016, Ealdorman Eadric is described as having betrayed his *cynehlaford*, his 'king-lord', and the people of England by fleeing from battle against Cnut's army.[351] Whitelock translated this as 'liege', and while the term may be anachronistic for Anglo-Saxon England, the sense of a central focus of loyalty makes the translation seem idiomatically correct.[352] A few decades later, when Earl Godwine was causing trouble for Edward the Confessor, the king's loyal earls called together the *fyrd* across their earldoms, *heora hlaforde to helpe.*[353] Godwine had gathered his men from all over his earldom, and his son Harold the same, but the men of the former dwindled—Clarke suggested that this was because they were also the king's men, although the text does not say this explicitly.[354] There seems to have been some

[349] II Edward 5; Lambert, *Law and Order,* pp. 211-12; Baxter, 'Lordship and justice', pp. 399-400; L. Roach, *Kingship and Consent* (Cambridge, 2013), pp. 113-4, 120; Walther Kienast's argument that the *Untertaneneid* was resurrected by William the Conqueror, having been out of use for 150 years previously does not seem plausible given that contemporary sources seem to recognise the king as having some prerogative right over his subjects' allegiance (W. Kienast, *Untertaneneid und Treuvorbehalt in Frankreich und England* (Weimar, 1952), pp. 173-6.)

[350] Cnut's proclamation of 1027; I Cnut 1.

[351] *ASC* CDE s.a. 1016.

[352] *EHD* i. no.1, p. 250.

[353] *ASC* D s.a. 1052 (1051).

[354] *Ibid*. This makes the subsequent position of the king more striking when, as the *Vita Aedwardi* states, Godwine returned from the continent, and men from several counties flocked to his side. If the king should have had their prior allegiance, this is indicative of a very great loss of popularity and power for King Edward. (Clarke, *English Nobility*, pp. 93-4, 152). The statement in the above entry that the thegns of Harold were transferred to the *borhfæste* of the king does not necessarily clash with the notion of the

sense, then, that the king was able to claim prior allegiance from all his subjects, and possibly that this allowed him to overrule the commands of his magnates. It was on this authority, previously unfamiliar to the Norman ruling elite, that William the Conqueror and his sons would build so effectively.

So the common historiographical framework in pre-Conquest England is one where lords fulfilled different roles, although we may doubt how clearly-defined the differences between these were in practice. Nevertheless, this was in essence different from the multiplication of lordship that we see elsewhere. There was however the possibility of multiplication within the categories, which bears more resemblance to what was happening in northern France and in post-Conquest England. This framework was hit hard in the first decades of the Norman settlement. Only a few elements of this—the patchwork of lands that had been created, the prerogative royal power, perhaps some acceptance of having several lords—survived the upheavals. It is to the collapse of this system and its transformation that we will now turn.

Anglo-Norman lordship, 1066 and after

As the previous two sections have shown, multiple allegiance and lordship of some form was known in both England and Normandy before 1066. In post-Conquest England, despite the upheaval, it was apparently established within the first generation of settlers, and can be seen clearly in Domesday Book. This final section will examine how and why multiple lordship was established so rapidly in England.

king's overarching power. What this passage seems to be emphasising that the thegns' direct allegiance to Harold was broken and they were transferred to the king as their 'direct' lord. This may also have been referenced in the Fonthill letter. (See N. Brooks, 'The Fonthill Letter, Ealdorman Ordlaf and Anglo-Saxon law in practice', in *Early Medieval Studies in Memory of Patrick Wormald,* pp. 301-18 for an authoritative edition at pp. 302-6*;* Fleming, *Kings and Lords,* pp. 9-10; G. Molyneaux, 'The Formation of the English Kingdom, c.871-c.1016' (D.Phil. thesis, University of Oxford, 2010) pp. 213-14).

It will be necessary first to address the ways in which the framework of lordship— particularly Anglo-Saxon lordship— changed in the immediate post-Conquest period, moving from the threefold type described above to a simpler, more homogeneous type centred on land and homage.[355] Next, the various influences which may have contributed to multiple lordship's emergence will be discussed: the impact of Norman and Anglo-Saxon concepts and practices; the distribution of lands; and finally the possibility of encroachments on lands.

After the Norman successes, both at Hastings and against subsequent uprisings, William the Conqueror began to take over the lands of England. As a victorious alien, William was able to receive submission of the English, or to confiscate lands and divide them between supporters as he saw fit.[356] The lands of the greater earls, especially those of the Godwinesons, were broken up— a wise move by William which prevented any of his men being able to dominate political life as this family had done previously.[357] Except in some border areas, many landholders received lands scattered across counties.[358] This seems likely to have been a deliberate tactic in order to prevent a build-up of power too close to the heartlands of England.[359] The main stages of the Norman settlement are generally agreed. William claimed to have

[355] Maitland puts it succinctly: 'If we are puzzled by this labyrinthine web of legal relationships, we may console ourselves with the reflection that the Normans also were puzzled by it. They seem to have felt the necessity of attributing the lordship of land to one lord and one only (though of course that lord might have another lord above him), of consolidating soke with commendation, homage with justice, and in the end they brought out a simple and symmetrical result.' (Maitland, *DBB*, p. 104) As discussed above in the Introduction, the focus will be on those men who held land from a lord. Household knights and other men whose allegiance was rewarded in non-tenurial terms will be left to the side in the following study.

[356] *ASC* E s.a. 1067; cf. DB ii fo. 360V, which mentions land placed in pledge *quando redimebant anglici*, cited Abels, 'Lord-seeking', 23 n. 20. As Jinty Nelson pointed out, there must have been appreciable similarities between Norman and Anglo-Saxon rituals that created lordship for these submissions to make sense to both Anglo-Saxon and Norman participants (J. L. Nelson, 'The rites of the Conqueror' in *Politics and Ritual in Early Medieval Europe* (London, 1986), pp. 375-6).

[357] Baxter, *Earls of Mercia*, pp. 66-67 shows a series of maps that illustrate strikingly the breadth of the Godwineson reach in the late Anglo-Saxon period.

[358] cf. Musset, 'L'aristocratie Normande', p. 87 for a parallel to this pattern in Normandy.

[359] Goebel, *Felony and Misdemeanor*, p. 337.

taken over England as a bequest from Edward the Confessor. As a result, those who had supported Harold and fought against William at Hastings were traitors and deserved to be treated as such.[360] Whether or not this was an argument that impressed all of the English,[361] it seems to have been sufficient justification for widespread confiscation of English lands, and their grant to William's followers, or regrant following homage and suitable payment. Although much land was taken soon after the Conquest, the first decade saw some Anglo-Saxon nobles hanging on to their positions: the final major English lord, Waltheof, was disseised and executed in 1076.[362] This is unfortunately too early for Domesday Book to preserve any solid evidence on the position of their men. If the Anglo-Saxon Chronicle is to be believed, all of these lords would have submitted to William and received their land back as a grant.[363]

The impact on the men of Anglo-Saxon lords would have varied depending on their position with their lord previously. Those who held land of the lord may have noticed little change, although they were now at least in theory ultimately dependent on the king for their lands. Those working on the land may similarly have been little disturbed and remained subject to the same duties and renders. But those who were merely commended to an English lord may have had their land granted away above them or seized by a newcomer. Submission or confiscation followed by regrant meant that even in those relatively few instances where we can see individuals

[360] Ermenfrid of Sion's Penitential Ordinance (*EHD* ii, no. 81); WP, c. 46, ed. Davis and Chibnall, pp. 76-9; *GND* vii 13 (31), ed. van Houts, pp. 160-1; Garnett, *Conquered England*, pp. 5-9.
[361] cf. Eadmer, *Historia Novorum*, fos. 8-10, ed. Rule, pp. 7-8.
[362] *The Chronicle of John of Worcester*, s.a. 1075, ed. R. Darlington and P. McGurk (3 vols., Oxford, 1995-8), iii pp. 26-9; Thorkel of Arden is perhaps an exception here (P. Wormald, 'Lordship and justice in the early English kingdom: Oswaldslow revisited', in *Property and Power in the Early Middle Ages*, ed. W. Davies and P. Fouracre (Cambridge, 1995), p. 124; Williams, *The English and the Norman Conquest*, pp. 103-5). Baxter argued that the fall of the last two Leofwinesons was in part due to the undermining and eventual loss of their networks of commendation (Baxter, *Earls of Mercia*, pp. 281, 293-6).
[363] ASC E s.a. 1067; *ibid.* s.a. 1066 which states that men bought back their lands from William following his coronation.

holding on both sides of the Conquest, the nature of their relationship to the land and to the king could be recast in a Norman mould. Many of the English subtenants who appear in Domesday Book as holding of Norman lords were often given lands as a reward for services such as acting as a reeve or steward, interpreter (*latimarius*) and other roles useful to the new regime.[364] Such men would hardly have been in a position to argue over terms. Nevertheless, the change was not instantaneous, and it seems to have taken some time for the Anglo-Saxon modes of lordship to completely fall out of use.

The most visible shift from Anglo-Saxon lordship is the fate of the lord by commendation. Some English tenants seem to have simply transferred their commendation to a new Norman lord.[365] A striking example is that recorded in Thomas of Marlborough's History of Evesham Abbey.[366] The surviving Anglo-Saxon abbot, Æthelwig, collaborated with the new regime and apparently took a major role in early post-Conquest administration in his area of the Midlands.[367] In the instability after the Conquest, he seems to have been an attractive lord for surviving English landholders in the area who responded as they may have done before William's arrival, commending themselves to Æthelwig and placing their lands

[364] Holt, 'Colonial England', p. 14; Harvey, *Book of Judgement*, p. 57; Garnett, *Conquered England,* p. 21; Williams, *The English and the Norman Conquest*, pp. 84-5, 103-6.
[365] In DB i. fo. 59 this seems to have caused a dispute when the men in question commended themselves (*commandauerunt se*) to a new Norman lord, but the abbot who had control over their commendation *TRE* continued to try to claim it *TRW* since the men had done so *sine abbatis precepto.* See also Faith, *English Peasantry*, pp. 178-9.
[366] This account seems to have been based on an early and trustworthy source. The information on Æthelwig's abbacy seems to date from before 1100, and that on Walter by 1129. (Garnett, *Conquered England*, pp. 87-8 and n. 304; R. R. Darlington, 'Aethelwig, Abbot of Evesham', *EHR* xlviii (1933), pp. 1-10; cf. Thomas of Marlborough, *History of the Abbey of Evesham* ed. J. Sayers and L. Watkiss (Oxford, 2003) p. xxxi-ii).
[367] *RRAN* i, ed. Bates, no. 131 (1066x1078).

under his protection and warranty.[368] After Æthelwig's death in 1077/8,[369] however, the abbacy was vacant for a while before Walter, a monk of Cerisy and chaplain of Lanfranc, was appointed. According to the account 'he refused to receive homage (*homagium*) from many good men whom his predecessor had received, because he intended to confiscate the lands of all these men if he could.'[370] So in response, these 'good men' went to Odo, bishop of Bayeux, and laid accusations that Abbot Æthelwig 'had acquired many lands by force rather than by legitimate means.'[371]

The church of Worcester also felt the impact of this: it lost land to Evesham, and precipitated a large dispute between the two churches. Hemming blamed Æthelwig for this, and claimed

> [*...ut abbas*], *cum quasi sub obtentu sue protectionis plurimos hujus provincie divites homines sibi attraheret et paulatim subderet, tum etiam quosdam milites et homines episcopi cum terris suis hoc modo sibi conjungeret, nun consanguinitas occasione, nun vicinitatis affinitate, suam eis protectionem contra Normannos spondens. Quos cum primo sic decepisset, non multo post astutia sua illos circumveniens, terra omnibusque rebus suis defraudavit.*
>
> ('[...that the abbot] having attracted and by degrees made dependent many rich men of this province who were eager for his protection, bound certain knights and men of the bishop, with their lands, to himself in this way, either because of kinship or because of their close vicinity and promised them his protection against the Normans. Soon after, having thus first deceived them, he circumvented them by his slyness and defrauded them of their land and all their goods.')[372]

[368] *Abbey of Evesham*, III. 161, ed. Sayers and Watkiss pp. 169-71; Maitland, *DBB*, pp. 71-2. As Peter Sawyer pointed out, many men after Hastings may have found themselves suddenly lordless, a situation that would probably have generally been less common in Anglo-Saxon England (Sawyer, 'A Tenurial Revolution?', pp. 78-9).
[369] *ODNB* 'Aethelwig'.
[370] *Abbey of Evesham,* III. 173, ed. Sayers and Watkiss, pp. 176-7; cf. Garnett, *Conquered England* pp. 87-90.
[371] *Abbey of Evesham,* III. 173, ed. Sayers and Watkiss, pp. 176-7.
[372] *Heming*, ed. Hearne, i. p. 271; *English lawsuits*, ed. van Caenegem, i. p. 31; Baxter, *Earls of Mercia*, p. 176.

Clearly, some of the men who commended themselves to Æthelwig held land on lease from the church of Worcester, and had been able to place this land under the protection of the lord of their choosing.

In Evesham's account, is not certain that these men were the same as those English landholders who had previously commended themselves to Æthelwig, but the nature of their accusations is suggestive. Rather than complaining that Walter had arbitrarily refused to receive them, it was Æthelwig who had acted wrongly, by implication by taking their lands from them. In a post-Conquest *milieu* this was an odd accusation to take to a third party. If the lands that Æthelwig had supposedly usurped had been held by these men from other lords, we would expect that these lords would have become involved, rather than Odo. The suggestion seems to be, therefore, that these were men who had, in the immediate post-Conquest period, placed their lands under the protection of Æthelwig. But things had changed in the intervening time. The lands were by then perceived to be those of the abbey; their original holders had lost their rights to them and become tenants, who were required to do homage in order to be able to receive them back.[373] In the process, land that was previously held on lease from Worcester was detached from that church and transmitted to Evesham. If this interpretation is correct, it is highly suggestive of a shift in the framework of personal lordship and land tenure. The lands of these men had previously been theirs to place under the lord of their choice but had now been taken over by that lord. What had previously been merely personal lordship had changed to a bond that encompassed not only a personal bond, but also the granting of land. It seems likely that, as personal lordship began to drop away, land-hungry men were able to exploit this for

[373] It is also significant to note that Walter seems to have tried to claim that a new homage was needed now that there was a new lord; clearly these men, however, disagreed (Garnett, *Conquered England*, p. 89).

their own gain, by conflating personal with personal-tenurial, and claiming rights over lands that by strict Anglo-Saxon system, they should not necessarily have been able to influence.[374]

Further blurring between pre-Conquest Norman and English ideas on the way to Anglo-Norman lordship can be seen in the instances of commendation by writ.[375] This practice was an innovation for the post-Conquest period, combining as it did the Anglo-Saxon writ, and the personal or commendatory lord of England and Normandy, brought under the king's prerogative power. Buried in the Bedfordshire folios of Great Domesday Book is an unusually helpful case for the state of lordship in the decades after the Conquest. Under William de Warenne's lands, in Easton (Hunts), it is recorded that one Authgi had held TRE a hide and a virgate of land there that he could give to whom he wished.[376]

> King William afterwards granted this to him and by his writ commended him to Ralph Taillebois (*per suum breuem...commendauit*) that he might serve him (*ut eum seruaret*) during his life. On the day on which he died he stated that he was William de Warenne's man (*homo*) and accordingly William was seised (*saisatus est*) of this land.[377]

[374] Odo of Bayeux seems to have acted in a similar way to Walter. In the report on the trials at Penenden Heath, it is stated that he attached to himself men of the archbishopric of Canterbury, amongst other things. The land of these men seems to be implied as being part of Odo's seizures (*English Lawsuits*, ed van Caenegem, no. 5).

[375] Writs appear occasionally recording the delivery of seisin, grants in alms etc. The burgess Almær received his father's land at Sharnbrook (Beds.) back from King William through writ (*per brevem*). It may be that these were given following successful submission and payment to the king (DB i. fo. 218).

[376] Authgi was the *commendatus* of Eskil of Ware, the latter of whom seems to have built up a large network of commended men in the late Anglo-Saxon period. (DB i. fo. 211V; Abels, 'Lord-seeking', pp. 24-5, 36-7).

[377] DB i, fo. 211V; R. Fleming, *Domesday Book and the Law: society and legal custom in early England* (Cambridge, 1998), no. 22.

So there appear to have been several stages. Authgi was granted his land by the king,[378] who commended him to Ralph Taillebois, the sheriff of Bedfordshire, seemingly as a kind of personal 'life' grant. At some point, most likely after Ralph's death in or shortly before 1086, Authgi transferred to William de Warenne. His land seems to have gone with him.[379] After Authgi died, which must have occurred between the death of Ralph and the Survey, William was formally put in to this land, and clearly had remained in control of it until the latter date.[380] Authgi's relationship with both of his lords appears to have been more on the Anglo-Saxon, or perhaps pre-1066 Norman, pattern than that of the later eleventh century. His land was initially separate from his lords—he took it to them, rather than receiving it from them as a dependency: the personal bond was at yet distinguished from the personal-tenurial. Nevertheless, by the time of Authgi's death, we can see that a change has taken place. This anomalous relationship of the lord and his man's land has been tidied up, and the land at Easton absorbed into William's holdings.

But these examples are few, and after the Conquest the characteristically Anglo-Saxon and pre-Conquest Norman lordship forms quickly withered away in England. Now a grant of land, derived ultimately from the king, formed the entirety of a lord's holding in England. We may imagine that a similar process of submission and regrant, or depression or confiscation, happened in each of these new honours, varying depending on whether the existing holders were of use to the new lord. The

[378] This was not something that English survivors could necessarily rely on, and they were likely to have had to pay a high price to receive this concession. Garnett, *Conquered England*, pp. 21-4.
[379] This included land previously held in Easton by Blæc, the man of Authgi (DB. i fo. 211V).
[380] This *placita* appears in the context of a wider series of disputes that seem to have been taking place between William de Warenne and Hugh de Beauchamp, the latter of whom claimed several manors on the basis of his *antecessor*, the sheriff Ralph Taillebois. Warenne appears to have enjoyed some success in attracting the commendation of surviving English landholders immediately after the Conquest. In this way, William also obtained the commendation of 20 sokemen in Tillbrook (Beds.), whom Hugh also tried to claim through his *antecessor*'s right to the land. In this he was supported by the men of the hundred of Stodden (DB i fo. 211V; Abels, 'Lord-seeking', pp. 26-7).

lines of lordship could be rewritten along with this: it was a grantor's market, and the new lords and their requirements had to be accepted.

George Garnett in *Conquered England* provides a useful model for how and why these changes occurred so quickly. According to his model, William the Conqueror's claim to be Edward the Confessor's heir allowed the Conquest and the deposition of Harold to be justified, since the latter was thereby a usurping and illegitimate king.[381] William claimed to have received the kingdom as the 'designated' heir of Edward the Confessor.[382] The English who had resisted William were dealt with as those in rebellion against a legitimate king, and could thereby be dispossessed—although they could be restored at the king's pleasure. William granted out lands to his followers, which were to be held of him: 'Everything was ultimately to be held of him, whether the tenant was one of the king's co-conquerors or an English survivor.'[383] As Eadmer wrote, 'Everything, divine and human alike, waited on his nod (*nutus*).'[384]

As a result of this 'absolute dependence on the king's grant',[385] all lands were henceforth in theory held from another, in a hierarchical model that stretched from the king to the lowliest landholder, and bound by an oath that was coming to be called homage. This had been gradually established in the Norman settlement,[386] but Holt and Garnett thought that the Salisbury Oath of 1086 set the seal on this new framework, when 'all men, whichever man's men they were, bowed to him and

[381] Garnett, *Conquered England*, pp. 3-9.
[382] *Ibid.,* p. 5.
[383] *Ibid.,* p. 46.
[384] Cited *ibid*., p. 46; Eadmer, *Historia Novorum in Anglia* fos. 11-12; ed. M. Rule (Rolls Series, London, 1884), p. 9.
[385] Garnett, *Conquered England*, p. 60.
[386] *Ibid*., pp. 86-96.

swore him loyal oaths that they would be loyal to him against all other men.'[387] This, Garnett thinks, was a general homage bond to the king that was not for 'mere lordship' but a recognition that it was from him that all tenure flowed.[388] William's claim to the throne, and the settlement that followed made post-Conquest England much more hierarchical than either preceding society. This groundwork was reinforced by the processes of forfeiture and redistribution through the subsequent reigns.[389] This settlement had the effect of squeezing together the personal bond with land tenure. Henceforth, the creation of a personal bond, in its new form of homage, was to be the basis from which lands would be granted to a dependent, and individuals who wished to receive grants of land had to fall in line.[390] As a result, although the form of personal lordship had not changed, 'its meaning had been transformed' from the Anglo-Saxon world.[391] In effect, the Anglo-Saxon system of lordship was compressed from a system with up to three types of lord, each performing a different sort of function, down to a 'multipurpose' lord, who had personal, tenurial, and judicial rights over his men, and on whom men were dependent for their grant of land.[392] Where there had been previously a tangle of owned, held, and leased lands, there was now to be only that held from a lord. The lines of lordship had been redrawn.

[387] *ASC* E s.a. 1085 (1086); Stenton, *First Century*, pp. 112-14. The invaders may not have had to do homage initially to William, unlike the English survivors and the French who had been previously present in England. The Salisbury Oath may have been a way of tidying this up (Garnett, *Conquered England,* p. 87).
[388] *Ibid.*
[389] Hudson, *OHLE,* pp. 297, 341-4, 513. A striking instance of this is Henry II's seizure of the lands of Earl Hugh Bigod (d.1176) into his hand; only on King Richard's accession was Hugh's heir Roger able to inherit (S. J. Bailey, 'The Countess Gundred's Lands', *Cambridge Law Journal*, 10 (1948), pp. 85-9).
[390] Garnett, *Conquered England,* pp. 91-105.
[391] *Ibid.*, pp. 45-60, 88-96, quotation at p. 96; cf. J. C. Holt's well-known analogy of the changes taking place like a parasite within a host (Holt, 'Colonial England', p. 5).
[392] *Ibid.,* p. 4.

The fate of sokeland is more opaque. Part of the difficulty comes from the uncertainty of the term's meaning. Stenton argued for the existence in the Danelaw of a type of manor which consisted of a central vill with sokeland attached. This sokeland tended to be scattered and 'seems to represent rather a chance agglomeration of rights casually acquired than an estate regarded as an agricultural unit.'[393] Jurisdictional control over sokeland is hard to show, and may have been accompanied by labour services and certain customary payments. Sokeland was in existence for at least sixty years prior to the Conquest: Wulfric Spot's will referred to '*Mortune and eal seo socna the thærto hereth*', and lists Ogston as falling within this.[394] In Domesday itself it is mentioned that Ralph fitzHubert had sake and soke over the same Morton, of which Ogston was still a part.[395]

The distinction between manors and outlying portions, sokeland, berewicks and the like, are still carefully noted in Domesday Book, so at this stage it seems to have been important enough to record. One suggestion for sokeland's fate comes from the use of the *antecessor* in Domesday. As discussed above, there are many entries that say that a person could 'go with his land where he wished'; but we can also find many examples of individuals who could give or sell their land, but for which the soke remained with a particular manor.[396] To return to the instance of Authgi, he had held 1 virgate of land in Easton, that is entered separately from those lands of the same vill that were discussed above. By the time of the Survey, this too had passed to William de Warenne, almost certainly in the same way. But Authgi's rights in this single virgate were different: although he was able to sell it, the soke remained in Eskil of Ware's manor of Colmworth. Eskil's Domesday successor Hugh de

[393] *VCH* Derbys i, p. 312.
[394] S1536.
[395] DB i fo. 277; *VCH* Derbys i, p. 313.
[396] This is particularly clear in Little Domesday, for instance DB ii fo. 306V.

Beauchamp was therefore claiming this land against William de Warenne at the time of the Survey, and was supported in this by the men of the hundred.[397] Depending on how much this pattern was being replicated elsewhere, we would expect that sokeland would be drawn into the holdings of the new lords, and would quickly become indistinguishable as former sokeland, particularly if the allegiance of the land's inhabitants was demanded by the new lord.

With the picture of lordship as it was developing in the post-Conquest period broadly established, we can now turn to the question of how multiple lordship began to develop in these years. Our main source for this is again Domesday Book. As with the *TRE* entries, it is often difficult to track subtenants through the record, particularly across honours, since few of these individuals are recorded with a byname.[398] Often the only way to reconstruct such multiple tenancies is to work backwards from twelfth century evidence.

Nevertheless, instances can be found for multiple tenancy by 1086 across the country. Mortimer's study of the honour of Clare shows that the three greatest tenants of this honour were holding lands of other lords by the time of Domesday, and that they maintained these tenancies into the twelfth century.[399] Regenbald, chancellor successively to Kings Edward, Harold, and William, held by 1086 land in seven counties from four lords. His main tenancy was held from William (including, appropriately enough, land at Bray in Berks.), but he also held land from Abbot

[397] *Ibid.,* i. fo. 211V.
[398] See the PASE Domesday database, http://domesday.pase.ac.uk for recent work by Chris Lewis and Stephen Baxter on identifying the *TRE* subtenants. Since it is so difficult to link up these individuals, the study provides degrees of likelihood in identifying them, rather than trying to claim certainty.
[399] Mortimer, 'Land and Service', pp. 194-5.

Reynold of Coutances,[400] St. Peter's of Westminster,[401] and Ernulf de Hesdin.[402] In Yorkshire, we find another survivor, Beornwulf, who by 1086 held most of his land from Count Alan.[403] He had also acquired land in the same county from William de Percy in Markenfield and 'Aismunderby'.[404] In Lincolnshire Fredegis held land of Colgrim of Eweby.[405] Fredegis' holdings also spread into Nottinghamshire, where he held of Count Alan at Sibthorpe, with nearby land at Radcliffe, Rempstone, and Costock of William Peverel.[406]

For the greater tenants-in-chief, too, it is clear that many of them were holding lands of several lords by 1086. As well as his extensive holdings in chief, William de Warenne also held lands in Northwold and Mundford (Norfolk) from Abbot Simeon,[407] Whitchurch (Shropshire) from Earl Roger,[408] and Mesewelle (Sussex) from Count Robert.[409] The well-known Holme Lacy chirograph of 1085 allows us to push this back a little further. It records Bishop Robert Losinga of Hereford's grants to Roger de Lacy of land on a life lease which had previously been held by Roger's father, Walter.[410] Both of the de Lacys were also tenants-in-chief of the king. One of

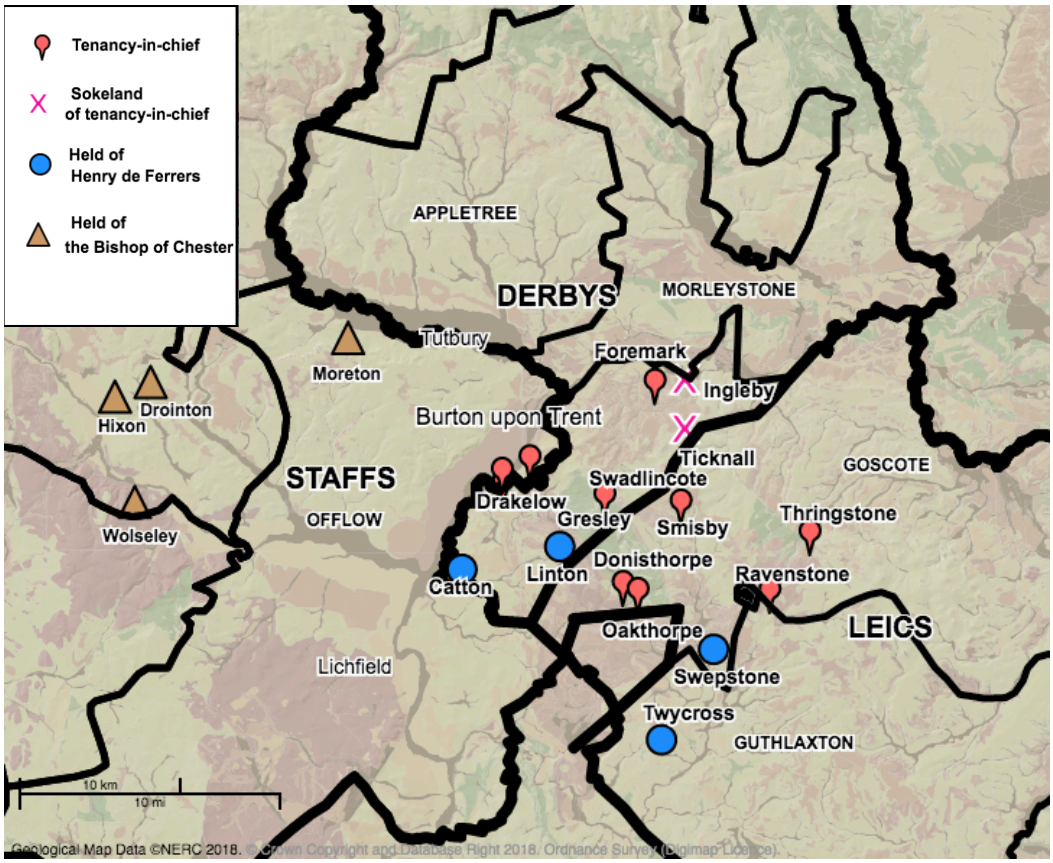
[400] Leckhampstead, Frilford, Tubney (Berks.), DB i. fo. 58V. The identification of the following individuals is drawn from the PASE Domesday database.
[401] Elmstone (Gloucs.) *ibid.,*i.fo. 166.
[402] Upton Scudamore (Wilts.), *ibid.,* i., fo. 70.
[403] *Ibid.,* i. fo. 311V.
[404] *Ibid.,* i. fo. 322.
[405] Houghton (Lincs.), *ibid.,* i. fo. 370.
[406] Sibthorpe, (Notts.), *ibid.,* i. 282V; Radcliffe on Trent, Tythby (Notts.), *ibid.,* i. fo. 288.
[407] DB ii. fo. 213V.
[408] DB i. fo. 257.
[409] DB i. fo. 22V.
[410] Galbraith, 'An episcopal land-grant charter of 1085', pp. 353-72; Garnett, *Conquered England*, pp. 94-5. Chirographs tend to have been used as records of agreements. The text was written out twice on a piece of parchment, and the word CYROGRAPHATUM or a phrase relevant to the agreement was was written across the gap between the two texts. The parchment was then cut along this word with a wavy line. The aim was to provide a basic means of authentication: in the event of a dispute, the two halves could be put together to check that the texts were original (Clanchy, *Memory to Written Record*, pp. 89-90).

the witnesses, Herman de Dreux, was also a tenant-in-chief in his own right, but as witness in one of the documents he is described as the *homo* of Roger de Lacy.[411]

In the area under study, we find the de Gresley family of Derbyshire. Nigel de Stafford (c.1040-c.1115),[412] the ancestor of the Gresleys, held manors in 1086 of the king,[413] Henry de Ferrers, and the bishop of Chester in the Leicestershire and Derbyshire area.[414] The aim of Nigel's multiplication of lords seems quite clearly to have been to produce a compact body of lands, which lay within a radius of approximately ten miles. A small tenancy-in-chief of five manors with outlying sokeland[415] had its gaps almost completely filled from the lands of the de Ferrers. The early establishment of this honour, coupled with the apparent clarity of the aim, makes this valuable evidence for the settlement of the minor Norman lords. Close by, Walter de Somerville held a virgate of land in Ridware. By 1086 he had also acquired the neighbouring manor of Whichnor, which he held of Robert de Stafford.[416] As with elsewhere, tenants-in-chief were also acquiring tenancies in this way: Henry de Ferrers, in addition to his large tenancies-in-chief, also held some lands from Earl Roger in Staffordshire by 1086.[417]

[411] Garnett, *Conquered England*, p. 95.
[412] Dating from F. Madan, *The Gresleys of Drakelowe* (Oxford, 1899), p. 18.
[413] Nigel was a younger son of the de Toeni family, formerly standard bearers to the dukes of Normandy. Nigel's elder brother Robert is mentioned as fighting at Hastings, and it may be assumed that Nigel did also (*Ibid.,* pp. 1-16, 18-21).
[414] DB i. fos. 233, 233V, 247, 274.
[415] Drakelow, Heathcote, Stapenhill, Swadlincote, Foremark (Derbys); and Ingleby, Ticknall, Smisby, Ravenstone, Donisthorpe, Oakthorpe and 'Trangesby' (Derbys) as sokeland (DB i. fo. 278) Gresley was probably included in the lands of Heathcote (*VCH* Derbys i. p. 306) The total annual value of these lands was £6 0.s. 6.d. in 1086 (DB i. fo. 278).
[416] G. Wrottesley and I. H. Jeayes, 'The Rydeware Chartulary, from the original in the possession of Sir Robert Gresley, Bart., of Drakelowe', *SHC* XVI (1895), pp. 257-302, at p. 231. The cartulary is London, BL MS. Egerton 3041; Davis, no. 1316.
[417] Tixall DB i., fo. 248.

Fig. 4: Lands of Nigel de Stafford in Domesday Book



The picture that we have in Domesday—where there is sufficient evidence—is clear. By 1086, there were noticeable numbers of tenants-in-chief and subtenants who held of several lords. There may have been many more than is now clearly recorded—single names without bynames are notoriously difficult to connect up in Domesday—and there may have been holdings at the third rung of tenure, which are not recorded. Nevertheless, the acquisition of lords had clearly already begun. Bloch argued that the appearance of multiple lordship in Frankish society does not appear to have been as a result of accidents of inheritance, but seems to appear at a time when the hereditary principle was not yet usual.[418] Domesday Book may give a parallel to this: the twenty years between 1066 and 1086 did not give sufficient space for the pattern to have arisen as a result of succession.

[418] Bloch, *Société Féodale*, i. p. 328.

Four elements may have contributed to the emergence of multiple lordship across post-Conquest England. The first two are the transmission of Norman and Anglo-Saxon ideas, and perhaps ties, of multiple allegiance. As discussed above, multiple lordship was well-established across northern France, and had been for several centuries prior to the Conquest. Although there may have been some contemporary resistance to it, these concerns were clearly not serious enough to prevent men and lords from continuing the practice, and these expectations are likely to have driven the replication of such ideas in England. Certainly, lords' retinues came over with them to England and received landed rewards from them. Peter Golob argued that at least five of the Ferrers tenants in England had certainly had former links with the family in Ferrières St-Hilaire in Normandy. Of these, three of them went on to hold exclusively of the Ferrers in England during the twelfth century.[419]

Replication of multiple ties from Normandy to England is more difficult to establish due to lack of evidence from the former society, but an instance may be visible in Devon. The subtenants Richard fitzTurold, Reginald de Valle Torta, and Oliver, all held from Baldwin de Meulles in England and in Lower Normandy. All of them also held lands from, and were indeed more closely associated with, Baldwin's neighbours in Devon and Normandy, Robert of Mortain and Theobald fitzBerner.[420] It is tempting to suggest in this case that multiple tenancy was being replicated from Normandy to England, and that members of a lord's retinue could exploit pre-existing bonds in order to increase their tenancies. Although the examples that can be drawn out are few, it is possible that situations of this sort were more commonplace than now appears.

[419] These were the Boscherville, the Cambrais, and the Curzon families. P. E. Golob, 'Ferrers Earls of Derby: A Study of the Honour of Tutbury 1066-1279' (2 vols., Cambridge University Ph.D. thesis, 1984), i. pp. 76-85.
[420] Davies, 'Winning the West', p. 260 n. 359.

Both Normandy and Anglo-Saxon England knew the practice of taking on additional lords— so it is hardly surprising that the practice appears so rapidly in England. There was, after all, no reason why it should not have done. Our information from Little Domesday is unfortunately generally too vague to allow us to determine whether those recorded as having had split commendation *TRE* maintained this relationship with their lords' successors. In order for this to have happened, an English survivor would have had to be exceptionally lucky, or exceptionally useful, for several of his new lords to accept him as a tenant. There may be instances of this among the lowly anonymous tenants in Domesday, but no definite example has yet come to light.

The third and fourth elements which may have contributed to the rapid appearance of multiple lordship in post-Conquest England come from the nature of the Norman settlement interacting with the remnants of Anglo-Saxon lordship. Garnett has argued that the antecessorial holdings claimed in Domesday Book provide an inaccurate guide to the true patterns of the late Anglo-Saxon period, and are skewed to reflect post-Conquest needs.[421] For our purposes here the strict accuracy or otherwise of these antecessorial patterns is immaterial: what is key is that even in

[421] Garnett, *Conquered England*, p. 27 and n. 206; pp. 28-9. There is also some disagreement about how commonly grants were made on an antecessorial basis after the Conquest. Robin Fleming claimed that antecessorial inheritance only accounted for 10-15% land acquisition in many counties. There are however problems with her argument, significantly that she takes the lack of reference to an *antecessor* as the lack of a single *antecessor*, which is not a safe assumption given the inconsistencies between Domesday circuits. On the other side of the debate, Peter Sawyer argued that antecessorial inheritance in Domesday was much greater than we are able to see: he thought that title was in places being traced from *TRE* landholders who were mentioned inconsistently, if at all. (Sawyer, 'A Tenurial Revolution?', pp. 76-8; Fleming, *Kings and Lords*, pp. 112-125). To some extent the strict accuracy of these grants is immaterial: it seems safe to argue that antecessorial grants accounted for a considerable number of grants, and that, whether or not these were strictly accurate for the pre-Conquest tenurial patterns, this would nevertheless have set up a patchwork of lands that catalysed the development of multiple lordship.

falsified or garbled form, the patterns of holdings of Anglo-Saxon lords were reused, and created scatters of lands for the new tenants. One of the consistent triggers for taking additional lords seems to have been the number of neighbouring lords which a man had— in effect, how many local borders he had to negotiate.[422] This is hardly surprising. Getting into a homage relationship with a nearby lord could offer opportunities for direct expansion into his nearby lands. It could also be a useful safeguard against a powerful neighbour who might otherwise make a nuisance of himself in encroaching on one's lands or rights. William's granting of lands to his followers according to designated *antecessores* helped to create a patchwork of tenures which set up ideal conditions for men to come to these kinds of 'over the fence' arrangements, which did not necessarily follow the boundaries of the shire or wapentake.[423] Multiple lordship was at least in part a geographically-driven phenomenon, and the scattered pattern of tenure which encouraged it was laid down in the initial Norman settlements. This pattern endured into the twelfth century, moreover: in the Leicestershire Survey of 1124x9, out of the vills listed on the extant parts of the roll, roughly half of the 160 places mentioned were split between two or more lords.[424]

[422] See Lennard, *Rural England,* pp. 56-62, esp. pp. 58-9 for a vivid description of the tenurial scatter in Oxfordshire.

[423] In the case of the Gresleys, above, the lands acquired from the various lords lay across three counties in an area where Leicestershire, Derbyshire, and Staffordshire meet. Their tenancy-in-chief at Gresley lay in Repton wapentake in Derbyshire; but their holdings at Donisthorpe and Oakthorpe were in Goscote wapentake in Leicestershire, and Stapenhill in Offlow hundred in Staffordshire. On the idea of 'a world of neighbours', see Lennard, *Rural England*, pp. 21, 61-2.

[424] P.R.O. E198/1/1 is an incomplete roll, and the extant material covers Goscote wapentake, and some of Framland and Gartree. Printed in: J. H. Round, 'The Leicestershire survey (1124-1129), in J. H. Round, *Feudal England*, pp. 196-214; W. K. Boyd, 'Survey of Leicestershire, 1124-1129', *Leicestershire Architectural and Archaeological Society Transactions* 8 (Leicester, 1899) pp. 179-183; F. M. Stenton, 'The Leicestershire Survey' in *VCH* Leics i., pp. 339-354; C. F. Slade (ed.), The Leicestershire Survey, c.A.D.1130*, Department of English Local History Occasional Papers* 7 (Leicester, 1956). The latter of these also included material from B.L. Sloane Roll xxxi 7, which seems to have been related; see also, however, the review of Slade by G. Martin in *LAHS* xxxii, pp. 99-101.

The fourth point that may have encouraged multiple lordship is the amount of land acquired through what Fleming euphemistically called 'private enterprise'. This took the form of pressure by the stronger onto the lands and rights of the weaker landholders through purchase, encroachment, and the attraction of minor English landholders into their control through intimidation, or for protection.[425] Fleming is a strong proponent of this as a means of land acquisition for the new lords. Based on the appearance— or lack thereof— of mentions of the *antecessor* in Domesday Book, paired with the disputes across Domesday and the *clamores* and *placita* in the Yorkshire and Lincolnshire folios, she argued that these encroachments represented very considerable gains. These she links with the complaints of ecclesiastical houses against encroachments by sheriffs and others, arguing that if even wealthy houses, with the king's protection, good documentation, and in some cases judicial expertise could be subject to attack, then many of the smaller English landholders, now newly without a lord, must have been swallowed without a trace.[426] Within a hundred, it is possible to see in some cases the lands of an antecessor, now in Norman hands, surrounded by the lands of many formerly free small holders, now held under another new lord. Although the results may not have been as dramatic as she argued, it is undoubtedly the case that small English landholders were attracted into the power— by which could be meant the protection, the jurisdiction, and the service— of a Norman lord, particularly if they had been left without a commendatory lord, and were not on jealously-maintained sokeland.[427] This could have been willing or not on the part of the minor landholder.[428]

[425] See also Williams, *The English and the Norman Conquest,* pp. 7-23.
[426] Fleming, *Kings and Lords,* p. 133. Encroachment on religious houses' lands seems to have been a venerable tradition in both England and Normandy (*Ibid.*, pp. 84-6).
[427] Ros Faith agrees that the piecemeal building up of estates was an important part of the Norman settlement (Faith, *English Peasantry*, pp. 178-9).
[428] Perhaps parallel to this is the case of Urse d'Abitot's intimidation of the community of Worcester into leasing him Greenhill and Eastbury (*Heming*, ed. Hearne i. p. 257, cited Fleming, *Kings and Lords* pp. 202-33) Other aspects of the Norman settlement such as intermarriage and concubinage may have aided the

Conclusion

This chapter has sought to show the roots of multiple lordship in twelfth-century England by addressing its appearance in pre- and post-Conquest societies. The earliest references to and instances of the practice come from the late Carolingian period, and by the eleventh century could be found across French regions. In pre-Conquest England, there is some record of individuals having multiple lords in either a personal or a tenurial sense. After the Conquest, William's claim to be the ultimate source of tenure made all landholders ultimately dependent on him. Land was now only held by laymen in return for their homage and service. Anglo-Saxon personal lordship, divided from lands, survived for a while; but ultimately a new framework developed in which personal, tenurial, and judicial elements overlapped in the same lord.

From the first generation, however, individuals could hold lands—and thereby owe personal service—to several such lords simultaneously. The Norman and Anglo-Saxon pasts may have allowed this to be acceptable, and may in some cases have transmitted previously-existing multiple allegiances. Granting of a patchwork of lands based on antecessorial grants would have encouraged the landholders to take on multiple lords, either as a way of expanding their lands, or as a protection, since this patchwork created thousands of miles of borders between landholders. The encroachment on lands in the first phases of settlement, and the luring in of smaller landholders may also have helped. So by the time of Domesday Book, the basic pattern for lordship in the future was set. We can see instances of both subtenants

establishment of a new Norman lord. (E. M. C. van Houts, 'Intermarriage in eleventh century England', *Normandy and its Neighbours: Essays for David Bates* ed. D. Crouch and K. Thompson (Turnhout, 2011), pp. 238-59; J. C. Holt, 'Feudal Society and the Family in Early Medieval England IV: The Heiress and the Alien', in Holt, *Colonial England*, pp. 247-8).

and tenants-in-chief, across the country, were holding lands of more than one lord simultaneously, and that they and their descendants continued to do so. Many of these patterns survived into the twelfth century. This seems to have grown out of a long-standing practice of multiple allegiance that was present in French regions at least from the ninth century onward. The next chapter will address one contemporary idea on how men should manage these multiple tenancies: that of liege lordship.

Chapter 2: Contemporary thought about multiple lordship

As discussed in Chapter 1, multiple lordship was present in post-Conquest England by the time of the first generation of French settlers. This practice owed its roots both to the customs of lordship that had existed in Anglo-Saxon and post-Carolingian society, and the circumstances of the Conquest, and it seems to have flourished and proliferated into the twelfth century and beyond. We have seen, however, how some eleventh-century Continental writers mistrusted the practice. This chapter seeks to draw out what evidence we have for contemporary thought on multiple lordship in England.

Although some problems must have arisen, I have not thus far found evidence of any writer in England complaining about the practice, even amongst those monasteries who were keenest to castigate anyone threatening to infringe their rights. Instead, several texts discuss multiple lordship as an unexceptionable practice. Where potential for clashes of service arise, the texts suggest a similar solution: that one lord, the 'liege', should have the prior claim over his man's service. This term seems to be Continental, and to be derived from the Frankish *lige*, 'pure'.[429] It occasionally appears in pre-1066 documents from French regions, but the idea of one of a man's lords taking priority over the others seems to be present in the first known instance of multiple lordship from ninth-century Tours.[430] Nowhere in the extant Anglo-Saxon texts is there reference to a 'liege', although the Anglo-Saxons recognized that the king should have a primary right to the allegiance of his subjects.[431]

[429] Bloch, *Société Féodale,* i. pp. 330-1. He notes also that in Catalonian regions the liegeman was called a *solidu*, a 'solid man', and in the Rhineland, liege homage was referred to as *absolutus* (*ibid*.).
[430] See above, p. 70.
[431] See above, pp. 95-6.

Although *ligius* appears recurrently in England in the 150 years after the Conquest, it is not the aim here to argue for liege lordship as some wide-ranging, socio-legal order.[432] There is too little extant documentation that uses the term or any of the ideas to argue for how frequently the practice was followed. Instead of trying to argue for it as a living practice, then, this chapter will focus on the presentation of liege lordship in the twelfth-century texts in order to draw out this recurring model for how contemporaries thought multiple lordship should be managed. This will allow us to highlight those areas where contemporaries seem to have anticipated the potential for multiple lordship to cause friction. Rather than being a dangerous abuse, as the French historiographical model would have it,[433] we are able to see that many of the ideas around multiple lordship sought to address quite mundane service, and in a common-sense way. The closest analogue would perhaps be kinship: a force that could be a source of difficulty or stability depending on the circumstances, and that contemporaries worked around. These ideas suggest that multiple lordship was not a

[432] In a European context, the term appears across a wide geographical and chronological range, and it is doubtless this wider usage that influenced the appearance of the term in England by the late eleventh century. Within this European range, however, its use seems to have been similarly sporadic. Tabuteau only found four instances of the practice in Normandy before 1100, and three of these date to after the Conquest. A *conventio* between William Paginell and the abbot of Mont-St-Michel, 1070x1081, agreed that their man Hugh de Bricqueville and his *nepos*, should only serve in William's *familia* if they had not been summoned by the abbot. Similarly, seven *pares* of William's honour should give priority of service to the abbot, to whom they owed suit of court. These individuals all seem to have been multiple tenants, therefore, owing priority of service to the abbot, although the term *ligius* is nowhere used. In the case of Hugh and his *nepos*, however, the picture is slightly more complex: the abbot is not always to have him or to the detriment of William Paginell's service (*semper habebit quin Guillelmus Paginellus hoc habeat*). (Avranches library, MS. 210, fo. 95, printed C. H. Haskins, *Norman Institutions* (Cambridge, MA, 1918), pp. 21-2; see also E. Z. Tabuteau, 'Definitions of Feudal Military Obligations in Eleventh-Century Normandy', in M. S. Arnold, *On the Laws and Customs of England: Essays in Honor of Samuel E. Thorne* (Chapel Hill, 1984), p. 56-7 and ns.) The other two instances come from Caen and are clearer. Both are 1079x1101, and describe that minor individuals became '*homo ligis*' [*sic*] of the abbot of St-Etienne in exchange for fiefs (E. Deville, *Notices sur quelques manuscrits normands conserves a la Bibliotheque Sainte-Genevieve* vol. 4, *Analyse d'un ancien cartulaire de l'abbaye de Saint-Etienne de Caen* (Evereux, 1905), p. 24 fo. 31: 'devenit homo ligis…' (1079x1101); *ibid* p.30 fol.40 'devenit homo ligis…' (1079x1101); Tabuteau, 'Definitions', pp. 55-7). Discussion of liege lordship in an international perspective is outside the scope of this research, so the discussion below will focus primarily on England and Anglo-Norman concerns.

[433] See above, pp. 71-2.

catastrophic ‘abuse’, but something which was quite normal and which had a body of customary thought that sought to preempt difficulties.

Even in the texts, references to the *ligius* are diffuse, and occasionally contradictory. It is argued below, therefore, that this may indicate that problems of multiple lordship did not arise often or were not damaging enough for a fully worked-out customary practice to be developed to regulate it. This stands in contrast to the separate but related use of *ligius* in a royal context, where the potentially explosive political developments of the period meant that the concept had to be more extensively hammered out.

Historiography of liege lordship in England

As noted above in the Introduction, multiple allegiance in twelfth century England has received little in the way of detailed discussion. Non-royal liege lordship has been correspondingly barely been noticed by English historiography, and I have found only four works which acknowledge the existence of liege lordship as a strand of thought. This section will examine the models put forward in these works.

What historiography there is on multiple lordship tends to fall into two overlapping groups: that which sidelines it to a curiosity, and that which sees it as a destabilising force. This has had a consequent impact on the treatment of liege lordship. It has been quite generally assumed that multiple lordship is a little more than a footnote to seigneurial relationships in this period, and a disruptive and damaging one at that. As a result, it is unsurprising that liege lordship— an idea which sought to integrate multiple lordship into the wider framework of society, and which sought to resolve clashes thrown up by multiple lordship— should have been largely overlooked.

Maitland mentioned liege oaths as a category of unconditional oath as part of a brief discussion of homage in post-Conquest England.[434] His assumption seems to be that multiple lordship would only arise as a result of inheritance, rather than deliberate choice on the part of man and lord.[435] He recognised that a man's liege lord could be someone other than the king, but his main focus was on the king's growing ability to claim liege lordship over all people living in England.[436] He took the view, however, that multiple lordship and the requirements of liege lordship were a likely source for instability in society. Maitland recognised one of the large problems caused when a man might hold of more than one lord, and these lords fell into conflict. He noted *Glanvill*'s statement that a man had to obey the order of his liege lord even if it was to attack another of his lords, and concludes that this 'can hardly be read otherwise than as a statement that private warfare may conceivably be lawful.'[437] It is ambiguous here whether he was arguing that private warfare was more likely as a result of split allegiances, but he dwells later on the implication that non-liege lords could therefore be attacked by their own men.[438]

S. F. C. Milsom's concept of the liege lord is incidental to a wider framework in which he argued that the king, when acting as 'direct' liege lord, was able to take wardship of all of an heir's lands, not just those held directly of him.[439] Milsom suggested that this was an earlier practice for all liege lords, not just the king, but that

[434] Pollock and Maitland, *History of English Law* i. pp. 298-300.

[435] 'If tenements held of several lords descend to one heir…' *ibid*., i. p. 298.
[436] *Ibid*., i. pp. 316 and n. 247, p. 317.

[437] *Ibid*., i. p. 301.
[438] *Ibid*., i. pp. 303-4.
[439] S. F. C. Milsom, 'The origin of prerogative wardship' in *Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt*, ed. G. Garnett and J. Hudson (Cambridge, 1994), pp. 223-244.

it fell away for all but him by the later twelfth century.[440] His argument will be addressed in more detail below, as part of the discussion on wardship. For now it is enough to state that he argued for the gradual diminution of the rights of the liege lord over wardship and the person of the heir, as these began to be regarded more as property.[441] The liege lord had, he argued, become an individual who seemed to be receiving more than was his due; only the king was able to maintain the older rights of the liege lord.[442] Milsom's treatment of the liege lord was however matter-of-fact: he takes the existence of such lords for granted, and he did not seek to argue about how wide-ranging the practice was.

Marc Bloch argued that liege lordship both developed and disappeared as a result of the inherent weakness of the homage bond. It developed in response to multiplication of homage, he thought, as 'a sort of super-homage', that is, a pure and absolute bond that picked out one lord above the man's other allegiances.[443] For Bloch, the liege lord was the one who could always claim precedence over other lords, and who had a particularly personal connection to his man that 'renewed the original human tie in all its completeness'.[444] Nevertheless, because it was based on homage, liege homage was subject to the same abuses. Liege fealty to the king survived, however, and the 'absolute' nature of the liege bond survived in this form.[445]

[440] *Ibid.,* p. 224.
[441] *Ibid*., p. 238.
[442] *Ibid.*
[443] Bloch, *Société Féodale*, i. p. 330, '*une sorte de superhommage*'.
[444] *Ibid.,* p. 333: '*De toutes façons, ce <<pur>> lien renouvelait, dans son intégrité, l'attache humaine primitive.*'

[445] *Ibid*., pp. 335-6. By c.1200, the duke of Normandy, too, was to have *ligantiam* […] *sive legalitatem de omnibus hominibus suis totius provinciae.* In return, the duke was required *regere protegere ac defensare* his liegemen (*Très Ancien Coutumier* II. xiii, in *Le Grand Coutumier de Normandie*, ed. Everard and de Gruchy. Since this is later evidence, and after considerable political changes, the *Coutumier* will not be examined here.

Subsequent French historians followed Bloch closely, and almost echo his phrases. Ganshof, too, stated that ligeancy appeared in mid-eleventh century France, as a means of returning to the closeness of the early form of vassalage.[446] Olivier-Martin thought that liege lordship arose '*pour lutter contre ces déformations* [i.e. multiple vassalage] *du système primitif*', in order to restore the *plénitude* of the original vassal bond.[447]

The model of breakdown of liege lordship in later centuries seems to be justified to some extent. If we look ahead to the thirteenth century, by Bracton's day an individual seems to have been able to have several 'chief lords', and the difficulty was by then to distinguish which was the, as it were, chief chief.[448] The king's take-over of the term and idea of liegeship may have been true, but answering this is outside the scope of this thesis. To these three models should be added a brief but useful perspective from John Hudson. He touches on liege lordship in his *Oxford History of the Laws of England* as part of his discussion of status in Anglo-Norman England. It was, he thought a potential means of 'clarification' as instances of multiple homage increased.[449] He is however cautious about committing to any statement about how widespread the idea of liege lordship was. This is sensible, given the extent of our records which refer to the concept. Nevertheless, even with such scattered references as we have to liege lordship as a means of regulating multiple lordship, further discussion than the above seems merited.

[446] Ganshof, *Féodalité*, pp. 95-7.
[447] Olivier-Martin, 'Les liens de vassalité', p. 219.
[448] Bracton, *De Legibus,* ii. fo. 87, ed. Thorne ii. p. 253: *Cum sit heres…et plures domini capitales, omnes maritagium haeredis habere non possunt…[unus] maior ius habet in maritagio, scilicet primus feoffator dominus capitalis, de quo antecessor heredis suum primum habuerit feoffamentum, et cui præ omnibus aliis fecit ligeantiam.*
[449] Hudson, *OHLE* p. 432.

Contemporary ideas of liege lordship

The discussion below will focus thematically on the different aspects of multiple lordship as described in the sources. This will allow us to build up a picture of whether customary ideas on this practice and that of liege lordship were consistent or varied, and whether they changed across time. The focus will be on six elements: the identity of the liege lord; personal attendance and service to the liege; feudal incidents; his jurisdictional priority; military service; and the king as liege lord. Before turning to these themes, it will be necessary to contextualise the sources which will be addressed.

Sources for liege lordship

The sources fall into two categories: three treatises on custom, and two documentary and charter sources. The earliest treatise is the the *Leges Henrici Primi* (hereafter *LHP*), a Latin work of around 950 clauses, purporting to be a record of the laws in force under Henry I.[450] It was written sometime around the first decade of the twelfth century, possibly at Winchester.[451] It is not an 'official' document, but appears to have been written by someone familiar with both written sources of law and contemporary custom, and almost certainly by the compiler of the collection of early lawcodes known as *Quadripartitus*.[452] The *LHP*'s focus is largely on the local

[450] Liebermann, *Gesetze,* i. pp. 546-611; *LHP,* ed. Downer, pp. 23-8; Wormald, '*Quadripartitus'* in *Law and Government,* ed. Garnett and Hudson*,* pp. 111-148; R. Sharpe, 'The Dating of *Quadripartitus* again', in *English Law before Magna Carta,* ed. Jurasinski, Oliver, Rabin, pp. 81-94.

[451] Hall notes that Wessex and its customs 'are several times referred to in a manor suggestive of its pre-eminence in the author's mind. *Quadripartitus* also seems to have been produced somewhere in Wessex. *LHP* ed. Hall, pp. 44-5.

[452] Wormald, *The Making of English Law,* pp. 407, 412; *LHP*, ed. Downer, pp. 23-8. *LHP* survives in two manuscript traditions. The first is from the 'Red Book' of the Exchequer from c.1225. The second is the slightly earlier 'London Collection' of c.1205x1. See Wormald, 'Quadripartitus' in *Law and Government,* pp. 133-7, and the appendix by Sharpe, 'The prefaces of *Quadripartitus*', pp. 148-72; Sharpe, '*Quadripartitus* again', in *English Law Before Magna Carta,* ed. S. Jurasinksi, L. Oliver, and A. Rabin, p. 85. At p. 81 he argues that 1108x1118 is a plausible date for the compilation of *Quadripartitus*, although the work of translation of old laws and the writing of the *Dedicatio* may have been done during William Rufus' lifetime (*ibid.,* p. 83). He also suggests that the two works were heavily influenced by the papers of Gerard, archbishop of Canterbury (1100-1118), *ibid.,* pp. 86-8.

courts— those of the lords, the hundred, and the shire. The degree to which it should be trusted as an accurate reflection of its times has been the subject of some debate, since it contains a considerable number of clauses and adaptations from Anglo-Saxon and early Continental codes, very many of which could not have been current.[453] As Nicholas Karn stated, 'if indeed the *LHP* was the fruit of a plan for a comprehensive analysis of English law, it has been regarded as a misshapen and cankered one, albeit a welcome windfall.'[454] John Hudson has called it an archaising work, although allows that it does show attempts to classify and systematise contemporary laws.[455] Nevertheless, with these caveats in mind, the work gives an unparalleled, if rudimentary, glimpse into the state of customary practice and jurisprudence of the early twelfth century, something that is particularly valuable in a period when charters are few and far between.[456] Important for the topic in hand, however, is the fact that all clauses which discuss multiple and liege homage do not have a known exemplar, and are likely therefore to be informed by contemporary practice.[457]

The second of the treatises, the *Dialogue of the Exchequer,* was written by the royal treasurer Richard FitzNigel. It is likely that he began writing in 1177, but may have continued to work on the text into the late 1180s.[458] The work is a didactic treatise on the operation of the royal Exchequer, in the form of a series of questions by a student which are answered by the teacher.[459] Its main focus is therefore a little more

[453] For example, in the insertion of slightly amended clauses from the seventh-century *Lex Ribuaria* in 70,18-20b (cf. Wormald, *Making of English Law*, p. 414).
[454] Karn, 'Rethinking the *Leges Henrici Primi*', in *English Law before Magna Carta,* p. 199. His attempts to improve the text's coherence by removing the possibly later rubrics go some way to making the work look more successful.
[455] J. Hudson, *Formation of the English Common Law* 2nd edn. (Abingdon, 2017), p. 15; J. Hudson, 'From the *Leges* to *Glanvill*: legal expertise and legal reasoning' in *English Law before Magna Carta,* pp. 223, 226-8.
[456] P. Hyams, 'The charter as a source for the early Common Law', *Journal of Legal History* 12 (1991), pp. 177-8.
[457] *LHP*, 43,6; 43,6a; 55,2; 55,3b; 61,6b; 82,5, ed. Downer, pp. 152-3, 172-5, 194-5, 256-7.
[458] Richard FitzNigel, *Dialogus de Scaccario*, ed. E. Amt and S.D. Church (Oxford, 2007), pp. xviii-xx.
[459] The earliest surviving manuscripts date from the thirteenth century, and no authoritative copy from these four has been established (*Ibid*., pp. xxvii-xxx).

removed from the topic in hand than the other two treatises, but it nevertheless contains a few valuable references.

The third treatise to discuss multiple and liege lordship is *Glanvill*.[460] This text identifies itself in the prologue as having been produced in the time of Henry II, and its editor Hall argues that this can be plausibly narrowed to between 29 November 1187 and 6 July 1189, the day of Henry's death. It seems to have been written by one close to the court, possibly by a justiciar.[461] The writer's aim was to describe as a kind of working manual the royal courts, with a heavy emphasis on the types of writ to be used in particular circumstances. As Hall has argued, however, the writer also attempted more complex discussions on substantive law.[462] It touches on the more local seigneurial courts insofar as they were to be regulated by writs from the king, but it is the royal jurisdiction that forms the main focus.

The evidence from these works can be supplemented by the contemporary documentary works which fall within the same period. The twelfth century sees a huge increase in extant private charters as we move towards 1200.[463] Only occasionally do they record any details about homage, and these tend to be in the standard formula that a piece of land has been granted for the tenant's homage and service. Out of a randomly selected corpus of 150 charters (of c.2000) local to the three counties under scrutiny, up to 1215, the term appears 13 times in all, 10 of which use this formula.[464] If references to homage are rare, references to liege

[460] Over thirty manuscripts of the text are extant, which fall into an earlier (*Alpha*) group, and a later (*Beta*). The earliest extant *A* manuscript dates from soon after 1200. *Glanvill* continued to be used after its initial composition, being copied and adapted for other legal works into the fourteenth century (*Glanvill,* ed. Hall, pp. xl-lv).
[461] *Ibid.,* pp. xxx-xxxiii.
[462] *Ibid.*, pp. xxvii-xxix.
[463] Clanchy, *Memory to Written Record*, pp. 1-2, 50-5.
[464] Most of these examples seem to appear in cases where homage was not necessary, but where it would have an impact on the future of the lands that had been granted. For grants of lands made within families, homage would prevent the lands from being permanently taken back by the original grantor,

homage are even rarer. These sources below are the only documents that refer to liege lordship that I have found so far from the area under study: a small body of charters from Burton-upon-Trent abbey dating between c.1114-c.1150,[465] and a mid-twelfth century agreement between the earls of Leicester and Chester.[466]

Burton abbey is somewhat unusual in its region. The only pre-Conquest Benedictine monastery in the area, it nevertheless managed to avoid any military quota, most likely due to its relatively poor strategic position a long way inland on the Trent.[467] Its early post-conquest records are unusually good, particularly the well-known surveys, and its early charters which were preserved in the Burton Abbey cartulary.[468] These early charters are of a very different style from the more common private charters of the mid to later twelfth century, including those issued by religious houses. Services, homage requirements, and other demands are carefully

and so it would be necessary to record that homage had been done (Milsom, *Legal Framework*, pp. 132-147).

[465] BL Loans 30, fos. 17-23; Davis, no. 91; printed G. Wrottesley, 'The Burton Chartulary', *SHC*, v.i (1884), 1-101); *Modwenna,* Appendix pp. xlv-lxxi, charter nos. 5, 7, 9, 11-13 16, 21, 23-4, 27-8. For precision, the references from Bartlett's appendix will be used here in addition to folio numbers.

[466] BL Cotton MS. Nero C.iii f. 178; ed. Stenton, *First Century,* pp. 250-3, Appendix pp. 286-8.

[467] H. Chew, *The English Ecclesiastical Tenants-in-Chief and Knight Service especially in the thirteenth and fourteenth centuries* (Oxford, 1932), p. 8.

[468] The Burton charters are reasonably well-known for their early date and detail. (Davis, nos. 91-94.1; Garnett, *Conquered England* pp. 95, 112 n. 453; Hudson, *OHLE* pp. 336, 338-9, 350) The house generally seems to have had a relatively strong documentary culture in the early twelfth century, with the two early Burton surveys of 1116x33 and 1116x18 (J.H. Round, 'The Burton Abbey Surveys', *EHR* 20 (1905), 275-89) and the *Miracles of St Modwenna* (esp. cc. 43-50 ed. Bartlett, (from MSS. BL Add. 57533 and Royal 15 B.iv), pp. 180-219) adding useful accounts of recent miracles to the end of a relatively standard account of the saint's life. Several of these miracles concern the settlement of local tenurial or administrative disputes. The charters are of a piece with this careful record-keeping, and in one instance provide the documentary record of a dispute described in the miracles, with clear verbal echoes between the two sources (SRO D603/A/Add/10; BL Add. Ch. 27313; BL Loans 30, fo. 54; *Modwenna*, Appendix, no. 10; See also c. 49, pp. 204-7). The unusual description of homage and service in the Burton charters is commonly repeated between charters, and may constitute something of a house style, or perhaps were the work of a single scribe. The reason for this level of detail is unclear, however. The majority of the charters referred to here are from the Burton cartulary, BL Loans 30, compiled in the mid-1230s. *Modwenna,* Appendix, nos. 16 and 27 (BL Loans fos. 37V, 38-38V) survive in the originals: SRO D603 A/Add/7 and BL Stowe Ch. 103 respectively. If the correlation between original and cartulary copy for these charters can be assumed for the rest of BL Loans 30, then it is a faithful reproduction of the texts. Notably, both of these original charters contain the term *ligius,* so we may be fairly confident in stating that the appearance of this term in the cartulary is not a thirteenth-century interpolation.

laid out, unlike the more opaque references to *seruicium* found commonly in later private charters. The focus here will be on the charters up to the end of the abbacy of Bernard (d.1175); under him the charters were beginning to fall in with the common formulae.[469] Under his successor Roger Malebraunch (1178-82) the charters become entirely conventional, and references to homage largely disappear.[470] Homage under Abbots Nigel (d.1113) to Abbot Bernard falls into two main categories—*hominagium*, which seems to be 'simple homage', and *ligius*, liege homage. The first of these appears in 7 of the charters, the second in 16.

The second source is a *conuentio* drawn up between Robert de Beaumont, earl of Leicester, and Ranulf II, earl of Chester, 1149x53.[471] In it they agreed to cease hostilities, and came to an arrangement about their respective castles. Its information on manpower are valuable on how military duties to a liege lord should be negotiated.

So we have here five different sources, which between them cover a wide span of social and geographical contexts. What did their compilers think about how multiple lordship should be managed?

Themes in multiple lordship

All of these sources seem to treat multiple lordship as usual: in none of them do we see a description that seems to have been outlining it as a new practice. Parts of the texts about multiple and liege lordship correspond, but we have some contradictions that need to be noted. In the *LHP* references to multiple and liege lordship are

[469] BL Loans 30, fos. 22-34.
[470] Wrottesley, 'Burton', p. 5.
[471] Cotton MS. Nero C.iii, f. 178; Stenton, *First Century,* pp. 250-3, 286-8.

scattered throughout the text, rather than being gathered together in one chapter, which may suggest that having several lords was regarded as a part of customary practice rather than an anomalous situation to be treated as such. Some of these statements echo each other closely, and the impression given is of a writer who was attempting to define elements as they occurred to him.

For the *LHP*, a man could have several lords and owed *fides* to all of them.[472] It is implied that such a man had done homage to each lord.[473] Out of these lords, however, the *LHP* states that there should be a liege lord to whom the man should be more bound (*magis obnoxius est*),[474] and to whom *fides* was particularly owing.[475] There is a clear ideal hierarchy, with the king being owed unreserved *fides*, followed by the liege lord, then by faith owed to other lords, if any.[476] If a man wanted to take on an additional lord, he needed the permission (*licentia*) of his liege.[477]

The *Dialogue of the Exchequer* gives a valuable insight into the terminology of the second half of the twelfth century, which allows us to confidently link the liege lord of the *LHP* to the 'chief lord' of *Glanvill*. It generally uses the latter term, but notes that 'liege' is the 'popular' (*uulgus*) term used to refer to this lord.[478] This reference is suggestive for the idea that liege lordship was sufficiently well-known in customary practice for there to be, in effect, a 'formal' and a 'vernacular' term for it.

[472] *LHP* 43,6, ed. Downer, pp. 152-3.
[473] *Ibid.* 43,6a, ed. Downer, pp. 152-3.
[474] *Ibid.* 43,6, ed. Downer, pp. 152-3.
[475] *Ibid.* 55,3b, ed. Downer pp. 174-5.
[476] *Ibid.,* 43,6a, 55,2 ed. Downer, pp. 152-3, 172-3. Not enough discussion survives to suggest whether the latter group of lords was internally ranked according to priority of allegiance. See also R.B. Patterson (ed.), *Earldom of Gloucester charters: the charters and scribes of the Earls and Countesses of Gloucester to A.D. 1217* (Oxford, 1973), no. 76 (23 Feb 1216x 14 October 1217) where Countess Isabel refers to making a grant of land in Norfolk *in libera viduitate mea et in ligia potestate mea*. The intended sense is unclear here: whether this is an idea of 'liege', or something closer to 'lawful' or 'complete'.
[477] *LHP.,* 55,3b, ed. Downer, pp. 174-5.
[478] *Dialogue* II. iv, ed. Amt and Church pp. 124-5.

For *Glanvill*, too, multiple homage was possible, but was to be regulated by the designation of one lord as liege:

> *Potest autem quis plura homagia diuersis dominis facere de feodis diuersorum dominorum, sed unum eorum oportet esse precipuum et cum ligeancia factum, illi scilicet domino faciendum a quo tenet suum capitale tenementum is qui homagium facere debet.*
>
> (A man may do several homages[479] to different lords for the different fees held of those lords; but there must be a chief homage, accompanied by a liege oath,[480] and this homage is to be done to that lord of whom he holds his chief tenement.)[481]

Multiple homage also appears in the Burton charters. Ralph son of William de Anslow was to serve the abbot and particularly to come *ad placita eius*, whenever summoned, unless he was excused due to illness, or from being on the service of his lord Robert de Ferrers, *cuius homo ligius est*.[482] Clearly, Ralph had obligations to both. Liege homage appears relatively frequently in the Burton cartulary, and some further strands on the creation of a liege bond can be drawn out. A specific oath seems to have been used to create liege homage.[483] Liege homage could be made (*facere homagium ligium, facere eis ligiacionem*)[484], or the person could become a liege man of a lord (*factus [est] ligius homo*).[485] In one case it is recorded that the

[479] See above, p. 42 for discussion of the change from *fides* in *LHP* to homage in *Glanvill*.
[480] Hall translates *ligeancia* as 'oath of allegiance' (p. 104), but the above is less ambiguous.
[481] *Glanvill*, IX. 1, ed. Hall, p. 104.
[482] BL Loans 30, fo. 38V-39; *Modwenna,* Appendix, no. 9.
[483] Cf. *Chronicon Abbatiae Ramesiensis* c.292, ed. W. D. Macray (London, 1886), p. 263, '[Wido de Auco] *effectus est homo ligius abbatis et ligiam fidelitatem fecit ei*' (1114x30); cited Hudson, *OHLE*, p. 432 n. 114.
[484] BL Loans 30, fos. 37-37V, 39; *Modwenna*, Appendix, nos. 5, 11. 'Simple' homage was also made (*facere* […] *hommagium*: *ibid.*, no. 9).
[485] BL Loans 30, fos. 37V-38V; *Modwenna*, Appendix, nos. 16, 27. See also *The* Registrum Antiquissimum *of the Cathedral Church of Lincoln*, ed. H. W. C. Davis, C. Johnson, H. A. Cronne, and R. H. C. Davis (4 vols., Oxford, 1913-69), ii. 495, pp. 192-3 (1150), where one Edrich is described as *homo ligeus* of Ralf of

new liege man had paid 3 marks to secure (*corroborare*) the *pactum*.[486] The most common statement however is that such and such a piece of land was conceded to the tenant, *ligio homini nostro*.[487] Liege homage within families, or something akin to it, may also have been possible. Abbot Geoffrey of Burton granted lands to Herbert his *nepos* sometime between 1130x50, who is described as *sicut nostro ligio homini*.[488] The charter regarding Ralph, above, lends some credence to these charters recording what were current homage arrangements, since this acknowledgement recognises the limitations of the abbey's ability to command Ralph's service. If these charters were simply attempts to control tenants, we may suspect that they would have recorded having received liege homage from all of them.[489]

So there seems to have been a consistent idea through the twelfth century that an individual with several lords should have their *fides* to them ranked hierarchically, with one lord as liege being able to take priority over the others. The Burton charters and *Glanvill* agree explicitly that a liege oath was to be sworn to the lord in question. It is clear, also, that the non-royal liege lord was to take priority over any other homages or *fides* which a man had sworn, except that owed to the king.[490] The term used for the idea varies in the sources: those written in a context close to the royal court in the later twelfth century favour the more neutral 'chief lord' (*capitalis dominus*) rather than *ligius*. It is tempting to attribute this to Henry II's increasingly assertive claims on his subjects' prior allegiance.[491]

Caen, a canon of Lincoln cathedral. Edrich was also to be subject to the justice of the prebend of Asgarby *sicut homo ligius*, and he and his heirs were to be *obedientes et obnoxii* (cited Hudson, *OHLE*, p. 432 n. 113). The latter is an interesting verbal echo of *LHP*'s *ei magis obnoxious est* (*LHP* 43,6; ed. Downer pp. 152-3).

[486] BL Loans 30, fo. 37V; *Modwenna,* appendix, no. 16.

[487] BL Loans 30, fos. 37V, 39V; *Modwenna*, appendix, nos. 21, 23.

[488] BL Loans 30, fo. 38V; *Modwenna,* appendix, no. 24.

[489] Cf. the Domesday folios concerning the rights of Bury St Edmunds over its men (Baxter, 'Lordship and justice', pp. 415-7 and n. 161).

[490] See below pp. 146-51.

[491] See below, pp. 148-9.

The *LHP* and *Glanvill* are not identical, however, in their discussions of which of one's non-royal lords should be the liege. The *LHP* is ambiguous, merely stating that the liege lord was to be the one 'to whom a man is more bound'.[492] *Glanvill*, however, makes two, possibly contradictory statements. The quotation above states that the liege lord must be one of whom the 'chief tenement' was held—a statement which will be discussed further below.[493] Elsewhere, however, in discussing wardship, *Glanvill* described the liege lord as the lord from whom the earliest enfeoffment was held.[494] These statements do not necessarily contradict one another, and indeed it is entirely possible that these attributes— earliest grant, site of the tenant's *caput*, and closest adherence— could be encompassed in the same lord. Above all, however, this lack of precision between and within sources may indicate that multiple homage was not problematic enough for a fundamentally coherent customary practice to be developed, even by the 1180s when multiple lordship seems to have been widespread.

Service and attendance

As discussed in the Introduction, lords granted out lands in return for receiving service from them. This could take the form of economic obligations, which are almost always mentioned in charters; military service, which will be discussed in its own section below; labour services; and more nebulous requirements for personal support and attendance on the lord. When services were to be performed to different lords for different parcels of land, the customs on multiple lordship suggest a

[492] '*…ei magis obnoxious est*', *LHP* 43,6; ed. Downer pp. 152-3.
[493] *Glanvill* IX, 1, ed. Hall p. 104. See below, p. 133.
[494] '*capitales eorum domini, id est illi quibus ligeanciam sicut de primis eorum feodis debent', Glanvill* VII. 10, ed. Hall, p. 84.

straightforwardly pragmatic approach of a hierarchy of service, and a compartmentalisation of obligations.

For the *LHP*, the agricultural and economic services owed to each lord should only be fulfilled from the land held from that lord: a man's tenures should be discrete.[495] If we turn to liege lordship, we can see that it seems to have had little impact on the nature of services arising from a grant of land. In the Burton charters, both those described as *ligius homo*, and those who have done just *hominagium* can be required to give hospitality to the abbot and his men,[496] come to the abbot's pleas,[497] or provide men for work on the abbey's lands.[498] Both liegemen and those who had done simple homage can receive lands free from *consuetudo* and service,[499] or be received in the abbey for burial, for which one third of their chattels was to be taken.[500] Similarly, the types of tenures themselves did not vary with the types of homage. A lot of these early Burton charters are grants of land in fee-farm, and both liegemen and non-liegemen appear as holding by this tenure.[501]

We do not have any explicit statements on the personal relationship which a man is meant to have with all of his lords, but there are two strands about the relationship

[495] *LHP* 43,5, ed. Downer, pp. 152-3.
[496] Liege: BL Loans 30, fos. 37-40; *Modwenna,* Appendix, nos. 7, 13, 27, 28; non-liege: BL Loans 30, fos. 38V, 40; *Modwenna,* Appendix, nos. 8, 14.
[497] Liege: possibly BL Loans 30, fos. 39-39V; *Modwenna,* Appendix, nos. 11, 13; non-liege fos. 38V-9, *Modwenna,* Appendix, no. 9.
[498] Liege: BL Loans 30, fo. 39-39V; *Modwenna,* Appendix, nos., 7, 11, 13; non-liege BL Loans 30 fo. 40, *Modwenna*, Appendix no. 8.
[499] Liege: BL Loans 30, fo. 37V; *Modwenna,* Appendix, nos. 16, 23; non-liege BL Loans 30, fo. 39; *Modwenna,* Appendix, no. 6.
[500] Liege: BL Loans 30, fo. 38-39V; *Modwenna,* Appendix, nos., 12, 13, 27; non-liege, fo. 40, *Modwenna*, Appendix nos. 8, 14. This may also reflect the abbey's position as a locally important religious site rather than a clear statement about the connection between liege homage and burial, or an expression of lordship by the abbey. Cf. D. Postles, 'Monastic burials of non-patronal lay benefactors', *Journal of Ecclesiastical History* vol. 47.4 (1996), pp. 620-37, esp. pp. 627-8.
[501] Liege: BL Loans 30, fos. 37-40; *Modwenna,* appendix, nos. 5, 11, 12, 13, 21, 27, 28; non-liege fos. 38, 40; *Modwenna,* appendix, nos. 14, 26.

between a man and his liege lord. The first is where the liegeman is to live. The *LHP* states in several places that a man should be the *residens* of his liege lord.[502] By comparison with the *LHP*'s other uses of the word, a lord's *residens* was a man of his who had his dwelling on the land held of that lord. [503] It is tempting to suggest that this is referring to the main dwelling (*caput*) of the liegeman. *Glanvill* concurs. In the statement quoted above, the liege lord is to be the one on whose lands the man had his 'chief tenement' (*capitalis tenementum*).[504]

The second strand is the closeness that seems to have been assumed between a personal lord and his man. The *LHP* say that however much a man may hold of other lords, 'he owes more to the lord whose liege man he is by way of what is honourable, useful, and necessary for the lord's sufficiency (*facultas*), for his health, for his soul'.[505] By the later twelfth century, this seems to have been allowed to have an impact on royal administration. As part of the discussion of the duty of the sheriff to render accounts for lands of the royal farm in the *Dialogue of the Exchequer*, the Teacher explains that there are certain valid excuses for the sheriff's failure to appear at the Exchequer in person. These included family crises such as the mortal illness of a son and heir, a wife in a difficult childbirth, or the death of either. His liege lord's mortal illness however—and the latter's wish to make a will— could also excuse

[502] *LHP,* 43,6-a; 55,2; 82,5, pp. 152-3, 172-3, 256-7.
[503] *LHP* 41,2 (ed. Downer, pp. 146-7) states that a person who *residens est* should receive a court summons *ad domum suam* in the presence of witnesses, in his *familie libere*. Similarly, 41,5 (ed. Downer, pp. 148-9) states that one who has several fees in a county should receive a summons *ad quam earum residens erit cum familia sua*. In 55,1a (ed. Downer, pp. 172-3), a man who is *residens* at a distant manor of the honour is still required to attend court if his lord summons him. These seem to suggest that *residens* is being used to describe a household independent of that of the lord. There are no grounds, therefore, to assume that *residens* should be automatically taken to mean one living in his lord's household in the other clauses in which it is used. Pollock and Maitland also take this to be the meaning of *residens* (Pollock and Maitland, *History of English Law*, i. p. 298).
[504] *Glanvill* IX, I, ed. Hall p. 104. The Ramsey Chronicle also refers to this concept. One Wido de Auco 1114x30 became the liegeman of the abbot, *et pepigit ei ligiam resethantisiam, id est, residentiam* (*Chronicon Abbatiae Rameseiensis*, c. 292, ed. Macray p. 263). *Resethantisiam* is a variant of the more common *reseantisia*, 'residence, dwelling' (*DMLBS* s.v. 'reseantisa')
[505] *LHP* 82,5, ed. Downer pp. 256-7; see also 55,2, ed. Downer pp. 172-3.

him, or if the liege lord had recently died and his man needed to help with the funeral. He could also be excused if he had been summoned by his liege lord on a lawsuit concerning his own fief, or on a matter which could damage his liege lord's 'status or body' (*status uel corporis*).[506] These statements come after a detailed description by the Teacher of the importance of the sheriff appearing in the Exchequer to render the farm, and particularly of the punishments awaiting one who failed to do this: 'the sheriff who has been summoned and has not come or excused himself runs a serious risk to his chattels and real estate, and even to his own body'.[507] Clearly the liege lord's death or time of extreme need was thought to be sufficient grounds for leave from the king's service, on the same level as the death of a wife or an heir, either from compassion, or the deep impact which these events could have on an individual's administration of his lands.

So the ideas about service due from a multiple tenant to his lord fall into two categories. For non-military service, the *LHP* stated that service done for each lord was only to be done from those lands which the lord had granted to his man, and the topic is not discussed elsewhere in the sources. Personal attendance is more complex, however. It seems to have been expected that some sort of emotional bond would exist between a liege lord and his man, perhaps to a sufficient degree that even the king would waive important service requirements in recognition of this.

Feudal incidents

[506] *Dialogue* II. iv, ed. Amt and Church pp. 124-7.
[507] *Ibid.*, II. 3, ed. Amt and Church, pp. 122-3.

In addition to service, twelfth-century lords could also receive feudal incidents from their military tenants: reliefs, wardship, and marriage.[508] It stands to reason that the first of these did not automatically cause a problem. In the same way as paying renders to different lords, relief could be paid to several lords without any clash of service, if men could stump up the necessary funds. Indeed, none of the sources discussed here raises relief as a potential issue. The latter two incidents have more potential for problems, turning as they do on the person of the heir.

Wardship encompassed two elements: management of the heir's lands, and guardianship of the person of the heir. If the heir were female and therefore unable to do homage then she was to stay in wardship until she was married, at which time her husband would be able to perform it to the lord on his wife's behalf.[509] The ability to control an heir's lands, potentially for up to twenty years if the heir was an infant,[510] or to sell the right to marry an heiress with valuable lands could be a big windfall for a lord. *Glanvill* is however the only source to discuss how to manage the claims of different lords to the person of the heir. This may be due to feudal incidents becoming more valuable between the early and later twelfth century, and therefore a more likely source for dispute, or that he was concerned to stake out the king's rights to wardship.[511]

Glanvill states:

[508] Hudson, *OHLE,* p. 454.
[509] Milsom, 'Prerogative wardship', pp. 239-40. Males seem to have remained in wardship until they attained their majority. See also Holt, 'The Heiress and the Alien', pp. 246-247.
[510] This could be particularly valuable in the later twelfth century when the value of lands was rising, but the renders to lords tended to remain static: direct management was becoming a much more attractive prospect. (Milsom, 'Prerogative wardship', p. 238; cf. Jocelin of Brakelond's list of complaints about how the abbey of Bury St Edmunds had fallen into debt by 1173, which includes the comment that 'the abbot's villages and all the hundreds were leased out' (Jocelin of Brakelond, *Chronicle of the Abbey of Bury St. Edmunds* ed. and trans. D. Greenway and J. Sayers (Oxford, 1989), p. 3).
[511] Milsom, 'Prerogative wardship', p. 238.

Si uero plures habueri[n]t dominos ipsi heredes sub custodia constituti, capitales eorum domini, id est illi quibus ligeanciam sicut de primis eorum feodis debent, eorum habebunt custodiam; ita quod de ceteris feodis et releuia et alia recta seruicia dominis ipsorum feodorum facere tenentur, et sic custodia eis per totum sub forma predicta remanebit.[512]

Hall's translation of this reads:

'If heirs who are in wardship have several lords, then their chief lords, namely those to whom they owe allegiance based on the first feoffment, shall have wardship of their bodies; but in respect of their other fees the heirs are bound to pay reliefs and do the other lawful services to the lords of those fees, who will thus have full wardship in the manner described above.'[513]

Milsom however queried this translation. As he noted, it seems to have been a well-established principle that a lord could not receive both wardship and services (including relief) from a piece of land: 'the lord was entitled to wardship because and when and so long as his tenant could not do the service.'[514] Milsom argued, then, the Latin should be understood as saying that instead of all of the lords receiving reliefs, services, and wardship from heirs, that the non-liege lords received only their due reliefs and services. The liege got custody of the heir's person, and of all of the heir's inheritance. It was he who saw to it that the heir's succession was safeguarded: that the heir did the necessary homage to the other lords, paid the relief, and saw to it that the services for the lands were done.[515] Milsom also argued that the liege lord would himself take the heir's homage, so that the heir's inheritance that was to be held from

[512] *Glanvill*, VII. 10, ed. Hall, p. 84.
[513] *Ibid.*
[514] Milsom, 'Prerogative wardship', pp. 225-7. Quotation at p. 226.
[515] Cf. Assizes of Northampton, 4: 'and if the heir is underage, the lord of the fee is to receive his homage and have him in wardship as long as he ought. Other lords, if there are several, are to receive his homage, and he is to do to them what he ought to do.' Hudson, *OHLE*, p. 810.

the liege would pass out of the liege's hand, and make him the *custos* of the heir.[516] The 1100 Coronation Edict[517] of Henry I and the Assize of Northampton of 1176 may chime with this system.[518]

Between *Glanvill* and Bracton, however, Milsom saw a change had taken place. When a multiple tenant died and left an underage heir— if he had not held land directly from the king— his lords seem to have each begun to take wardship of their own fee, and the liege now only received the person of the heir.[519] For Milsom, this change was driven by two main factors: the development of abstract rights of inheritance, and economic change. As discussed above in the Introduction, and will be discussed further below, Milsom thought that it was the legal reforms of Henry II that allowed the creation of abstract property rights such as inheritance;[520] prior to this, an heir had only an expectation to succeed to his relative's lands, and if passed over by his lord, had no means of redress. As inheritance became standardised, it became less necessary for the heir's inheritance to be safeguarded against his lords.[521] The economic change for Milsom was bound up with this change. Services from land, he thought, became less valuable; instead, a lord could raise greater revenue from managing lands directly, and the feudal incidents became the most valuable windfalls for a lord.[522] For a liege lord to take over the heir's person *and* the lands which he was to inherit, now seemed inappropriate: 'The liege protector had become the monopolist anomalously taking revenues which in the newer world seemed to belong to others.'[523] Where a multiple tenant held some land from the

[516] Milsom, 'Prerogative wardship', 235-6.
[517] See Garnett, *Conquered England*, p. 105 for discussion of why William of Malmesbury believed that this term was to be favoured over 'charter'.
[518] Milsom, 'Prerogative wardship', pp. 233-236.
[519] *Ibid.,* pp. 229-30.
[520] See above pp. 22-4 and below pp. 263-5.
[521] Milsom, 'Prerogative wardship', pp. 238, 243.
[522] *Ibid.,* p. 238.
[523] *Ibid.*

king, however, the older practice seems to have continued: 'Only the king was hardy enough to resist this pressure and hold to his prerogative wardship.'[524]

Milsom was rightly reluctant in ascribing a clear date to this change, or to attempt to trace its development in legislation: 'Results followed from what people did',[525] but it was sufficiently embedded in practice to make its way into Bracton. Milsom also pointed out that there are several disputes from the early *Curia Regis* rolls which may be interpreted in either a Glanvillian or a Bractonian framework; but one case from 1222 may reflect that a change had taken place.

Milsom's overarching framework of twelfth century socio-legal change does not stand up in its entirety to scrutiny on the basis of the charter evidence.[526] Nevertheless, his narrower points above are compelling. For our purposes here, his argument suggests that at least by *Glanvill*'s day, if not before, there was a body of custom which sought to lay out in cases of multiple lordship which lord should receive which rights over an underage heir. The suggestion may be therefore that this was a potential source for disagreement between lords. This custom also placed the liege lord in a position of not insignificant responsibility over the heirs of his men. If he was the one to manage and defend his men's lands directly, and to arrange their marriages, this could lock a man in to his liege lord's interests and personal retinue from an early age.

[524] *Ibid.*
[525] *Ibid.,* p. 231.
[526] See below, pp. 263-5.

Jurisdiction

At some point after the Conquest, lords began to hold courts on their own lands for their own men.[527] The honorial court acted as a forum for making and confirming grants, settling disputes between a lord's men, and for disciplining those who had failed to render what was due from their tenure.[528] By the time of the *LHP*, we can see a series of statements about the interaction of seigneurial courts, and how multiple lordship intersected with judicial procedure.

Its statement on judicial rights is worth considering closely:

> *Si multis homagium fecerit, et ab aliquo eorum captus et implacitatus sit, ille cuius residens et ligius est erga quoslibet alios iure potest eum plegiare, nec debet ei denegari qui manbotam inde haberet et cui ipse magis acquieuerit.*
> (If he has done many homages and is seized and impleaded by any one of [his lords], the lord whose *residens* and liege man he is may rightly stand pledge for him in respect of any other lords; and this ought not be denied to the lord who would be entitled to the *manbot* and to whom the man himself has adhered more closely.)[529]

The liege lord is therefore able to stand as pledge for his man against his other lords if needed.[530] Similarly, the liege lord was the one to receive the *manbot*, the compensation if his man were killed. These elements are close to the role of the personal lord in the late Anglo-Saxon lawcodes.[531] In addition, the liege's own cases

[527] John Hudson noted that this may have been a continuation of practice in pre-1066 Normandy (Hudson, *OHLE*, p. 285). References to grants being made with the consent of a donor's men may suggest a court, although such statements are too ambiguous for certainty (*ibid*., n.94). Cf. *Leges Edwardi Confessoris*, 9.1-3, ed. B. R. O'Brien in *God's Peace and the King's Peace: the laws of Edward the Confessor* (Philadelphia, 1999), pp. 166-7.
[528] Hudson, *OHLE*, pp. 286-7.
[529] *LHP* 43,6a; adapted from Downer, pp. 152-3. The translation of *residens* as 'feudal vassal' by Downer seems unwarranted.
[530] Cf. *LHP* 43,6a; 82,5, ed. Downer, pp. 152-3, 256-7.
[531] II Edmund 7, 7.3; I Æthelred 1.10. As discussed above, however, others could also fulfil this role. II Edmund 7.3 says that after a man has been killed, amongst other things, the *manbot* should be paid to the lord, between the payment of the *healsfang* and the first installment of the wergeld. VIII Æthelred 3

against his man overruled those of other lords: if a complainant's lord were to implead him while the complainant's own case is due to proceed, the liege lord's own hearing is to take precedence.[532] The *Dialogue of the Exchequer* makes a similar assumption. As above, a sheriff summoned by the king to account for his farm could be excused from attending if he had been summoned by his liege lord for a case concerning his own fief, or to help with a case[533] which could threaten the lord's person, and which could not be put off.[534] The liege is thereby in essence able to get priority even over the king's claims on his men.

Military service

After the Conquest, William the Conqueror had granted out lands to his followers, or confirmed them to Englishmen and, possibly at the same time, demanded from them a quota of *milites* to be mustered whenever he required it.[535] Tenants-in-chief may initially have met these requirements from their household men, but soon began to pass the requirement on to their own men by alienating lands to them as knight's fees.[536] Military service in the twelfth century therefore constituted an important

states that the *hlaford* of a man slain in a church is to receive his *manbot,* and this is repeated in I Cnut 2.5.

[532] *LHP* 61,6b, ed. Downer, pp. 194-5.

[533] Amt and Church translate *causa* as 'matter' (p. 125). The context seems to suggest that this should be read as a legal action, however: *si dominus eius qui uulgo ligius dicitur...uocauerit ipsum, ut adsit sibi tracto in ius de toto feodo suo uel eius maxima parte, uel super alia causa que in status uel corporis sui detrimentum redundare uideatur, excusari poterit* (*Dialogue* II. iv, ed. Amt and Church pp. 122-5).

[534] *Ibid.*

[535] J. H. Round, 'The introduction of knight service into England', *EHR* 6 (1891), pp. 417-43; W. Stubbs, *The Constitutional History of England in its origin and development,* 6th edn. (3 vols., Oxford, 1903-6), i. 284-8. Round, *Feudal England*, pp. 225-314; Chew, *Ecclesiastical Knight Service*, pp. 1-10; J. C. Holt, 'The introduction of knight-service in England', in *Colonial England*, pp. 81-101; Hudson, *OHLE*, p. 338; Garnett, *Conquered England* pp. 58-9. A military quota seems to have been in place by 1073, from when we have William I's writ summoning Abbot Aethelwig and the five knights which he owed on account of his abbacy (*RRAN* i ed. Bates, no. 131, although Bates believes that the writ is a later forgery). The *Liber Eliensis* mentions that when William I was moving against King Malcolm of Scotland in 1072, he ordered the abbots and bishops of all of England to provide their *debita militia obsequie*, which may allow the quotas to be pushed back by a year. This was clearly a heavy imposition on the abbey, and so stands a chance of being an accurately remembered grievance (*Liber Eliensis*, II. 134; ed. Blake, p. 216).

[536] The abbot of Abingdon initially kept mercenary knights in his household for his protection. *Historia Ecclesie Abbendonensis,* ii. 5, ed. Hudson, ii. pp. 4-9; Harvey, 'The knight and the knight's fee', pp. 5-7.

component of land tenure, and subtenants' holdings were dependent on their ability to provide the number of knights required by their lords. It was not uncommon, however, for a man to owe military service to more than one lord simultaneously. For pragmatic reasons, then, military service could cause problems. It may be that the basic requirements of service could be managed by serving one lord personally, and sending a representative knight to any others.[537] More than this, however, the nature of what would be required on occasion—attacking another lord or his property—could put an individual in breach of their homage, if a man were unlucky enough to have his lords fight.[538] The danger of a breach may have been more acute, moreover, if the man could be seen as endangering his lord's person.[539] Ideologically, therefore, military tenure was one of the biggest potential headaches for men with multiple lords, and we can see various attempts in the sources to address this.

As with other aspects of the discussion of multiple lordship in the legal sources, liege lordship is put forward as a means of avoiding potential problems. Liege lordship

[537] This seems to be the implication of the statements in the normative sources: *LHP*'s *in bello secum esse* (*LHP*, 82,5, ed. Downer pp. 256-7) and *Glanvill*'s *si capitalis dominus eius ei preceperit quod secum in propria persona* (*Glanvill*, IX, 1, ed. Hall p. 104) both specify with which lord the man should be, suggesting that this was something open to question.

[538] See above, pp. 75-7 for discussion of the Giroie family falling foul of this in eleventh-century Normandy.

[539] *LHP* 75,2, ed. Downer, pp. 232-3, which seems to have been adapted from II Cnut 57. If a man were accused of treachery against his lord, he was at high risk of being executed— and moreover, in a way to encourage stringent maintenance of allegiance in the witnesses. One particularly striking case is that of Conan, son of Gilbert Pilatus, identified as the main leader in the rebellion of Rouen against Robert Curthose in 1090 (Chibnall, 'Feudal society in Orderic Vitalis', pp. 41-2). The future Henry I, who was at that time fighting for Robert, dealt with the matter. Orderic Vitalis recounts that Henry brushed off Conan's pleas and offers to ransom his life, replying that there was no ransom for a traitor. The king then personally threw Conan to his death off a tower in Rouen (OV VIII. 15, ed. Chibnall, iv, pp. 224-227). William of Malmesbury also recounted the events. He has Henry say that 'there should be no delay in executing a traitor, for however much mitigation might be urged for the offences of another man's vassal, once the perfidy of a man who had sworn homage to you has been proved his punishment should follow without delay.' (William of Malmesbury, *Gesta Regum,* V. 392, ed. R. A. B. Mynors and M. Winterbottom (2 vols., Oxford, 1998-1999) i. pp.712-5. See also C. W. Warren-Hollister, 'Royal Acts of Mutilation: the case against Henry I', *Albion* x (1978), pp. 330-340). Although this case is more clearly outright treachery than failure to serve, it is perhaps at the far end of a continuum, on which failure to perform military service sits at the relatively milder end.

seems to have required personal military service from the liegeman.[540] *LHP* only makes one brief statement about it: that the man should be with his liege lord when he goes to war. [541] *Glanvill* is clear about the military implications of liege lordship. If the lords to whom a man owes homage attack one another, his liege lord can command him to go personally with him against one of his other lords— but the man in question must still do his service to the attacked lord for the fee which he owes to him.[542] The liege lord may order his man in all things, up to the attacking of another lord. He is not, however, able to interfere in his man's relationship with that other lord, and the man in question must still do the service that he owes to his non-liege lord. If we imagine a man, X, who is bound to Lord A by liege homage, and to Lord B by non-liege homage, Lord A can order X to attack Lord B— but X must still do the service which he owes to B, which would presumably include military service. For X to do otherwise would breach his homage to Lord B.

The liege lord is also prevented from interfering with the relationship between his man and the king, whose order overrules any other lord. For the king, however, no such restriction existed, and he was able to order a man to attack his own liege lord— although this was the only circumstance under which it was allowed. The *Dialogue* states this, and *Glanvill* concurs, the latter allowing this also in cases of self-defence.[543]

Our most revealing source for the military restrictions on liege homage is found in the *conuentio* between Earl Robert (II) of Leicester and Ranulf (II) Earl of

[540] A similar idea seems to have existed in Catalonia. In the 'Usages' of the count's court, it is stated that 'The lord of a liegeman (*home solidu*) is entitled to his aid against all and sundry; no man may use it against him.' (Bloch, *Société Féodale,* p. 329; Ganshof, *Féodalité*, p. 96).
[541] *LHP* 82,5, ed. Downer, pp. 256-7, '*in bello secum esse'.*
[542] *Glanvill*, IX. 1, ed. Hall p. 104.
[543] *Dialogue* II. iv, ed. Amt and Church pp. 124-5; *Glanvill* IX. 1, ed. Hall, p. 104.

Chester.[544] This was broadly dated to 1148x1153 by Stenton, but more recent work favours the later date: Barraclough suggested a range of 1149x53, but that it is likely to fall in early 1153,[545] and Golob argued for a narrower date of between June and August 1153.[546] The region covered by the *conuentio*—— north-west Leicestershire and eastern Staffordshire— had been a focal point for the tensions between the two earls. Ranulf II's activities in the unrest of Stephen's reign are well-known. Although he may not have changed sides as many times as Round thought he had, he seems to have taken advantage of an unstable political situation to draw in men, annex lands, and thereby extend control over new areas.[547] His actions in Lincolnshire were more strenuous than those in the north Midlands, but Paul Dalton has argued convincingly that in the latter area he was seeking to create a corridor of lands between Chester and Lincoln.[548] In his area, Chester and Leicester clashed repeatedly before this arrangement was made under the auspices of Bishop Robert II of Lincoln and Bishop Walter Durdent of Chester. The main concern in the document seems to be the possibility that that the two would be forced to fight. The two earls are to keep faith (*fides*) with one another,[549] but this has to be tempered by what each owes to his liege lord.

[544] BL Cotton MS. Nero C. iii, f. 178, ed. Stenton, *First Century,* pp. 250-3, appendix pp. 286-8). The agreement is in the form of a cyrograph focused on north-west Leicestershire and eastern Staffordshire, in particular concerning the control of the castles in this region. The structure of the charter is in three parts: first the promises of the Earl of Leicester to Earl Ranulf, and then *vice versa*, followed by the means for preserving the agreement.

[545] Barraclough, no. 110, dating at pp. 125-6. He argued that the earliest date is likely to be 1149, since Robert Chesney was not consecrated bishop of Lincoln until 19 December 1148.

[546] Golob, 'Ferrers', i. pp. 129-142. These dates rely on how we read the position of the two earls in the document. Barraclough thought that Robert of Leicester, 'without having openly abandoned Stephen, was busy hedging his bets.' (Barraclough, p. 125).

[547] J. H. Round, 'King Stephen and the Earl of Chester', *EHR* 10 (1895), pp. 87-91; R.H.C. Davis, 'King Stephen and the Earl of Chester revised', *EHR* 75 (1960), pp. 654-660; R. H. C. Davis, 'What happened in Stephen's reign, 1135-54', *History* vol. 49, no. 165 (1964), pp. 1-12.

[548] P. Dalton, 'Aiming at the impossible: Ranulf II Earl of Chester and Lincolnshire in the reign of King Stephen', *The Earldom of Chester and its Charters: A Tribute to Geoffrey Barraclough: Journal of the Chester Archaeological Society* 71 (1991), p. 131.

[549] We know, however, that the earl of Leicester had recently done homage to Chester and was granted in return Chester's castle in Mountsorrel. The charter recording this grant states that Robert had done homage for Mountsorrel vill and castle (*pro homagio suo*) (BL Lansdowne MS. 415, f. 41, cited Stenton, *First Century*, appendix, no. 47, pp. 285-6). The suggestion seems to be however that this was a recent

If either is required to attack the other on the command of his liege lord, he is only to bring 20 knights with him, and if any of that party were to take anything from the other earl, they were to return it in full. No one, including the liege lord of Earl Robert, was to attack Earl Ranulf from the former's castles or his land, and the same for Earl Ranulf to the Earl of Leicester.[550] If either broke their *fides*, the bishops of Lincoln and Chester were to 'do justice upon him as for broken faith' (*facient iusticiam* […] *de fide mentita*), since both had made the agreement 'on their Christianity' (*super Christianitatem suam*). It is interesting to note that the term liege lord is used rather than a specific royal title, which may reflect that they were nominally on opposite sides, and the distance of this agreement from royal intervention.[551]

The limitations on numbers and looting was presumably intended to reduce the potential damage that the earls could inflict on one another, and ensure that neither could profit from the other's goods. The liege lord's power to order his man,

grant, made in order to try to create peace between the two earls, and that therefore the homage done for it was also recent. In theory, the homage bond would prevent either man from attacking the other. It is likely that this grant was more in the nature of a sworn friendship than a hierarchical arrangement.

[550] This treaty should be compared with the *composicio amoris* made between William earl of Gloucester and Roger earl of Hereford (see R. W. C. Davis, 'Treaty between William earl of Gloucester and Roger earl of Hereford', in *A Medieval Miscellany for Doris Mary Stenton*, ed. P. M. Barnes and C. F. Slade (London, 1962), pp. 139-146). This was drawn up to reaffirm a peace bond that had previously been made between the fathers of these two earls, sometime between 25 July 1141 and 24 December 1143, and clarifies a number of its points. The later treaty describes the earl of Hereford as the man of the earl of Gloucester, but as R.H.C. Davis pointed out, 'he only does so on terms' (*ibid.,* p. 141). Hereford will serve Gloucester if the latter aids him in disinheriting Gilbert de Lacy. Each earl is to come to the other's aid *contra omnes homines*, except against *corpus domini sui Henrici* (duke of Anjou). The agreement was secured with 29 hostages. We can see, then, that the provisions against damaging the person of the liege lord were repeated elsewhere (although the term is not used in the treaty, the intention is clear).

[551] Nor is it entirely clear who would have been the liege lord of each at this time— if the *conuentio* is before 1153, then Robert earl of Leicester's liege would have been Stephen; but he defected to Henry of Anjou in May 1153. As R.H.C. Davis has shown, Ranulf did not change sides as many times as J. H. Round had argued, but remained a 'hesitant' supporter of Matilda until his death in December 1153 (Davis, 'King Stephen and the Earl of Chester revised', pp. 654-60; Davis, 'What happened in Stephen's reign?', pp. 2-5).

however, could not be gainsaid by the man himself— instead, loopholes had to be negotiated. Half-hearted service to the liege lord was better than none at all. There is a striking similarity, moreover, between the terms of this agreement and the statement about military obligations to the liege lord in *Glanvill*. The terms of this *conuentio* look like a pragmatic rendering of this general idea. There are suggestions, too, that this was a wider practice. Stenton, who printed this agreement in his *First Century of English Feudalism*, suggested that the figures given here for knights were a wider custom. A treaty between Henry I and Robert Count of Flanders stated that if King Philip of France were to attack Henry in Normandy, Count Robert was only to bring 10 knights with him.[552] Clearly similar problems outside England were meeting with similar solutions.

The difficulties which contemporaries seem to have had with the elements of military service are revealing about perceptions of multiple lordship. The liege emerges as the lord who is to enjoy priority over his man's service, and a closer relationship with him. Homage bonds could not, however, be contravened except by the king; instead, it was necessary to find ways of working around the letter of the law, while preserving the spirit as far as possible. It was a maze of potential felonies.[553] Nevertheless, we may question how frequently a man might find himself caught between two of his lords fighting. In order for this to happen, it would have been necessary for the lords to have been able to fight, and to have wished to fight on different sides. In Stephen's reign, this occasionally appears to have been the case,

[552] Stenton *First Century*, p. 251 n. 4. This source may offer a suggestion for one reason why multiple lordship was attractive to lords. By gaining the partial allegiance of the men of a rival, a lord could in effect limit the manpower available to his rival, and seek to ensure that less damage and looting could be done to his own property. The counts of Meulan, who had found themselves from 1080 the men of the duke of Normandy and the king of France, came to a different arrangement: they were not to serve the duke of Normandy personally, but were required to provide men from their lands in Normandy.
[553] Pollock and Maitland, *History of English Law* i. 301-4.

and could have been exacerbated by the weakness of the royal liege to subvert a lord's power by claiming the allegiance of his men. Outside this, it is likely to have been rare in England for a man to find himself caught in this kind of situation. This may account for the convoluted model which the sources suggest as an alternative to the problem: as with other elements of multiple lordship as discussed above, it was not a problem that had appeared frequently enough to stimulate a coherent body of custom to develop at this level of society. By contrast, the idea of the royal liege lord seems to have been more thoroughly hammered out in the course of the 'long twelfth century', because it was necessary to do so.

Royal liege lordship

'Liege' in a royal context seems to have developed to mean two distinct but overlapping roles: where a multiple tenant held land of the king and other lords, the king would always be liege; and as the king as preeminent lord over all of his subjects. Politically, both of these were of paramount importance to the king. Without being able to command the ultimate loyalty of his subjects, he would struggle to rule. As discussed above in Chapter one, William the Conqueror continued the Anglo-Saxon royal custom of taking an oath of allegiance from all subjects. The Salisbury Oath has been convincingly argued by J.C. Holt to be the time when homage was demanded by the king from all landholders, not just his tenants-in-chief:[554]

[554] Garnett, *Conquered England*, pp. 83-85; Holt, '1086', pp. 41-2. The so-called '10 Articles of William I' has as their second entry the claim that 'all freemen shall affirm by covenant and oath (*foedere et sacramento affirmet*), that, both in England and out of England, they will be loyal (*fideles esse*) to King William, and along with him uphold his lands and honour with the utmost loyalty (*omni fidelitate*), and defend them before him against his enemies.' This is echoed closely but more elaborately in the later source *Willelmi articuli retracti,* c.2 (ed. and transl. A. J. Robertson, *The Laws of the Kings of England from Edmund to Henry I* (Cambridge, 1925), pp. 244-5).

> [William] came at Lammas to Salisbury, and his council came to him there, and all the landholding men of any account throughout England, whosoever men they were, and they all bowed to him and became his men, and swore oaths of fealty to him that they would be faithful to him against all other men.[555]

A link was therefore established between the king and his subjects, in such a way that it was able to override all other allegiances. J. C. Holt suggested that this was exacted by William in 1086 'to shatter liege lordship in France', in preparation for rebellion against King Philip— in effect, pre-emptively to claim the allegiance of those men who now held land in both England and Normandy.[556]

In William Rufus' reign, liege homage seems to have become bound up with the investiture struggles around the appointment of Anselm to the archbishopric of Canterbury. A charter by the king of 1093 makes reference to when *Anselmus archiepiscopatus meus ligeus homo factus est*.[557] Liege lordship also came into play in the other main struggle of Rufus' reign: the threat posed by his brother, Robert Curthose, particularly by those landholders who held both in Normandy and in England. When William of St-Calais was implicated in a plot with Odo of Bayeux to put Curthose on the English throne in 1088, St-Calais was summoned to appear before Rufus.[558] When there, he complained that those 'who had been my liege men (*homines ligii*) and held whatever they held from a benefice of the church...at the

[555] ASC E, s.a. 1085 (1086).
[556] Holt, '1086', pp. 53-4.
[557] '*Hoc donum* [of the church of Orston, Notts., to Lincoln cathedral] *factum est die crastina qua Anselmus archiepiscopus meus ligius homo factus est*.' *RRAN* i, ed. Davis, no. 337; *Registrum Antiquissimum*, i. 14, p. 17; *DMLBS* s.v. 'ligius'; cited Hudson, *OHLE*, p. 432 n. 113.
[558] *De iniusta vexacione Willelmi episcopi primi per Willelmum regem filium Willelmi magni regis*, ed. H. S. Offler, A. J. Piper, and A. I. Doyle, *Camden Miscellany XXXIV*, 5 ser., 10 (London, 1997), pp. 53-101. I am here following the view that the *libellus* was produced close to 1088, or at the latest in the early 1090s (See D. Knowles, *The Monastic Order in England* (Cambridge, 1949), p. 169 n. 1; R. Southern, *Saint Anselm and his biographer* (Cambridge, 1963), p. 148, n. 1.

king's command have made war on me, and holding their lands peacefully of the king, I see them here with the king, ranged against me.'[559] The implication seems to be that these men held all of their lands from the episcopate of Durham, but that the king had overruled the bishop's liege authority with his own, and claimed his prior allegiance over them. Similarly, when threatened with an invasion by Curthose in 1101, Rufus' successor Henry I required an oath (*sacramentum*) that his subjects would defend England against all men, particularly Robert Curthose.[560]

In the mid-twelfth century, it was the oath to do homage in the future to Empress Matilda that was exploited as a loophole by Stephen's supporters, and which led to the outbreak of civil war.[561] The making and breaking of liege homage was key to supporting Stephen or Matilda, since for the first time there were two royal liege lords in England.[562] It is hardly surprising, then, that ideas about royal liege lordship underwent development. The clearest instance of this was in the 1153 Treaty of Winchester, where Henry duke of Anjou was made heir to King Stephen. The barons of England did liege homage to Henry as the future king, saving the *fidelitas* which they owed to Stephen as present king,[563] and supporters of both sides were therefore bound to both Stephen and Henry by homage.[564] Once he reached the throne, Henry II seems to have tried to keep tabs on liege lordship. The *Cartae Baronum* of 1166 in part seems to have been a means of checking which of his tenants' *milites* had not yet sworn liege homage to him (*nondum fecerunt ligantiam*) and ensuring that they did

559 *De iniusta vexatione*, II. 245-8; *English Lawsuits,* ed. van Caenegem, i. no. 134; translation adapted from *idem,* p. 96 and from Garnett, *Conquered England*, p. 84.

560 Garnett, *Conquered England*, p. 83 n. 279.
561 *Ibid*., pp. 209, 215-7.
562 For instance, *RRAN* iii, no. 68 (25 July- 1 August 1141) has Matilda as empress specifying that William de Beauchamp had become her liege man (*ligius homo*) in return for the shrievalty of Worcester. He was to be her man *contra omnes mortales*, and particularly against William count of Meulan.
563 *Ibid*., pp. 267-8.
564 *Ibid*, p. 273.

so. The return of Roger Archbishop of York mentions that the king had wanted to know whether there were any of the archbishop's fee who had not yet done liege homage, and what the names were of those which he did not have in his roll.[565]

Unlike for minor lords, we can see that great magnates who found themselves in the unenviable position of having two royal lords were likely to come off the worse for it.[566] William Marshal fell foul of this position under King John in the early thirteenth century. The loss of Normandy to King Philip of France in 1204 had put a number of landholders in the position of having to decide between maintaining their liege homage to John, maintaining their English lands but losing those in France; or breaking their liege homage to John and losing their English lands, but being able to do liege homage to King Philip and thereby retain their French lands.[567] William Marshal attempted to fudge this. In 1205 John allowed him licence to do (presumably, reserved) homage to Philip; but, at risk of losing his French lands, William did liege homage.[568] King John came to hear of this, and was furious. When later that year he wished to set out on a campaign to recover Poitou, William refused to accompany the king, since he would be otherwise forced to break his liege homage

[565] *R.B.*, i. p. 412; Garnett, *Conquered England*, p. 86 n. 297. These were followed soon after by the Inquest of Sheriffs in 1170, which ordered inquiries to be made in each county about who owed homage to the king, and had not yet done this to him. The 1176 Assize of Northampton ordered that royal justices should take *fidelitas* to the king from all men, even down to the *rustici*. Those of them who had not yet sworn homage to the king *sicut ligio domino* were required to do so. The latter may be related to the rebellion by 'Young Henry' of 1173-4, which had garnered widespread support (Garnett, *Conquered England* p. 87 n. 297; W. Stubbs, *Select Charters and other illustrations of English constitutional history from the earliest times to the reign of Edward the First* (9th ed., revised by H. W. C. Davis, Oxford, 1921), pp. 174-181). On the *Cartae Baronum* as a source, see T. F. Keefe, *Feudal Assessments and the Political Community under Henry II and his sons* (Berkeley, 1983), pp. 47-8; Dalton, *Conquest, Anarchy, and Lordship*, pp. 232-8.

[566] Some of this picture is undoubtedly due to the lack of material that we have for politics in the localities. But kings went to war more frequently than even rebellious magnates, and generally on a much greater scale. When one's allegiance became a matter for national politics, the pressures for those caught in this situation were much higher, and the penalties more severe.

[567] On an envoy from King John in 1204, William Marshal was successful in persuading King Philip to allow a year for landholders in Normandy to swear liege homage to him (Crouch, *William Marshal*, p. 84).

[568] This was due to the arrangement that the Marshal had previously reached with the king in 1204 (Paris Archives Nationales J 399 no. 5, cited Crouch, *William Marshal*, p. 86 n. 43).

to King Philip— but was accused by John of conspiracy with Philip.[569] As a result of this, the Marshal fell out of the king's favour for several years, although no definite breach occurred— William's position and standing may have made this too dangerous a thing for the king to contemplate.[570]

The idea of the king's liege lordship also appears in the legal and charter sources.[571] Consistently in *LHP* and *Glanvill*, the king is given priority of allegiance and service, including, in the latter, in wardship.[572] One of the Burton charters also states the allegiance owed to Henry I and his heirs overrules that of the abbot as liege.[573] The *Dialogue* mentions a practical implication: that any *miles, uel quilibet alius discretus* could be appointed by the king as sheriff or bailiff, even if he did not hold anything from him, because of the royal prerogative over service.[574]

[569] *Ibid*., pp. 86-88.
[570] Crouch, *William Marshal,* pp. 87-92.
[571] Aside from the Rufus charter cited above, the earliest plausible appearance of the term in England is a notification by either William I, or (more likely) William II to the Hospital of St Peter in York of c.1087x98. The address clause runs: *W(illelmus) rex Anglie omnibus hominibus et ligiis nostris tam francis quam anglis salutem*. David Bates suggested that it was produced in a northern context, since it was witnessed exclusively by men based in Yorkshire. (*RRAN* i ed. Bates, no. 353) Bates noted that the 14th-15th century cartulary of the Hospital of St Leonard's, York (as St Peter's was known following refoundation in Stephen's reign) preserves the earliest copy of this charter which it attributes to William I (BL Cotton MS. Nero D.iii). He argues, however, that the charter is more likely to be that of William II, who oversaw a major reorganisation of the hospital, which seems to have involved a shift to lands further west (*VCH Yorks* iii p. 336). This would also coincide with the two lay witnesses, Ralph Paynel and Geoffrey Bainard, serving as sheriffs for Yorkshire in the early years of William II's reign. Care needs to be taken in searching for early 'liegemen', as there seems to have been a trend in past historiography to use it to translate *fideles*. As shown above, however, it is clear that *fides* can be owed to a lord without liege homage (*RRAN* i ed. Davis, e.g. nos. 340, 402, 409, 412). Van Caenegem also does so consistently, for instance *Royal writs in England from the Conquest to Glanvill* (London, 1959), p. 145, cf. n. 3; *idem*, *English Lawsuits* i. no. 7, pp. 16-17 translates Orderic Vitalis' '*domino suo*' as 'to his liege lord'. *EHD* ii also falls into this, for instance translating *fidelibus* as 'liegemen' in the address clause of William I's writ separating spiritual and temporal courts (*EHD* ii., no. 79, cf. Stubbs, *Select Charters,* p. 85).
[572] *LHP*, 55,3, ed. Downer, pp. 172-3; *Glanvill*, VII. 10; IX. 1, ed. Hall, p. 84; p. 104. See above, pp. 135-8 for discussion of royal prerogative wardship.
[573] BL Loans 30, fo. 39V; *Modwenna,* Appendix, no. 7 says that Abbot Geoffrey received from Edwin of Pillatonhall *hominagium suum ligium contra omnes homines in saluam fidelitatem regis Henrici* (1114x26). See also *RRAN* ii, no. 1280 (10 April x 29 May 1121). Henry I granted to Miles of Gloucester the heiress Sibilia, and ordered that all the tenants of her marriage-portion *faciant ei hominagium ligium in mea salva fidelitatem sicut domino suo*.
[574] *Dialogue*, II iv, ed. Amt and Church, pp. 126-7.

In sum, then, the king's position as liege lord is much more commonly recorded, drawn on in politically fraught situations, and its different aspects more carefully hammered out, than we can see for private charters being produced in a more localised political context. Nor can this be simply attributed to a disparity in the volume of records from royal and local contexts. Although the charters from the former vastly outweigh the latter in the early twelfth century, by the late twelfth we see almost exponential growth in the number of surviving private charters. We are left, therefore, with the suggestion that the concept of liege lordship was much more important in a royal context: unlike in the localities, where multiple lordship seems to have been common and largely unproblematic, allegiance to the king was not to be shared.

Conclusion

From the twelfth century legal texts, then, we can see that there were some contemporary efforts to preempt problems thrown up by multiple lordship. The main points for concern in the texts regard clashes of service: service from land and personal attendance; feudal incidents; attendance at a lord's court; and military service. The sources here were almost entirely written by people seeking to show what they thought should happen, rather than what necessarily did take place. But this in itself is immensely valuable for what contemporaries thought about multiple lordship. Nowhere in the texts do we see a complaint about the practice of multiple lordship: instead, it is treated as something reasonably normal. In all of the cases discussed above, the sources put forward the idea of liege lordship as a means of assigning priority of service to one lord above the rest.

The idea of non-royal liege lordship needs treating carefully: in most cases we are unable to show whether or not the practices in the legal texts were being followed. Some development in the theory of liege lordship can be seen between *LHP* and *Glanvill*. In the former, only a few tangible aspects of a liege lord's power are described: that a man should be the *residens* of a liege lord;[575] that the liege is entitled to the *manbot*;[576] that the liege's permission was needed if a man wished to take on other lords.[577] Several of the statements are however quite vague, more general, almost idealistic pronouncements, rather than specific and quantifiable requirements. A man was to owe faith to his lord, in honourable and useful matters;[578] he owed the liege more of his help, and should be with him in war;[579] he should be more liable (*magis obnoxius est*) to his liege.[580] By the time of *Glanvill*, the references to the liege lord centre on his impact on tangible elements of lordship: the main concerns are in determining military duties, and matters of wardship. Nevertheless, even by *Glanvill*, references to non-royal liege lordship are scattered and, in some places, inconsistent, which may suggest a further point on multiple lordship. If it only created occasional difficulties, there was a less pressing need for a coherent body of custom to develop on how to work around these. Indeed, there is incoherence in the sources on the most fundamental question of liege lordship: who should be regarded as the liege lord. This is in contrast to royal liege lordship which underpinned many of the most volatile struggles, and which was repeatedly asserted and defined between 1066 and 1216.

[575] *LHP* 43,6, 82,5, ed. Downer, pp. 152-3, 256-7.
[576] *Ibid.,* 43,6a, ed. Downer, pp. 152-3.
[577] *Ibid.,* 55,3b, ed. Downer, pp. 174-5.
[578] *Ibid.,* 55,3, ed. Downer, pp. 172-3.
[579] *Ibid.,* 82,5, ed. Downer, pp. 256-7.
[580] *Ibid.,* 43,6, ed. Downer, pp. 152-3.

Whether or not we choose to see the multiplication of homage as an ‘abuse’, it is clear that there were broadly coherent ideas circulating in twelfth-century society about how to manage this situation, even down to reasonably local settings. Multiple lordship was not necessarily a problem, and nowhere in England do we see the practice being condemned as a deviation from the social order, or a threat— quite the reverse, as these sources show. While some difficulties must have been created, and the personal element may have suffered for non-liege lords, there is no reason to think that their man’s central services would have been neglected. The possibility of multiple homage, far from showing the fragility of the homage bond, shows its robustness. The idea of liege homage may have contributed to homage’s survival, by allowing it to adapt to an increasingly plural seigneurial landscape.

Chapter 3: Statistics for multiple lordship

As outlined in the Introduction, above, multiple lordship in twelfth-century England has received little historiographical interest. A large part of this seems to be due to the focus on the honours of individual lords, rather than addressing particular regions and families of subtenants in their own right. As a result, there does not seem to have been any attempt to establish what proportion of individuals held of more than one lord during the period, but a general assumption seems to be that it is uncommon when compared to those individuals who held solely from a single lord. Due to space constraints, it will not be possible here to go into a significant enough number of case studies to present a representative view of the area. The aim of this chapter, therefore, is to provide a wide statistical overview of the frequency of multiple lordship among the minor lords of Leicestershire, Derbyshire, and Staffordshire by 1216 to provide a basis for how we should conceptualise the practice in this area during the long twelfth century.

The figures show that it was a practice that constituted a significant proportion of minor lords' relationships with their lords by the first decades of the twelfth century, and becomes more visible thereafter as documentary records improve. The charts and discussion are below, but the more detailed prosopographical material for this section can be found in Appendix 1.

Methodology

The aim was to establish how many of the minor lords were holding land of more than one landlord by c.1216, in order to show how prevalent multiple lordship was during the twelfth century; by when it is possible to see this; and what patterns could be seen in where it appeared. Attempting statistical work for anything in medieval

history is always fraught with difficulty. The methodology is therefore laid out here in full in order to make explicit the means by which the analysis tried to take these problems into consideration, and to highlight what the resultant figures can and cannot show us.

The source basis for the survey are the charters of the area, either in original or cartulary form. First, a careful trawl of the records was undertaken for the period between 1066 and c.1220. This included almost all cartularies from the area,[581] some more recent published collections, the *Cartae Baronum* of 1166, and all extant single-sheet original charters.[582] Two basic facts needed to be established for each charter: the authenticity and date. A considerable number of original charters survive from the region, and these give the scope to check the charter itself: its palaeography, seal (if any) and condition can all help to establish whether it is genuine. The majority of the charters, however, come from cartularies, almost all of them from religious houses.[583] The authenticity for these has to be established primarily through the formulae, the people mentioned, and the construction of the cartulary. In the latter case, it is a widely-acknowledged phenomenon that scribes could seek to augment their house's claim to lands and rights by massaging an existing charter, or by outright forgery. They might also omit unfavourable elements, either cutting parts from a charter, or in excluding entire documents from the cartulary. Tutbury priory provides a clear example of both of these types of omission. The cartulary was produced under Prior Gedney, during whose tenure the priory freed itself from the

[581] The full cartulary of Croxton abbey (Leics.) has been omitted for reasons of practicality (Davis, nos. 291-292). It is in private hands, but an eighteenth-century copy exists in the British Library, compiled by Francis Peck (d. 1743) (BL Add. MS. 4934 fos. 145ff; BL Add. MS. 4935 fos. 95ff). I have examined Peck's copy, but owing to its great length I have been unable to thoroughly study and date the documents contained there. I have therefore used for this study only the partial edition printed by John Nichols in his *History and Antiquities of the county of Leicester*, ii pt. 1 Appendix xi, pp. 77-104.
[582] See Appendix for the full list of cartularies, and Bibliography for the single-sheet charters.
[583] Clanchy, *Memory to Written Record*, pp. 103-4.

control of its Norman mother house, St-Pierre-sur-Dives. The scribe therefore omitted to copy any of the charters concerning the mother-house's jurisdiction over Tutbury, and excised all references to the abbot in those charters which he did include.[584]

Establishing a date usually goes hand in hand with establishing authenticity. It is rare for a private charter of this period to give a date, and so establishing one often relies on other internal evidence: the lifespans of the individuals mentioned, and the formulae and vocabulary used. In the former case, the date is built up from references in other, more securely-datable sources. In the case of minor lords, however, this is hindered by a lack of other references in some cases, or those references which do exist being similarly difficult to date. Formulae and vocabulary, too, are generally difficult to narrow down to anything more than broad changes across half-centuries or more. Since the palaeography is frequently very varied, it is almost impossible to use this as a means of dating. In all, for private charters, these hindrances often leave us with a range of potential dates; often the most precise we can be is the reign of a certain king. This means that much of the dating in the following research is necessarily broad and in some cases tentative.

All individuals appearing as grantors, grantees, witnesses, or as a means of describing the location of land, who appear with a byname or a patronymic were recorded for the survey; those simply with a single name, or described as churchmen were omitted.[585] For instance, Gresley charter no. 9 has among its witnesses William,

[584] See below, n. 815 for discussion of Tutbury Priory.

[585] The sole exception to this is the family of Goda and Walkelin de Derby, who appear clearly enough in the cartulary of Darley abbey and elsewhere to allow them to be studied. Personal names for the twelfth century tend to cover a very limited range, and a handful of names appear very frequently. 'Young Henry', the son of Henry II, illustrated this neatly in 1172. While presiding over a dinner in

presbyter de Seal, Alan, Goimer, William Buche and Walerand de Appleby.[586] The latter two were included in the survey, but the former three were not.

Next, it was necessary to cut most of those individuals described simply as 'son of X' or 'fitzX', since tracking the lineages of these would have been too time-consuming or uncertain for the present study. For instance, in Dale no. 291 Robert fitz Walter appears as witness to a grant of land in Stapleford by Peter II de Sandiacre to Robert fitz William.[587] The appearance by de Sandiacre was kept, but not the two Roberts. Those few retained of this type show clear enough familial descent to allow them to be studied without extensive genealogical delving: generally they are those where an ancestor's name becomes a stable patronym and is transmitted to successive generations.[588] The fitz Noels of the Ranton area of Staffordshire have been included, for instance, since sufficient record survives to be able to link the family together clearly.[589]

The ideal for a survey of this kind would be able to identify sufficient references to individual minor lords and rely only on these individuals to draw conclusions about seigneurial patterns. Unfortunately, the fragmentary nature of twelfth-century evidence means that only 64 individuals have sufficient extant information to use in this way. Aside from limiting the scope of the survey, a study of this kind would bring serious methodological problems. Those individuals who appear frequently enough to be studied fall into one of two groups: either the small group of relatively well-documented families; or the otherwise very poorly documented people who

Normandy, he supposedly demanded that everyone but those called William should be thrown out. This apparently still left him with a considerable number of guests (Crouch, *William Marshal*, p. 38).

[586] Gresley charters, no. 9.

[587] Dale, no. 291.

[588] See Appendix.

[589] *RB* i. pp. 263, 266, 268; Ranton fo. 1 and *passim*; DRO D158/1/46 (late C12th); *EEA* 14, no. 63.

only appear a few times in one context. Focus solely on these would therefore skew the resultant statistics to reflect the patterns of these two polar opposites, rather than giving a more balanced picture of the society. It was necessary, therefore, to make some basic reconstruction of the lineages of the minor lords, in order to be able to bridge gaps in the documentary record.

The individuals identified in this survey were placed in groups with other individuals with the same byname (for instance, 'de Alfreton', 'Durdent'), which produced a list of over 1550 groups. So the John de Arden who appears as recipient of a grant 1213x1217 by Ranulph III earl of Chester was placed in a group with the Osbert de Arden who appeared in a charter of the same earl.[590] Also in this group was Hugh de Arden who appears in 2 charters of the same earl, a further one concerning Leicester Abbey, and who is recorded as holding 5 knight's fees from the earl of Warwick in the latter's *Carta*.[591]

Next, the members of these groups were examined to in order to identify family connections. In many cases this categorisation was possible through those references to individuals' family relationships which appear relatively frequently in the charters: 'X son of Y de Zton' is the commonest form.[592] In a significant number, however, it was not possible to either firmly establish or disprove from the charters' texts the existence of family ties within groups of individuals sharing a byname. Two key factors were therefore taken into consideration when trying to establish possible

[590] Barraclough no. 74

[591] Barraclough no. 374; Leicester Abbey no. 16; *RB* i. p. 325. It is recorded that the earl of Leicester holds two knights from this fee *in escambium* for *Bungeia* (unidentified).

[592] 'Family' here is being used to primarily denote those related individuals sharing a toponym. Often, this seems to have encompassed the 'nuclear family' of parents and their descendants, but some groups shared toponyms between fraternal lines as well. In all cases, the emphasis has been on proving relationships rather than assuming them.

relationships: location and lords. First, since the majority of bynames thrown up by this survey are toponyms, some suggestions can be made on the basis of proximity of the name's origin to the place to which a charter relates or the grant was made.[593] The further away and more uncommon the origin for a toponym is, the more likely it is that a group bearing this had a familial relationship. For instance, those appearing in an English context with a French toponym seem more likely to be related— the chances of two unrelated individuals appearing in England from the same small Norman vill seem slim— while more caution is needed in attempting to link two individuals whose toponym was derived from a place within the immediate area of a grant. Equal caution is needed for those toponyms that refer to large settlements, or to common placenames such as Stretton. In both of these cases, if a relationship within the group could not be clearly proven, the individuals in question were cut from the study.[594]

Next, the number of appearances for each kin group was examined. From this, it was possible to compile a list of instances where the same charter appears in several collections. Once this information had been integrated, the frequency of occurrence in the documentary record for each group was examined. Those family groups that appeared fewer than 3 times were removed from the study, since these would not yield enough data. Henry and Geoffrey del Luy appear once each in charters of Darley Abbey.[595] Geoffrey granted land in Derby to the Abbey in the late twelfth

[593] This was rarely recorded in private charters of this period, aside from a few documents of the earls of Chester, and a number of those of Burton abbey.
[594] For instance, 3 men 'de London' appeared in the record: Ralph (Stone fo. 28), Robert (Okeover, no. 8), and William (DRO D187/1/39-40). Ralph was witness for a grant by Roger Vigil to Stone priory (Staffs.); Robert as witness for a confirmation by Roger abbot of Burton to Hugh f. Ralph de Okeover of land in Okeover (Derbys.); and William as witness for quitclaims by John de Eyncourt and Maud de Beley to Simon son of Hugh de Glapwell (Derbys.). Glapwell lies 28 miles from Okeover, and 50 from Stone priory. Clearly, no link can be suggested between these men on the basis of this evidence.
[595] Darley, nos. H8, H13.

century, and Henry a collection of land mostly centred on Ripley and Pentrich (Derbys.). Nevertheless, no other references to them were apparent in the documentary record, so they were cut at this stage.

It also seems unlikely that those appearing so sparsely in the record, either as individuals or groups, can be claimed to be of anything but very minor status, or were present very rarely in the area. Jeayes 174 is a quitclaim from John's reign by Wymarc' daughter of Richard the tanner of Bakewell to the church of Bakewell concerning a toft in the same vill. She was included in the initial list of individuals, but since no other references to her or her kin survive, she was subsequently removed.

Once this had been carried out for the whole cohort, 427 groups were now left from the initial list. Building on this, the contexts where individuals appear is also significant for being able to establish connection between them. Two individuals bearing the same byname who appear in connection with a certain lord, religious house, or vill, are likely to be related, although again caution is needed in those cases where a toponym related to a nearby place. Ralph de Chaldwell had his service, previously owed to Burton Abbey, granted to Robert de Gresley,[596] and appears as witness for two further grants by the same house.[597] A David de Chaldwell appears with his brother, John, as witnesses for two charters relating to Burton Abbey, and David as witness for a marriage settlement between Richard de Staunton and Gilbert of Measham.[598] Chaldwell is likely to refer to Caldwell (Derbys.), 4 miles to the south of Burton-upon-Trent, and adjoining Castle Gresley. David and John seem

[596] Gresley charters, no. 2.
[597] Jeayes no. 1197, SRO D603/A/Add/28, Gresley charters no. 3.
[598] SRO D603/A/Add/35, SRO D603/A/Add/34b; ROLLR DE170/1.

likely to be related to Ralph— from the dates and range where they appear, they may be his sons— but they have been categorised here as possible multiple, since their relationship is nowhere made explicit.

For suggesting connection between individuals in the survey, a wider range was also allowed: where activities of individuals with the same toponym fall within proximity of one another, and away from the origin of the toponym, these have been taken as possibly related. For instance, the Henry de Cambrai and Alured de Cambrai who appear, respectively, in connection with the Ferrers and earls of Chester, have been listed as possibly related, since their shared toponym refers to Cambrai in northern-eastern France.[599] Those groups where individuals bearing the same toponym appear at isolated points on the map, or the toponym is particularly common and individuals cannot be otherwise connected, were cut from the study. This can be seen particularly clearly in the case of Ashbourne. It lies on the border between the lower, southern part of Derbyshire and the upland northern part, and seems to have been important in trade, particularly in lead from the uplands. By the time of Domesday it was a royal manor of a reasonable size, and increased through the twelfth century.[600] It is unsurprising then, that the name Ashbourne appears several times in the twelfth-century record as a toponym.

A William de Ashbourne appears as witness to a grant by Richard de Cubley to his son William de Cubley in the early thirteenth century, concerning land at Clifton Parva.[601] A Geoffrey de Ashbourne appears as a witness to a grant by Roger son of

[599] Henry de Cambrai: *RB* i. p. 337; Dugdale, *Monasticon*, V. p. 482; Alured: Barraclough, nos. 132, 141, 147-8, 152-3, 157/Dieulacres 75; Barraclough, nos. 158-60, 171, 174, 184, 187, 190, 192. His last attestation is Barraclough 192, c.1178.
[600] Some of this may have been driven by the boom in the foundation of religious houses and the building of stone churches, which would have driven a greater demand for lead. (DB i. fo. 272V).
[601] DRO D158/1/14, printed as Jeayes, no. 880.

Levenat de Parwich to Geoffrey *Faber* of Ashbourne of c.1200, of land in Kniveton;[602] and a man of the same name appears as a witness to a grant by Peter II de Sandiacre to Robert son of William de Stapleford in Sandiacre late in Henry II's reign.[603] There are also a Luke and Hervey de Ashbourne who appear as witnesses in the early thirteenth century to a grant by William son of William le Burguignun of land in Brassington to Darley abbey.[604] Finally, a Robert de Ashbourne appears as seneschal and witness for the Ferrers 3 times in the early thirteenth century.[605] No evidence thus found links any of these de Ashbournes to one another. Since all of the lands in question in the above charters were close to Ashbourne, and the place was of regional importance, it is not safe to group these individuals together on the basis of toponym alone. Of these men, only Robert appears in the survey on his own, since he appears a sufficient number of times in the documentary record. With the above stages followed, this then left a list of 200 families and individuals, for whom full details are given in the Appendix.

Categorising twelfth-century lordship

We can divide the internal evidence from charters for these 200 families into two categories: evidence that shows explicit connection to two or more lords— namely receiving land from him, or having one's own grant confirmed by him; and evidence showing implicit or possible connection— namely through appearing as a witness for a lord, or granting to a religious house that the lord founded or patronised. Most of the families have evidence that falls into the two categories, or the second one only. For instance, the evidence relating to Turgis de Ilam falls into both. For the first, we

[602] Kniveton no. 240.
[603] Dale no. 291.
[604] DRO D258/27/1/9.
[605] DRO D231/M/T/159; Okeover nos. 20, 22.

have a grant by Hugh de Okeover to Turgis of land in Ilam that dates to 1150x9.[606] For the second, Turgis appears as a witness for a grant of the same date by Hugh to Robert son of Robert de Casterne.[607]

This division of evidence into types was then combined with the family groups to give a breakdown of the type of evidence extant for each group. A list was compiled of those families who appear in the record as witnesses only; those who appear as receiving land from only one lord; and those who received land from two or more lords.[608] The proportions of these are represented in the chart below.

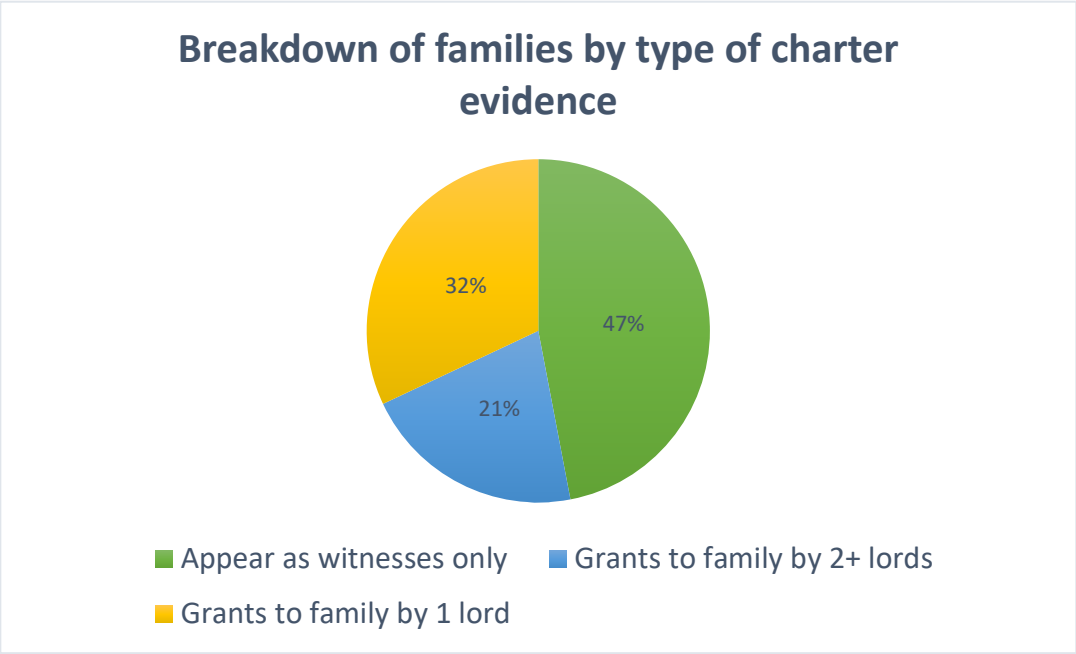


Fig. 5: Breakdown of types of charter evidence for each family. Total families: 200

[606] SRO D603/A/Add/21/1.
[607] SRO D603/A/Add/21/2.
[608] Lands settled on a couple as part of a marriage agreement were not generally recorded here as being a grant from an additional lord, based on *Glanvill*'s assertion that homage did not need to be done for such a grant until the third generation of descendants from the original marriage. (*Glanvill,* VII. 3; IX. 2, ed. Hall p. 76; p. 106). Where the grantor demanded more clearly-defined service, however, for instance if the land was granted as a knight's fee, the grantor has been recorded as an additional lord. See discussion of the Bakepuiz family, below pp. 206-9. For those individuals who held land both from a lord and a religious house which the lord had founded, I have counted this as only one lord, since it is likely that the religious house in question was closely under the lord's direction.

Immediately, then, we can see that 21% of the 215 families in our study are certainly tenants of more than one lord, since we have explicit evidence that these families received lands from them. We cannot hope, however, to have a corpus of charters, particularly for secular lords, that is in any way representative of what land grants were actually made. To these figures, then, we must add the implicit evidence for seigneurial connections from charter attestations. We should not assume that all witnesses to a charter were there because of connection to a participating lord. As the *LHP* advised, it seems to have been a good idea to collect up one's relations and neighbours to attend assemblies as witnesses, as a means of securing the decisions made there.[609] In all of the cases below, therefore, care was taken to separate those attestations that may have been made as a neighbour, from those where an attestation may indicate attendance on a lord.

Where an individual or family shows repeated attestation for a particular lord, this is taken as evidence that they were providing personal service to that lord (although without evidence we cannot be sure whether or not they were tenants of the lord in question).

Witness lists can give evidence that is difficult to interpret, however. For instance, Geoffrey de Côtentin appears regularly alongside his kinsman Humphrey as witnesses to the earls of Chester for grants given as far apart as 'Chivilly' (now Le Petit-Quevilly, a suburb in Rouen), and Chester itself, although their attestations are

[609] 'If anyone has a plea which is to be tried in his own court or in any judicial assemblies, he shall summon his peers and neighbours so that, with the establishment of a body of judges, he may provide justice which is freely given and cannot be challenged.' (*Si quis in curia sua uel in quibuslibet agendorum locis placitum tractandum habeat, conuocet pares et uicinos suos ut, infortiato iudicio, gratuituam et cui contradici non possit iustitiam exhibeat*.) *LHP* 33,1, ed. Downer, pp. 136-7; see also 8,5; 43,9, pp. 102-5, 152-3.

generally concentrated around Chester and Coventry.[610] He also appears, however, as witness for a grant by Hugh de Okeover to his brother Geoffrey of land at Snelston (Derbys.), a small vill to the south-west of Ashbourne, to which he seems to have had no other connection. His unusual toponym makes it likely that this was the same man in all cases, but his reason for appearing for the Okeovers is opaque. In using solely the evidence of witness lists, therefore (rather than a combination of these and explicit evidence for grants), seigneurial connection has only been concluded in cases where the individuals appear many times for the lord in question, or where attendance is reasonably frequent and outside the family's general area of activity—particularly when identifying a family as multiple tenants on the basis of such evidence. Where the attestations are less frequent, but still show a pattern of recurrent attendance on a lord, the family in question has been categorised as possible multiple tenants.

With the addition of the evidence for witnesses, the families were then placed into four categories. First, those families with clear evidence for multiple lordship by 1216. This category covers three scenarios:

i) those individuals who were recipients of lands from two or more lords. For example, Entrop Hasteng is recorded in the *Cartae Baronum* as having held one knight's fee from the Ferrers barony by 1135, and a quarter-fee from the bishop of Coventry by the same date.

ii) cases where an individual received land from one lord, and a member of the immediate linear family (grandfather, father, son etc.) can be shown to have received land from another lord in addition, and the earlier seigneurial connections seem to have been maintained. Evidence that

[610] Barraclough nos. 3, 28, 160, 165, 180, 183-4, 186.

solely relates to fraternal lines was excluded. For example, Nicholas de Brailsford received one knight's fee from Robert de Ferrers before the end of Henry I's reign, which Nicholas' son Henry was holding in 1166.[611] Henry son of Henry de Brailsford received land from Henry fitz Matthew de Kniveton in the early thirteenth century; and he or his father Henry had received land from Darley abbey 1188x1198.[612]

iii) individuals who can be shown to have received land from one lord, and for whom record survives of consistent attestation for another lord, either by the individual or their immediate family. These attestations must also be in places more than 10 miles from where the family is known to have held lands in order to rule out the possibility that they were appearing as neighbouring landholders. For instance, Robert de Livet had received land worth two knight's fees from the Ferrers barony by 1135.[613] Roger de Livet, probably his son, granted tithes from his land to Tutbury priory by 1150x1159, so the Ferrers relationship seems to have been maintained; but Roger also appears as witness to thirteen extant charters of the earls of Chester in instances as widely spaced as the Wirral and Caen.[614] Although we have no record for Roger having received a grant of land from the earls, a seigneurial relationship between the former and the latter seems certain.

The second category is those families that seem likely to have been multiple tenants by 1216, but for whom there is not evidence of land-grants from two lords, or enough

[611] *RB* i. p. 338.
[612] ROLLR 26D53/186 (early C13th); Darley, K17. Both of these were grants of lands in Brailsford, where the family was clearly building up a cluster of lands from different lords. This seems to have been a common pattern for multiple tenants: see the discussion in Chapter 4, below, esp. pp. 190-2.
[613] *RB* i. p. 337.
[614] See pp. 229-30 for further discussion of this family.

instances of attestation for a lord to give very clear evidence of multiple lordship. This covers four scenarios:

i) individuals for whom record of a grant by a single lord survives, and where they or their family appear as reasonably frequent witnesses for a different lord— again, at least 10 miles from the family's holdings. This category is close to 1iii) above, but where the pattern of attestation shows a clear but not indisputable trend, the family has been placed here. For instance, Geoffrey Savage was enfeoffed with half a knight's fee in Tissington (Derbys.) by Robert II de Ferrers, and received additional land there from William I de Ferrers in 1159x1162.[615] He appears as a witness to a grant by Hugh de Okeover to his brother Geoffrey in Snelston (Derbys.), and a grant by Abbot Roger of Burton to the same Hugh.[616] Although these seem to show a trend towards the Okeover family, since these were respectively 7 and 4 miles from Tissington, Geoffrey may have attested these grants as a neighbour. A Geoffrey de Savage also appears as witness to a grant by Ralph son of Henry de Clifton to Henry Wischard in Netherseal or Overseal (Derbys.), 28 miles to the south of Tissington.[617] This would ordinarily be discounted as a different Geoffrey, were it not that he attests alongside a Robert de Tissington, which suggests another connection to the same area. Geoffrey has been categorised here, therefore, as a possible multiple tenant.

ii) individuals who can be shown to have received land from one lord, but were also holding lands that are highly unlikely to have come by this lord's grant. For instance, Robert de Alveley appears in three fines made

[615] *RB* i. p. 339; Golob, 'Ferrers', ii. Appendix, no. 34
[616] Okeover nos. 14, 8.
[617] Gresley charters, no. 42.

at Derby and Nottingham in the early thirteenth century. As part of two of these on 16 and 20 November 1208, he received land from Nicholas de Willington at Findern (Derbys.).[618] Since the latter does not appear to have been a large landholder, and does not appear to have held land in Yeaveley (Derbys.), from where Robert was likely to have taken his toponym, Robert has been placed in this category.

iii) individuals for whom record of a grant of land survives from one lord, but relationship to others with the same toponym cannot be proved clearly. For instance, Robert de Daiville held a knight's fee from Robert de Chauz of the old enfeoffment. The Robert de Daiville who appears with Walter his brother as regular witnesses to Ranulph III earl of Chester is unlikely to be the same individual, but may be his son. Nevertheless, for the sake of keeping assumptions about multiple lordship conservative, examples such as this have been categorised as possible multiple tenants.

iv) individuals and families for whom no charter evidence survives for their receipt of lands from a lord, but who appear consistently enough as witnesses for more than one lord to strongly suggest a relationship. As above, these attestations have to be at least 10 miles distant from the family's holdings to rule out the possibility of attestation on the basis of being a neighbour. Walerand de Appleby and his son Robert take their toponym from Appleby on the Leicestershire-Derbyshire border, which they may have held from the Ferrers or the earls of Chester.[619] No charters recording their receipt of lands survive, but their extant attestations suggest clustering around two local lords. Robert appears as witness for a

[618] Jeayes nos. 2757, 2758, 2761.
[619] See DB i. fos. 233V, 273.

grant by Hugh de Okeover concerning land in Snelston (27 miles to the north of Appleby), that was made before William de Ferrers and a gathering of his men.[620] There also seems to be a connection to Burton Abbey: Walerand and Robert appear several times as witnesses for the abbey's grants.[621] Some of these were far removed from the Appleby region, which makes it unlikely that they were attesting as neighbours: Robert appears as a witness for a grant by Burton Abbey of land in Potlach, 15 miles to the north of Appleby.[622]

The third group is those families who appear solely in connection with one lord, both as witnesses and as grantees. Some of these appear occasionally as witnesses to charters concerning lands in proximity to theirs, or for major disputes. Ranulph de Alsop appears three times as witness in the record. For two, he was witness for William II de Ferrers, concerning, respectively, land in Callow and in Bradbourne (Derbys.), which lie approximately six miles apart.[623] He also witnessed a grant by Herbert de Merle to Lord Hugh of land in 'Mulnecliff' (unidentified, but probably Derbys.), which seems to have been carried out before Robert II de Ferrers and his retinue.[624] Although no record of him receiving land has survived, his attestations show consistency, and come from a range of sources— so he has been categorised here as the man of a single lord.

[620] Okeover no. 14.
[621] SRO D603/A/Add/35, SRO D603/A/Add/34b.
[622] SRO D603/A/Add/29.
[623] Okeover no. 9, Jeayes no. 385.
[624] Okeover no. 12, also preserved as DRO D231/M/T/131. I have separated Ranulph de Alsop from the Henry and Robert de Alsop who appear in the same period, since no connection can be shown between them, and all attestations concern lands within 7 miles of Alsop en le Dale— so it is possible that these are two separate groups who share a toponym.

The fourth and final group is those for whom it has not been possible to establish a clear relationship with any lord, and whose attestations and interactions seem to have been primarily in response to transactions that were taking place near to their holdings rather than showing a clear trend towards any lord. Hugh de Findern (Derbys.) appears three times in the record. First, as a witness to a grant by Richard clerk of Findern to Burton Abbey, 1197x1210; second, making a grant of land in Willington (Derbys.) to Repton Priory in the early thirteenth century; and third, making a fine with Nicholas de Willington against a Robert de Al'— the latter's name has been badly defaced— of 16 November 1208.[625] The close clustering of dates and locations— all three fall within Morleystone hundred— make it almost certain that these all refer to the same man. From none of these, however, can we be certain about the identity of his lord (or lords).

Moreover, as shown below, this is a common category. Some of this arises from the patchy state of the charter evidence. It is significant, though, that there is a substantial number of individuals and families who do not show a clear trend towards any lord, and instead can be seen operating in a particular locality. Where a connection with a lord is possible but uncertain, the family has been placed in this category in order to err on the side of caution. The figures given here, therefore, for those with single and multiple lords, should be taken as a minimum figure: with further data it would be possible to move families from the second and fourth categories.

The Appendix gives the full overview of this survey. The results are summarised below.

[625] Jeayes nos. 1276, 2571, 2757.

Category	Number of minor lord families
Those with clear multiple landlords	51
Those likely to have multiple landlords	38
Only a single landlord demonstrable	56
Those with no clear lord(s)	55
Total	200

When broken down into percentages, the outcome is striking:

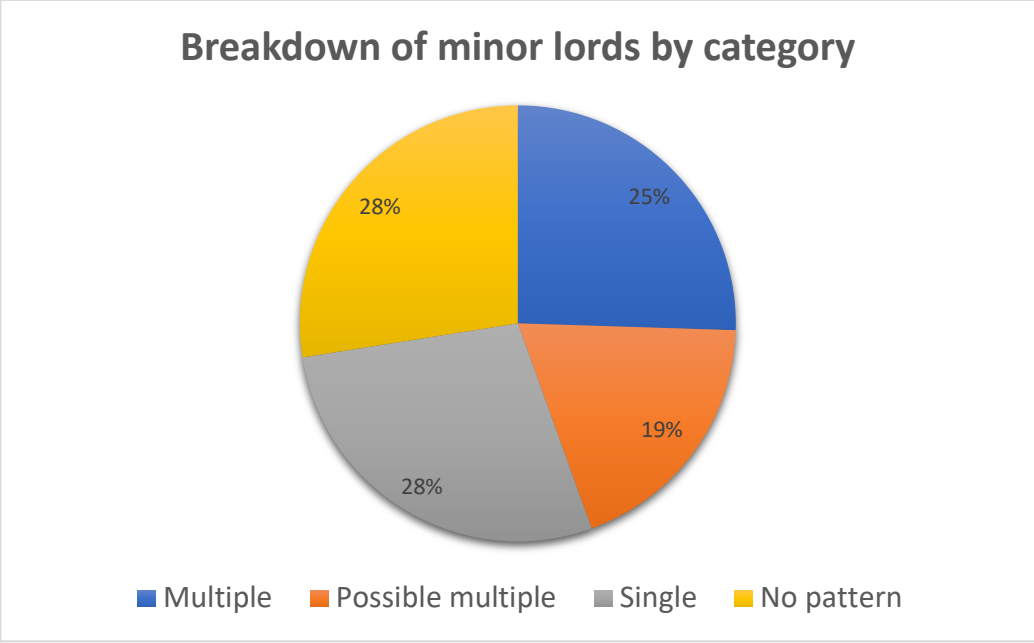


Fig. 6: Breakdown of minor lords by category. Total: 200

From this data, then, it is suggested that multiple lordship was the seigneurial structure for at least a quarter of the minor lordly families in this area by c.1216, and for at least as many as held from only one landlord. If more evidence were extant, it is likely that this figure could be significantly increased.[626] Given the degree to

[626] Those recorded as having a primarily local focus all appear in conjunction with several landlords or groups around a local area, rather than one. It is likely, then, that if the allegiances of these in the 'local'

which this pattern of allegiance has been ignored or sidelined, it is clear that this has been a serious omission in our understanding of local society in the twelfth century.

Further, it is possible to dig deeper into the data in order to create a clearer picture of what was happening between men and their lords. The chart below shows the number of single and multiple tenants for those lords for whom there is largest amount of data.

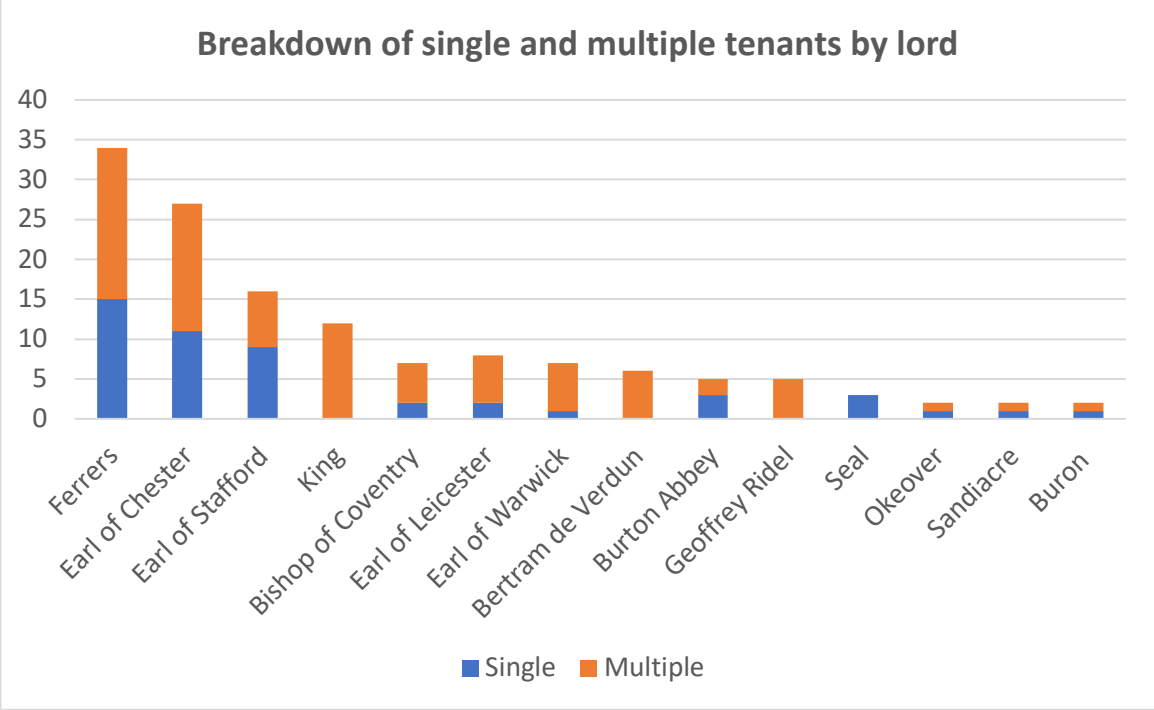


Fig. 7: Breakdown of single and multiple tenants by lord

As discussed above, these figures are only provisional, based on the documentation currently available, and a cautious interpretation of it. In particular, the above chart omits those families of minor lord for whom no one lord could be clearly established, and those who have been logged as only possibly having multiple lords. These figures and the following discussion should therefore be taken as a broad-brush overview of the phenomenon. Broadly, and unsurprisingly, we can see that

category could be established, that they would turn out to have multiple landlords, rather than a single one.

landholders with larger land-holdings in the area such as the Ferrers had more tenants who held solely of them. Those whose lands were patchier and more marginal in these three counties, such as the earls of Warwick, had tenants who were shared with other lords, often a lord who was more central to the area. The exception to this are the royal tenants: all of the minor tenants-in-chief supplemented their royal lands with tenancies from other lords. In addition to this, we can see that the de Verduns appear here without any men holding solely of them. Nor is this surprising. They had less land to distribute to their men, and so these men would be more likely to take on lands and patronage from other lords. They were initially slotted into the region in Henry I's reign, and so they may have attracted men who were already well-established under other lords. With the greater tenants-in-chief, the proportion of single tenants is highest on the Stafford barony, at around 50%, although this may be partially due to the nature of the sources for Staffordshire.[627] For the generally better-documented Ferrers and Chester lords, multiple lordship seems to have prevailed.

Moreover, the division between single and multiple tenants does not seem to have had a profound impact on their relationship with their lords, for instance, in who was considered to be among the lord's own barons. In one charter of Robert II de Ferrers c.1141 concerning rents from Tutbury to its priory, the text describes the grant being made while Robert's *barones* stood around the altar.[628] The witness list, which we

[627] There are considerably fewer extant charters produced by the Staffords themselves than for Ferrers and Chester. For many of the minor lords of the area, our data comes from cartularies of religious houses such as Ranton and Stone priories. There is less scope, therefore, to link the individuals in these cartularies to other contexts— so it seems likely that at least a few of those recorded as holding solely of the Stafford barony were in fact multiple tenants. A similar phenomenon can be seen in the 100% of Seal tenants who held solely of them. All of these individuals appear exclusively around Seal (Leics.— now Overseal and Netherseal) as witnesses to grants of lands there to Merevale abbey, recorded in the 'Gresley cartulary'. The level of detail that this cartulary gives on the grants taking place within one vill seems to be relatively rare for this area in this period. With men such as Ralph Morcoc who only appear in this context, two possibilities suggest themselves: first, that these individuals held land elsewhere, but were too minor to appear in the documentary record; or that they were so minor that they held land only in this vill.

[628] Dugdale, *Monasticon*, III p. 393.

may presumably take as a list of these *barones*, lists Alan de Lech, Fulcher son of Saswalo, Robert de Dun,[629] David de Stanton, Robert de Bec, Ralph son of Sewall, Philip de Loheac, Ansculf the clerk, and Henry Huse.[630] Philip de Loheac does not appear elsewhere, and Ansculf the clerk can be disregarded. Out of the rest, Alan de Lech, Robert de Dun, and David de Stanton are almost certainly holding of lords in addition to the Ferrers by the reign of Henry II, and de Lech possibly at the time of this charter. Fulcher son of Saswalo and Ralph son of Sewall are both of the Shirley family, who held solely of the Ferrers. Robert de Bec and Henry Huse are of families who held similarly. Despite Stenton's assertion to the contrary, it was not just those who held solely of a lord who were among the most trusted on the honour.[631]

It is clear, too, that the multiple tenants in this survey were holding of multiple lay lords in the majority of cases. Approximately a quarter of them show tenancy from a mixture of ecclesiastical and lay lords— but even in these cases it is most common that a man held of multiple lay lords and a single ecclesiastical lord. What we are seeing here, therefore, does not seem to have been particularly driven by ecclesiastical tenurial practices.

[629] Probably the son of the Robert de Dun who held of Henry de Ferrers at Dalbury (Derbys.) in 1086 (DB i. 276). They seem to have originated from Le Bourg-Dun, in an outlying part of the Ferrers honour in Normandy, near St-Aubin-sur-Mer (Seine-Inf., arr. Yvetot, cant. Fontaine-de-Dun) (C. L. Loyd, *The Origins of Some Anglo-Norman Families* (Leeds, 1951), p. 38; M. Auguste Le Prévost, *Mémoires et Notes pour servir a l'histoire du Département de l'Eure* (3 vols., Évreux, 1862-9), ii. p. 100).

[630] Dugdale, *Monasticon,* III p. 393. *Quibusdam extraneis* were also present: Hervey de Montmorency, Herbert de Montecanesil, and Philip son of Lufonis. The names may suggest that these were 'foreigners' from Normandy, rather than, for instance, 'strangers' to the honour.

[631] This disputes the claim made by Stenton in his discussion of the Peverel honour that we should look at those who held solely of the lord when seeking to identify honorial barons (Stenton, *First Century*, pp. 99-100); and that of Golob: 'other holdings, particularly if larger or in some way more substantial, would distract a tenant from his responsibilities which high position within an honour would necessarily entail.' (Golob, 'Ferrers', i. p. 74 fn. 87).

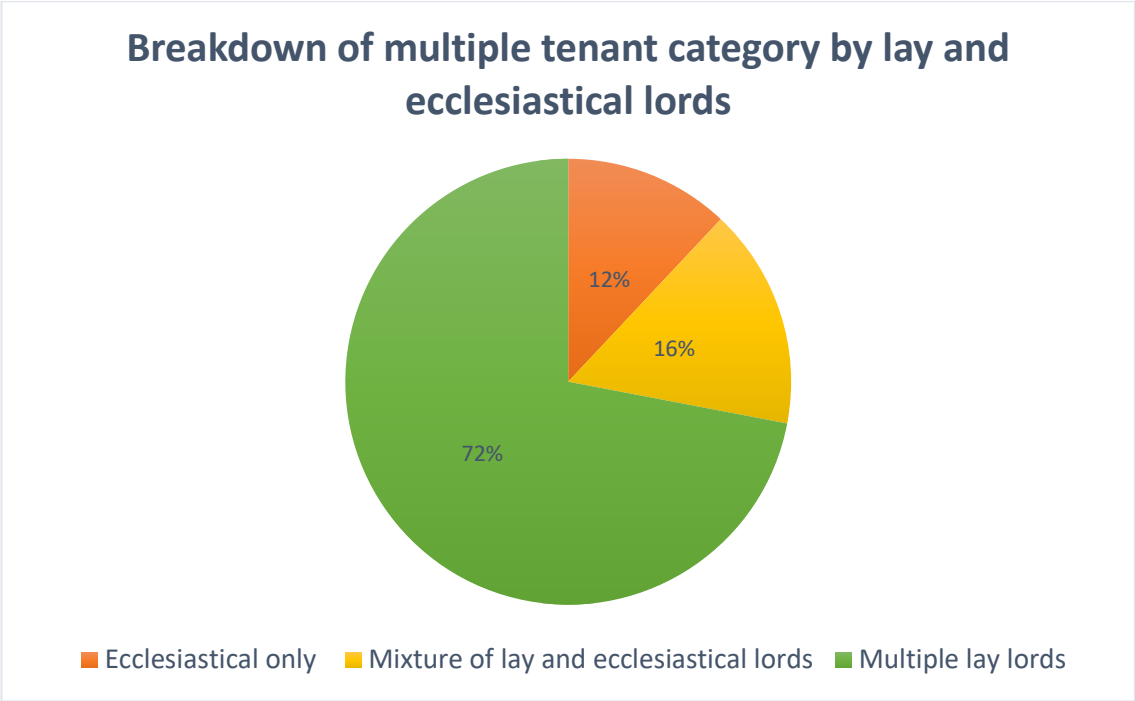
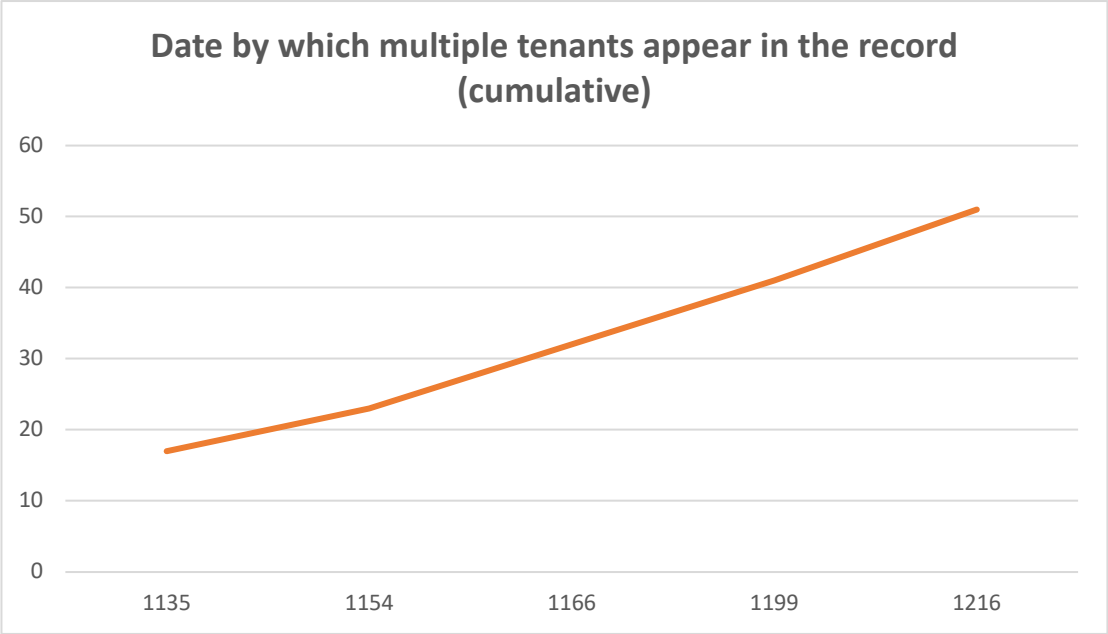


Fig. 8: Breakdown by lay and ecclesiastical lords

A final key point to be made by this data is by when the multiple tenancies had been established. As discussed above, the taking on of more than one lord has been seen as symptomatic of the breakdown of the honour from the later twelfth century onward as service was sought outside the existing tenants. The line graph below shows the date by which those families who were holding of multiple lords by c.1216 can first be seen holding from more than one lord. It requires therefore two or more appearances by an individual or family by the dates listed, and in conjunction with two different lords. The dates correspond to the 'old enfeoffment' as recorded in the *Cartae Baronum*; the beginning of Henry II's reign; the date of the *Cartae*, and when Henry's legal reforms are likely to have begun; the end of Richard I's reign and beginning of King John's; and the end of the latter's reign. The figures below err on the side of caution. Where date ranges for charters are unclear, the latest possible date has been taken, and two families have been omitted since the evidence relating to them cannot be dated closely enough.

Fig. 9: Date by which men appear in the record as multiple tenants



The evidence suggests that multiple lordship on a broad scale amongst the minor lords was well-established by the end of Henry I's reign: its appearance seems to owe little if anything to the putative changes in honorial structure of the late twelfth century. By 1166, before Henry II's legal reforms are thought to have begun, let alone have been able to have an impact, we can see that 32 out of the 51 (63%) multiple tenancies visible by c.1216 are in evidence. The practice was well-established before the Angevin reforms were even thought of, were increasing in number before those reforms could have had any real impact on the structures of seigneurial power, and continued in a smooth line of development after this. The largest group, moreover, seems to have been multiple tenants by the end of Henry I's reign. The restrictions of the evidence also need to be considered here. Charters increase greatly in number in the later twelfth century, and thereby bring more minor lords and their relationships with their lords into view. Some of these must have been in existence previously, and only survive in written record in the later twelfth century. It is likely, therefore, that the figures above attribute some of the development of multiple tenancy later than it was in reality.

Conclusion

This chapter provides a basis for talking about multiple lordship in post-Conquest England. Far from being a marginal practice, we can see that it is at least as common as single lordship, and may have been the prevalent form. Nor is it something that arises only from the putative decline of the honour after Henry II's reforms: it was a well-established practice long before the reforms were even thought of, and very many examples seem to have been in existence by 1135. We can see, then, that multiple lordship is something that exists in parallel with the honour along the latter's entire lifespan.

The next chapter will drill down into these figures to address how the practice affected the relationship between lord and man, and the impact that it seems to have had on the behaviour of the minor lords.

Chapter 4: Multiple lordship and the honour

Chapter 3 used a quantitative approach to give an overview of the prevalence of multiple lordship in twelfth-century English society. This chapter will focus more narrowly on a qualitative series of case studies of minor lordly families, to address how multiple lordship affected the relationship between man and lord. Through close study of individual cases, we are able to see that although those individuals or families with several lords could have a more shifting relationship with them, these minor lords do not seem to have been less trusted or less prominent figures on the lord's honour. Multiple lordship does not seem to have been seen by contemporaries as necessarily threatening to the honour, or as damaging the moral quality of those men who formed such ties. Instead, the evidence that we have suggests strongly that the practice was frequent, treated pragmatically, and was largely unproblematic.

Although the main focus in this chapter is seigneurial ties, the focus on a region also helps us to step beyond an exclusive focus on lordship, and to bring forward two other important motive forces that acted on minor lords: kinship and locality. These will be discussed more in Chapter 5, but appear here as concurrent with seigneurial ties. At no point should we think of twelfth-century society as being one where seigneurial relationships dominated all else. Instead, we can see that lordship, kinship, and locality were most often operating simultaneously, and can provide a much fuller explanation for the behaviour of minor lords than seigneurial ties alone. Locality is of particular importance for understanding multiple lordship: often, the two seem to have converged in driving where men took on additional lands and lords.[632] Through this study, then, we are able to get to an additional key structural element for twelfth century society: the impact of geography and proximity.

[632] See Mortimer's comments in 'Land and Service', pp. 194-5.

Throughout the life of the honour, the ties to a lord coexisted or cut across other seigneurial ties, and those of family and locality. The honour was not a 'closed' environment— to its members, particularly those with several lords, it was one part of a complex socio-political web.

The case studies below are drawn from those families who are particularly well-represented in the extant documentary sources, and can therefore give the most detailed images of seigneurial relationships. Given the variability in the survival rate of charter material, particularly that relating to secular tenancy, the extant material seems to represent chance survival, rather than indicating that these families were in some way unusual. The other criterion for selection of these case studies was that they are illustrative of some of the more important trends in multiple tenancy that emerged in the course of research. The first instance is of a well-documented family with a single seigneurial bond, in order to provide a contrast for the later instances which focus on men with multiple tenancies.

The case studies

The Shirley family

The Shirley kin-group is one of the best-documented of the Ferrers tenants.[633] The first of this family, Saswalo,[634] had received from Henry de Ferrers by 1086 a cluster

[633] The family themselves did not begin to adopt this toponym consistently until the mid-thirteenth century, but I am using it here as a convenient shorthand. For the survival of the records we are indebted to the work of Evelyn Philip Shirley, a mid-nineteenth century descendant of the family, who seems to have collated the surviving early charters, and published them with a narrative discussion in the *Stemmata Shirleiana* (E. P. Shirley, *Stemmata Shirleiana*, 2nd edn. (Westminster, 1873)). See also Darlington's discussion in *Darley*, pp. xiii-xv, and S. P. H. Statham, 'Later Descendants of Domesday holders of land in Derbyshire', *DAJ* xlviii (1927).

[634] The PASE Domesday project lists the Saswalo who held of Geoffrey de Mandeville in Berkshire and Oxfordshire as the same man as the Ferrers tenant, but this seems unlikely (DB i., fos. 62, 159V). Aside from the manor in Lincolnshire, all of Saswalo's other lands later appear in the hands of his descendants: of any interest in Berkshire and Oxfordshire, or any de Mandeville connection there is no sign (cf. *VCH* Warks i, pp. 281-2).

of lands in Derbyshire near Tutbury castle,[635] but also single outlying manors in Lincolnshire,[636] Northamptonshire,[637] and Warwickshire.[638] In all, these lands were worth £42 annually in 1086.[639] Although they received a small amount of land from Tutbury priory, this house was so dominated by the Ferrers that it cannot be considered as a separate entity.[640] In the *Cartae Baronum* it is recorded that

[635] Hoon, Hatton, and Etwall (DB i fos. 274V, 275, 276). The first of these lie within a mile of Tutbury; the latter barely 5.

[636] This was Whitton, formerly held by Siward Barn. Domesday records that it had 12 carucates geldable, with 300 acres of meadow, and was worth £7 at the time of the Survey (DB i fo. 353V). Its location is curious, and may be indicative of the relationship between this family and the Ferrers. This land, together with 2 waste bovates at Winterton immediately to the south, constituted all of the Ferrers holdings in Lincolnshire. It lay on the south side of the Humber, immediately by Alkborough Flats and the mouth of the River Trent. Given its site and the threats through William I's reign of invasion from the east, this land may have constituted a valuable defensive site, particularly so for those in the Midlands who were vulnerable to attack from the Trent. In Domesday it is also clearly a trading post, since a value of £3 tallage is recorded in addition to the usual *valuit*. Again, the location on the Humber would have allowed oversight of trade coming from the Midlands. This all seems to suggest that Saswalo was a trusted man of Henry de Ferrers. This land disappears from view after the first generation, and it is unclear whether the Ferrers themselves had retained the interest in the area.

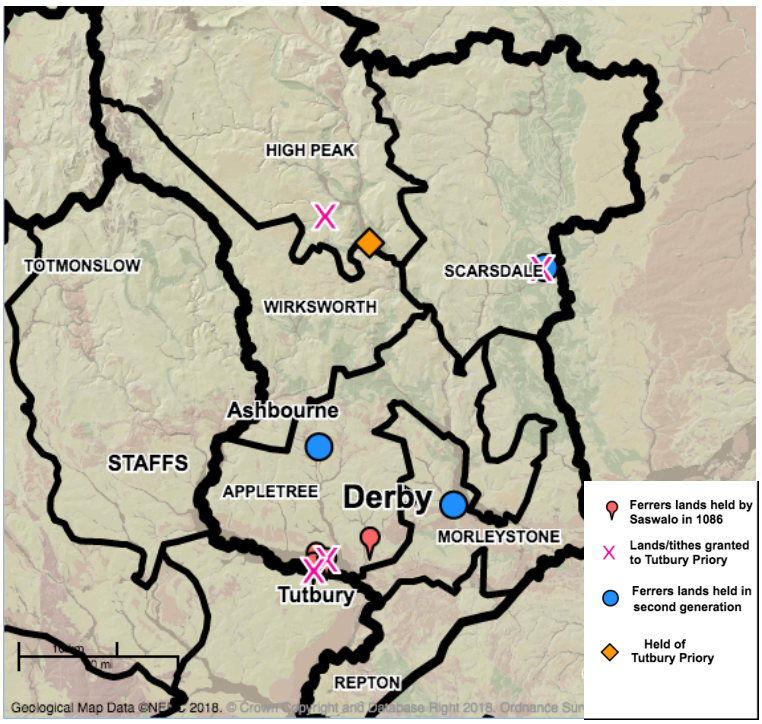
[637] Domesday lists this as being 10 hides and 2 parts of half a hide less one virgate, worth 'now' £7, but does not record where they lay. E. P. Shirley thought that these were at Titchmarsh, in which the family held land until the thirteenth century (DB i fo. 225; *Stemmata Shirleiana*, p. 6).

[638] This was a large manor of 17 hides at Ettington, worth £20. At the time of the Survey it had a priest, a mill, and 2 thegns and a knight (DB i fo. 242). This manor later became the family's main holding, and has been retained by Shirley descendants to the present day. On the site there now stands a Victorian manor house, on the site of an earlier building. The village of Ettington remained close by the house until it was cleared in the Georgian period, but the now-ruined church of St Nicholas remains adjacent to the house. The manor house itself is entirely Victorian, and was constructed by Evelyn Philip Shirley, the antiquarian. Its design is testament to his interest in his family's history: a frieze around the house's exterior portrays notable and romanticised scenes from the family's history, and the dining room is in effect a garish shrine containing the arms of all the families which had intermarried with the family by the mid-nineteenth century. Shirley also resurrected a recurrent medieval family name, Sewallis, for his first-born son. My grateful thanks to Helen Worey and Pete Salmond at Ettington Park Hotel for allowing me to visit the house and grounds.

[639] DB i., fos. 225, 242, 274V, 275, 276, 353V. On Saswalo see also Lennard, *Rural* England, p. 28 and n.3. This high value of lands, along with the record of *antecessores* in Domesday, makes the family very likely to have been of Continental origin. The recurring family names of Sewall and Fulcher suggest Scandinavian ancestry, which makes a Norman origin as likely as one from the English Midlands (T. Forssner, *Continental-Germanic Personal Names in England in Old and Middle English Times*, (Uppsala, 1916) pp. 91 and 223). In the seven Domesday entries mentioning Saswalo, five mention *antecessores*, and it is clear that his three Derbyshire manors had been previously divided between several men. None of these mention Saswalo as a previous tenant, and each *antecessor* does not appear more than once. It seems reasonable, therefore, to extend this pattern to the two remaining manors, Ettington in Warwickshire, and Winterton, which do not have an *antecessor* recorded. Given the scatter of lands, and the total 1086 value of these manors, the balance of probability seems to be heavily in favour of Saswalo being of Norman origin, and seemingly a prominent member of his lord's retinue.

[640] This was four bovates of land in Shirley and a mill in Derby, for 6s. 8d. per year, granted to Fulcher son of 'Sawalus', clearly the Domesday tenant. The charter is not extant, but we have a record of it in the confirmation issued by Robert I de Ferrers that states that the grant was made with his *concessus* (ROLLR 2638/1/1 (before 1141)). This grant looks somewhat, then, as if Robert was leaning on the priory in order to use it as an additional source of patronage. The land and mill are to be held *in*

Fig. 10: Shirley lands by 1166



Saswalo's sons, Henry and Fulcher, had received 5 and 4 knight's fees respectively, and that by 1166, Sewall, the heir of them both (*heres utrorumque*) held all 9.[641] Sewall, the second son, had received these lands in an exchange from his *antenatus* brother Henry, which is recorded in a commonly-referenced charter.[642] Throughout the twelfth century they appear solely in connection with the Ferrers lords, and aside from the tenure from Tutbury, do not appear to have held lands from any other lord. They provide, therefore, a very useful means of examining the behaviour of minor lords who were in close relationship with their lords, and may help to provide a contrast with other patterns.

Successive generations of the family were drawn closely into the Ferrers honour. Individuals seem to have been often in attendance on the Ferrers, with members of the kin appearing as witnesses in at least 20 extant documents from across the twelfth

feudum/infeodum by Fulcher and his heirs, which strongly suggests secular service was owing. For discussion of the relationship between the Ferrers lords and Tutbury Priory, see pp. 225-6 below.

[641] *RB* i. p. 336 records that Fulcher had held the fourth part of a knight's fee, and the *Liber Niger* that he held 4. In the light of Sewall's later tenancy of 9 fees, the latter seems more trustworthy.

[642] Stenton, *First Century* pp. 52-3, Appendix no. 7 pp. 263-4.

century. They also appear as support for the Ferrers in dispute cases. One of the best documented was that between Burton Abbey and Robert I de Ferrers (c.1101-1139) concerning the latter's seizure of abbey lands in Needwood and his implied connivance with repeated thefts of the abbey's pigs.[643] An account of this survives at the end of Burton's narrative account of St Modwenna's life, to which a few more recent miracles had been appended.[644] Both texts of the two-part chirograph have survived,[645] and these show that three members of the Shirley family were present *ex parte* Robert de Ferrers: Henry son of Saswalo, and his brothers Fulcher and Hugh. In addition, two members of the family are recorded as serving the Ferrers as chaplains. The Hugh in this charter is described as *capellanus*, both here and in a grant by Robert II of the priory of Breedon to Nostell Priory (c.1144).[646] A Henry fitz Fulcher, most likely a son of Fulcher fitz Fulcher, a member of the third generation, is described in a charter of c.1170 as *capellanus* of William I de Ferrers.[647] These chaplains may have served as the lord's confessor and drafted his charters, and provided a means of rewarding and strengthening connection to the lord.[648]

Thomas Keefe has argued that Henry II distributed lands around royal centres to more trusted royal officials, thereby building up a core of loyal men in potentially

[643] Geoffrey of Burton, *St Modwenna*, c. 49, ed. Bartlett, pp. 204-7.
[644] The majority of this work is a very standard hagiographical retelling of the life of the Irish princess who was believed to have founded the original cell at Burton, and whose relics were preserved in the abbey church. The miracle stories appended to the end of the work, however, are of much more interest, giving as they do a glimpse into the relations between the abbey and laymen in the area in the early twelfth century. *Ibid.,* pp. xiv-xxx.
[645] SRO D603/A/Add/10 and BL Add. Ch.27313; printed *Modwenna*, Appendix, no. 10. The latter version was copied into the cartulary, BL Loans 30, at fo. 54. It is interesting to note that this version attributes Robert's settlement with the abbey to *timor Dei* and contains a number of other rhetorical flourishes.
[646] Dugdale, *Monasticon*, VI, pp. 97-8. Hugh is mentioned with two other chaplains, Richard and 'Alketillus' The appearance of three chaplains here is not unusual for comital households at this period (Patterson, *Earldom of Gloucester,* p. 27). See also Stringer, *Earl David*, pp. 151-5 on the role of domestic churchmen.
[647] J. H. Round (ed.), *Calendar of Documents Preserved in France*, *918-1206* (H.M.S.O. London, 1899), no. 586.
[648] D. Crouch, *The Image of Aristocracy in Britain 1000-1300*, (London, 1992) p. 292; Patterson, *Earldom of Gloucester* p. 27.

vulnerable areas.[649] The Shirley holdings at Hatton and Hoon lay barely a mile from Tutbury castle, and that at Etwall around 5 miles, suggesting that the Ferrers may also have been using this tactic. Similarly, the holding at Ettington, although far off from many of the Ferrers' other lands, lay right on the Fosse Way— which may have provided some outpost of defence, but moreover have acted as a useful stop-over for the Ferrers when they were travelling. Unlike the instances that will be discussed below, here we have an instance of single lordship that in one sense bucks the trend towards geographical determinism. The model put forward below shows that generally, those men with more lords in the immediate neighbourhood of their lands were more likely to become the men of those lords, and thus become multiple tenants. There is no evidence that this happened with the Shirley family with their outlying manors. It is possible that they simply had no need to do so: clearly, they were receiving good patronage and reward for their service to the Ferrers, and it may be that this negated a need to cultivate other ties, or to attempt to establish a family identity separate from that of their lords. Despite their wealth and position, they are not known to have founded any religious house of their own, and they were much later than most other prominent Ferrers tenants in taking a stable toponym. In another sense, the geography of the core Derbyshire lands may have exercised some influence, since these were right on the doorstep of the Ferrers *caput*.

The religious patronage of the Shirleys also overwhelmingly reflects their relationship with the Ferrers. This theme will be explored further in Chapter 4, below. Briefly, we can see that they made several generous grants to Tutbury Priory early on, and continued these throughout the twelfth century— a striking pattern

[649] T. K. Keefe, 'Place-Date Distribution of Royal Charters and the Historical Geography of Patronage Strategies at the Court of King Henry II Plantagenet', *HSJ* 2 (1990) pp. 180-1.

when many families only made initial grants to their lord's house but did not later continue with this patronage.[650]

On an honour as geographically cohesive as that of the Ferrers, locality and kinship were likely to become bound up with seigneurial ties, and horizontal ties to be formed between tenants on the same honour. Where we are able to see Shirley women in the sources, they appear to largely have been the daughters of other Ferrers tenants: Henry son of Fulcher married a daughter of the Dun family, who appear regularly in Ferrers witness lists. But around the early 1160s we can see that this trend was reversed, at a time when the honour was under stress. The Ferrers lords were rarely at the forefront of political life, even that within the Midlands. Robert II de Ferrers generally stayed out of the struggle between Stephen and Matilda until it arrived on his front doorstep in the form of Henry of Anjou and his army, along with the earls of Leicester and Chester.[651] Nevertheless, Robert II de Ferrers was punished for his lack of support for the new Henry II by losing the farm of the valuable lead-mining manor of Wirksworth;[652] and his son William I also struggled with royal disfavour, losing the third penny during his minority (1159-62), which he never regained,[653] and later joining Young Henry's rebellion. For men who held solely of

[650] Saswalo, the Domesday tenant, gave two parts of his demesne at Hoon. As is recorded in Robert II de Ferrers' general confirmation, Henry, Saswalo's son, granted Newton with appurtenances (Derbys.), to which was added three acres of newly broken ground (*fractitia*) by Jordan his heir; Matilda Ridel, mother of Sewall son of Fulcher, left an annual rent of seven shillings in her will (*mater enim mea moriens sub testamento dimisit*); Sewall himself granted a copse and land between the castle and mill of Tutbury; and 'Sewal of Shirley' granted *Polforland* at Hoon in the late twelfth century (Tutbury, nos. 1, 52, 62, 67, 113, 142).

[651] *Gesta Stephani,* c.119, ed. K. R. Potter (Oxford, 1976), pp. 234-235; Golob, 'Ferrers' i. pp. 114-141.

[652] *Ibid.*, i. pp. 166-7. Golob points out that this was probably not a deliberate act against the Ferrers, but is rather indicative of Henry II's resumption of royal demesne in the area that ignored the Ferrers interest in the area at a time when the lords were outside the circle of royal favour. This also seems to have had an impact on former Ferrers tenants. In a case concerning Matlock in 1196, it was stated that one Ralph of Matlock had previously held the manor from the Ferrers at an annual farm of 20s.—clearly, as a sub-farmer for them. At some point 1155x65, Henry II had returned the farm to Ralph of Matlock, to be held directly of the king, at 40s., that is, double the previous farm (*ibid.*).

[653] This essentially ended his right to call himself earl (*Ibid.*, pp. i. 167-8).

the Ferrers, this could be a big problem, particularly if their lord lost the lands which they had previously held from him.

At this time the heir of the family, Henry, was already married to Matilda de Dun, and had male heirs.[654] Nevertheless, in the early 1160s he permanently exchanged his inherited lands with those of his younger brother, Sewall.[655] The motives behind this are never stated; but this exchange seems to coincide with Sewall's marriage to one Matilda Ridel. The woman in question appears from her name to be related to the Matilda Ridel and Richard Basset who founded Launde Abbey (Leics) c.1125, although she is not otherwise known.[656] Nevertheless, marriage into this family would have brought very good connections outside the honour— Richard Basset, as well as holding extensive lands in the c.1130 Leicestershire Survey, was also a prominent 'new man' in Henry I's court.[657] In addition, after their marriage, Sewall's wife appears in charters of her own right during her husband's lifetime, both as a witness and grantor, even in cases where the family's lands do not seem to have been directly involved.[658] It may be that for a woman of such local standing, the family had disrupted normal inheritance practice, and had sought to forge connections outside the honour at a time when their main source of patronage was doing poorly. It is possible, too, that this was prompted by a trend noted by Golob that under William I de Ferrers the core group of his men appear less and less frequently as witnesses to comital charters, being replaced by members of the earl's family.[659]

[654] Cf. Hudson, *Land, Law, and Lordship*, pp. 201-2.
[655] Printed Stenton, *First Century* pp. 52-3, Appendix no. 7 pp. 263-4.
[656] Dugdale, *Monasticon*, VI. pt. I, pp. 187-9; *VCH* Leics ii p. 10 and n.1.
[657] P.R. 31 Henry I, pp. 5, 8-9, 34, 36, 41, 44, 49, 55-6, 60, 64, 68, 70, 72, 74, 79, 86, 91-2, 99, 105-6; W.T. Reedy, *Basset Charters c.1120 to 1250* (London, 1995), pp. viii-xii.
[658] Shirley, *Stemmata Shirleiana,* Appendix, p. 13.
[659] Golob, 'Ferrers', pp. i 162-4.

So we can see that there were families who through, perhaps, a combination of their own choice and the geographical distribution of their lands, held land of only one lord throughout the twelfth century. Even these men, however, cultivated extra-honorial relationships, although without taking on lands from other lords. But holding land of only one lord seems on balance to have been the more unusual pattern. Instead, by the mid-twelfth century, and certainly by the end, holding lands of two or more lords appears to have become the commoner form. The rest of this chapter will focus on examples of multiple tenures, in order to examine the relationship between this pattern, behaviour of minor lords, and geographical distribution of lands.

The Seagrave family

Stephen de Seagrave (d.1241), is well-known as a royal administrator in the thirteenth century.[660] His success was built partially on his support for King John during the rebellion of the barons, but fundamentally on the work of his father, Gilbert, in building up his prominence through service and lands from multiple lords in Leicestershire in the later twelfth century. The family provides, then, an example of how ambitious individuals could profit from the opportunities that multiple lordship allowed.

As well as a considerable number of royal records and single-sheet charters in which the family appears, we also have the records of the Seagrave Cartulary. The original cartulary ('The Red Book') has not been traced, but we have a sixteenth-century antiquarian copy, and a fifteenth-century calendar of its contents that shows that it

[660] Stenton, *English Justice*, p. 84.

contained record of 544 transactions from c.1180-c.1318 across a wide geographical span.[661]

There is no sign of a Seagrave ancestor in Domesday Book but the name of the first individual that we have, Hereward, suggests that they were English survivors. Hereward held six carucates and three bovates of land (i.e. approximately 765 acres) in Seagrave (Leics) in the Leicestershire survey c.1130, either of the abbot or earl of Leicester.[662] This was a reasonably good holding— a large amount of land in Seagrave, which the antiquarian Nichols described as being on 'champion' land.[663] The Fosse Way ran along the eastern end of the vill, on which a 10 mile journey south would bring a traveller into the centre of Leicester city. It is possible that Hereward also held a small tenancy at Chilvers Coton (Warks.) of the ancestors of the Ralph de Sudley from whom it was held in the early thirteenth century.[664] Hereward's son, Gilbert de Seagrave (d.1200-1) inherited his father's lands, and seems to have been active in expanding his lands and seigneurial connections. In all, he appears to have been a tenant of up to 6 lords, and possibly more. Some of these seem to have been driven by proximity to Seagrave.

In the vill itself, Gilbert augmented his inheritance with a grant of lands from Ranulph II earl of Chester.[665] 8 miles to the east of Seagrave was the *caput* of Robert, son of Roger de Mowbray. Gilbert received from him a virgate at Melton Mowbray,

[661] BL MS. Egerton 3789, fos. 100ff. is a copy made by Robert Glover (d. 1588), Davis, no. 1318.4. An edition of Davis no. 1319, (BL Harley 4748) was produced as part of a doctoral thesis in 1997: S. Letters, 'The History of the Seagrave family from c.1160 to 1295' (Ph.D., King's College London, 1997). A mid-fourteenth century feodary and rental also survives (BL Add. MS. 37671, Davis no. 1320).
[662] M. Hagger, *The Fortunes of a Norman Family: the de Verduns in England, Ireland, and Wales, 1066-1316* (Dublin, 2001) p. 193.
[663] Nichols, *Leicester*, III pt. i, p. 407.
[664] Letters, 'Seagrave', pp. 10-11.
[665] Letters, 'Seagrave', p. 12.

which was 10 miles distant.[666] He witnessed one Mowbray charter for Garendon abbey,[667] and seems to have become involved with some of the Mowbrays' men. He received land from Thomas of Wappenbury, a tenant of the Mowbrays who owed 5 knight's fees to the family;[668] and from Henry de Rokeby, who appears twice as a Mowbray witness.[669] He also acted as witness for Roger de Camvilla, who owed nine fees to the Mowbrays.[670]

Gilbert appeared several times as witness for Garendon Abbey, which may have been driven by a connection to the founder, the earl of Leicester, if it was indeed from him that the earliest tenancy at Seagrave was held. Locality may also (or alternatively) have played a role: Garendon lay 6 miles to the west of Seagrave.[671] He also seems to have had some connection to St. Mary's Abbey, Leicester: he witnessed at least 3 of its grants;[672] as will be discussed below, he acted as custodian for the abbey during an abbatial vacancy;[673] and the abbot later stood surety for him when he was heavily fined in the later twelfth century.[674] Gilbert also began to expand into other regions, however. He is recorded as holding a quarter of a knight's fee from the earl of Warwick in 1166, which later evidence suggests may have been in Brailes (Warks.), some 60 miles to the south of Seagrave.[675] Although there is little evidence for Gilbert's presence in the area, he did appear as a witness for a transaction of March

[666] Letters, Seagrave calendar, no. 10.
[667] Greenway, *Mowbray,* no. 161; Nichols, *Leicester*, II. pt I, appendix p. 135.
[668] *RB*, i. p. 419; Greenway, *Mowbray*, p. 263.
[669] Greenway, *Mowbray,* nos. 84, 85.
[670] *Ibid*., pp. 117, 256.
[671] Garendon was founded by Robert II, earl of Leicester, in 1133. These are the confirmation of Ralph of Queniborough of the gift of Ansketill de Berges' grant of lands in Burton; Thomas *dispensator*'s gift of his fee held from Roger de Mowbray; and William de Jort's grant of various parcels of land in and around Wymeswold (Leics.) (Nichols, *Leicester,* III. pt. ii, pp. 810-11).
[672] Stenton, *Documents Illustrative of the Danelaw*, no. 420; Letters, 'Seagrave', p. 13 and n.
[673] P.R. 34 Henry II, p. 215.
[674] P.R. 10 Richard I, p. 160.
[675] *RB,* i. p. 326. When Nicholas de Seagrave was captured at Evesham in 1265, he was holding £6 7s. of land in Brailes, and in 1279 it is recorded as being held for a quarter of a knight's fee (*VCH* Warks. v. 19).

1190 concerning lands approximately a mile from Brailes.[676] He also witnessed two charters of Bertram III de Verdun, and seems to have accompanied him to Henry de Clinton's court.[677]

Although it is difficult to infer feelings from evidence such as this, it is perhaps not pushing the evidence too far to see Gilbert as ambitious. In addition to such a wide portfolio, in the late 1180s he began to take royal service.[678] In 1187-8, along with a canon, Robert, he accounted for the revenues of the vacant St. Mary's abbey in Leicester.[679] In 1192-3, he was under-sheriff of Warwickshire and Leicestershire with Ralph Basset, and accounted for the farm of these counties under Hugh de Nonant, bishop of Coventry; and the same under William d'Aubigny in 1195 and 1197.[680] In 1196, he served as an itinerant justice in Lincoln.[681] Gilbert seems to have run afoul of the king in 1198-99. The Pipe Roll of 10 Richard I listed him as owing 400 marks, apparently from the king's tax on knight service to pay for war in France, but Letters showed that this was a fine, and suggested that Gilbert had been arrested.[682] The reason for this is unclear, but it is possible that this was connected to the outlawry of his eldest son Thomas at a similar time.[683]

[676] This was William de Turville's mortgage of his lands at Woodcote and Chelmscote, (J. H. Round, *Ancient Charters: Public and Private, Prior to 1200* (Pipe Roll Society x, London, 1888), no. 56; Letters, 'Seagrave' 12).
[677] BL. Harley MS. 3650 fo. 8, cited Hagger, *de Verduns,* p. 193 n. 183; Stenton, *Documents Illustrative of the Danelaw* no. 464; H. Thomas, *The English and the Normans* (Oxford, 2005) p. 125.
[678] Coss, 'Bastard Feudalism' pp. 41-2. This seems to have been a not uncommon pattern for minor lords with English backgrounds. The de Lech family, tenants of the Ferrers and earls of Chester, begin to appear in the documentation around the mid-twelfth century, and seem to have descended from one Ælfric (ROLLR DE2638/3/1; Nichols, *Leicester*, iii. pt. ii, p. 703; ROLLR, DE5555/1). Harold de Lech and his son William both appear as royal servants in the Pipe Rolls from Henry II's reign onwards. William married the daughter of the sheriff Hugh Bardolf, and accounted for him in the 1201-2 Roll (P.R. 3 John, p. 88).
[679] P.R. 34 Hen. II, p. 215.
[680] P.R. 5 Ric. I, p. 100; 6 Ric. I, p. 43; 7 Ric. I, p. 184; 9 Ric. I, p. 169; DRO D77/1/23/51.
[681] Letters, 'Seagrave', p. 15; R. V. Turner, *The English Judiciary in the age of Glanvill and Bracton* (Cambridge, 1985), p. 7.
[682] P.R. 10 Richard I p. 160; Letters, 'Seagrave', pp. 15-16.
[683] *Ibid*.

Nevertheless, his second son, Stephen de Seagrave, managed to build on the landed and political basis that his father had begun, and started his career along the same lines as his father.[684] Particularly as his stock began to rise, Stephen can be seen accumulating landed holdings piecemeal across the area. In doing so he acquired a series of small landlords, some of whom at least may have granted him lands in exchange for his favour.[685] As with the Kniveton family, below, he also took advantage of the rise in the family's fortunes to continue to build up lands in the vill from which the family took its toponym.[686]

The Kniveton family

The tenurial patterns of the early twelfth century left tenants with holdings scattered across the landscape. As with the Seagraves, these families seem to have aimed to fill in these gaps, particularly around the vill or area from which they took their name. This process of acquisition of lands from neighbouring lords could be gradual. Often it seems to have been achieved by offering service to the neighbouring lord in exchange for the land (and probably some sort of payment). Sale was possible, but much more unusual— and still usually required the buyer to acknowledge and be accepted by the lord of the land in question. In the early thirteenth century, the Kniveton family appear to have been using both of these methods, and up to the mid-

[684] He occasionally appears as an official in Leicester: ROLLR DG21/1, shows him appearing alongside William Blundus, the archdeacon of Leicester, and a *Magister* Robert for a licence for William de Martivall to have a domestic chaplain.

[685] DRO D77/1/8/1 (Jeayes, 910), gift by Ralph de Arden to Stephen de Seagrave of land in Cotes [unidentified], c.1230x1235; DRO D77/1/8/2 (Jeayes, 911), confirmation of the above, c.1230x1235; D77/1/8/3 (Jeayes, 67), Quitclaim by William son of Warin of Upton to Stephen de Seagrave of land in Cotes, c.1216x1250. DRO D77/1/21/4, grant by Robert Maulovel of Rosliston to Stephen de Seagrave of land in Rosliston, 1216x1250; DRO D77/1/21/6, grant by Roger de Mauhaut to Stephen de Seagrave of land in Rosliston for service of half a knight, 1216x1250.

[686] Letters, 'Seagrave', p. 10; Nichols, *Leicester*, III. pt. i, p. 407; R. V. Turner, *Men Raised from the Dust: Administrative Service and Upward Mobility in Angevin England* (Philadelphia, 1988), p. 121; Hagger, *de Verduns*, p. 193.

century they seem to have been busily engaged in trying to acquire blocks of lands in Kniveton (three miles to the north-east of Ashbourne (Derbys.)), Bradley, (a little over three miles to the south) and Sturston (between Bradley and Ashbourne). The family is a clear example of how lands could be acquired through multiple lordship, and how acceptance of the latter practice could be crucial for an ambitious family. We only know about the family in detail because c.1302-3 the documents recording the family's landed business were written up into a surprisingly large cartulary.[687]



Fig. 11: Places associated with Kniveton family, late twelfth to early thirteenth centuries

Although almost nothing is known of the family outside the document, it is clear that at the end of the twelfth century they were very minor freeholders at Kniveton, and tenants of Robert fitz Toly. Humphrey fitz Haslac, the first of the family to appear in the cartulary, held a toft and croft and 10 acres of land from him.[688] Humphrey's son Matthew, in Saltman's words, 'lifted himself out of the ruck of small peasant

[687] Lincoln, Dean and Chapter, Muniments A/1/9. It is 112 folios, so must have been an expensive undertaking. It is also an immensely careful one that delves back into the twelfth century to establish previous chains of tenure, and includes documents about lands that had been lost by the time of production; possibly it was kept up to date until 1311, and a couple of works added in the fifteenth century. Pym Yeatman produced a transcript in the 1890s, but is, in Saltman's words, 'useless'. Avrom Saltman produced a considerably better edition in 1977 (A. Saltman, *The Kniveton Leiger*, (London, H.M.S.O., 1977).

[688] Kniveton, no. 230.

freeholders', and gained a few grants in Kniveton.[689] Matthew's son, also called Matthew, seems to have stepped into his father's shoes c.1240. He continued to expand the family holdings in Kniveton, but his focus expanded to Bradley and Sturston and he seems to have risen rapidly: he is called *clericus*, *dominus* and *miles* in the Leiger, which hints at both wealth and education.[690] As with the examples above, we can see that acquisition of lands was carried out carefully: the lands accepted were local or contiguous to those already held, and Humphrey and his successors made relationships with a number of lords in order to achieve this. At first glance, the timing of the rise of the Kniveton family makes them look to be benefiting from the breakdown of honorial cohesion at the end of the twelfth century. As described above, however, none of their activities would have been out of place in 1086 or 1150. Nor do I think that the thirteenth century saw a spread of acquisitive multiple lordship to small freeholders as well as minor lords: in the early thirteenth century we simply see more charters surviving, and from lower levels in society. Even taking into account fluctuations in the land market, what we seem to have earlier is a lack of evidence, not an absence of the practice.

The Gresley family

The extant records for the Gresleys allow a particularly detailed study of a family of multiple tenants. Their acquisition of lords allowed them to build up a concentration of lands around their small tenancy-in-chief at Drakelow (Derbys.), with a secondary cluster further west. With this family, we can see both the construction of these tenancies, and, of particular value, something of their subsequent relationships with

[689] Saltman, *Kniveton*, p. vii; charters nos., 215, 216, 235, 237; Stenton, *Danelaw charters*, p. xcix, n. 2.
[690] Saltman, *Kniveton*, p. vii. These terms seem contradictory from a modern standpoint. Michael Clanchy's discussion of the term *clericus* may however shed some light on the issue. By the late twelfth century, he observed, this could simply refer to one who was learned, not necessarily a churchman. (Clanchy, *Memory to Written Record*, pp. 229-31).

these lords and their locality.[691] In 1086, Nigel de Stafford (c.1040-c.1115),[692] held manors of the king, Henry de Ferrers, and the bishop of Chester. By the early twelfth century he had also acquired a small amount of land from the earls of Chester.

Nigel de Stafford's tenancy-in-chief was small,[693] worth just over £6 in the Domesday *valuit.*[694] His manors were tightly clustered, covering a span of no more than 10 miles on the Leicestershire and Derbyshire border, immediately to the east and south-east of Burton-upon-Trent. Between these tenancies-in-chief, the majority of other vills were either held by Henry de Ferrers in 1086, or were outlying sokelands of the royal manor of Repton.[695] By the time of the Survey, Nigel de Stafford had acquired five parcels of land from Henry:[696] Linton (Derbys.) and

[691] I have been unable to determine the reason for Nigel de Stafford's toponym, other than to suggest that it had been extended from his elder brother Robert de Stafford to him. The subsequent replacement of this with Gresley may reflect the subsequent focus by the family on the Derbyshire area.
[692] This dating is from Madan, *The Gresleys of Drakelow*, p. 18. This work, and that of J. H. Round, was strongly criticised by J. P. Yeatman in the early twentieth century, who believed that the Gresley family had become extinct by the Stewart era, and the title then bought by an upstart imposter. This view, however, rests on multiple mistranslations of the documents, and is lampooned by J. H. Round in 'Our Oldest Families XII: the Gresleys', *The Ancestor*, x (1904), pp. 133-7 and 'The Origins of the Shirleys and of the Gresleys', *DAJ* 27 (1905), pp. 151-184. Aside from his misreading of Domesday Book, Madan's work contains much careful source collation. The connection between Nigel de Stafford and the Gresley family has been disputed, but Round's assertion of their connection is undoubtedly correct (Round, 'The Shirleys and the Gresleys', p. 164). Like the Shirley line, the Gresley family survived into the modern era. The engineer Herbert Nigel Gresley, designer of the *Flying Scotsman*, was a descendant, and was raised at nearby Netherseal. The Gresley line became extinct in 1976 on the death of the last Baronet. Drakelowe Hall, the family seat, was vacated in 1931 and demolished in 1934.
[693] It has not been possible to put a date on when Nigel received his tenancy-in-chief. Where his antecessors are named, they appear to have been a small group of minor landholders with a mixture of English and Scandinavian names (DB i. fo. 278), but none of them prominent enough to be able to draw out any further information. Since their names are common for the area, it is risky to try to connect them to antecessors of the same name on other lands. The name Godric appears three times, and it is possible that this was the same individual who had previously held in Stapenhill, Swadlincote, and Ravenstone. The latter manor is an outlier from Nigel de Stafford's lands held in chief, being some 10 miles distant from Gresley, and it may be that this was acquired on the basis of the previous tenure of this Godric.
[694] Nigel was a younger son of the de Toeni family, formerly standard bearers to the dukes of Normandy. His elder brother Robert is mentioned as fighting at Hastings, and Nigel is likely to have done similarly. His Domesday tenancy-in-chief covered Drakelow, Heathcote, Stapenhill, Swadlincote, Foremark, Smisby, Ravenstone, Donisthorpe, Oakthorpe and Thringstone; and Ticknall and Ingleby as sokeland (DB i. fo. 278) Gresley was probably included in the lands of Heathcote (*VCH* Derbys i. p. 306) The total annual value of these lands was £6 0.s. 6d. in 1086 (DB i. fo. 278).
[695] These were Measham, Willesley and Chilcote (Leics.)
[696] Of Henry de Ferrers— Catton, Twycross, Swepstone, 'Windesers', Linton (DB i. fos. 233, 233V, 274). Madan has claimed that the family held further lands of several other lords in 1086 by seeking to equate

Swepstone (Leics.) that fell within the circuit of his tenancy-in-chief, the latter abutting the manor of Gresley that may have already been a *caput* in Nigel's lifetime;[697] Twycross (Leics.) that lay 9 miles to the south of Gresley; and Catton, 5 miles to the west of Gresley, and which abutted the River Trent at its confluence with the Tame.[698] From Burton Abbey he received lands at Stapenhill, just over the border from Gresley in Staffordshire. So these acquisitions fall within a small and coherent area centred on the tenancy-in-chief.

every 'Nigel' in the region with his own ancestor. He however encounters some difficulty in attempting to explain why so many of these tenancies were lost immediately after Nigel's day. (Madan, *Gresleys,* appendix B, pp. 183-4) Some of the scattered references in Domesday may be indeed the right man, such as the Nigel who held Kingsley under Richard fitz Hubert, as these lands are later found in the family's possession (*Ibid.,* pp. 18-21) Some of these claims must be taken as completely unfounded, however— such as the Nigel who held of Richard the Forester, none of whose lands of Thursfield, Whitmore, Hanford, and Clayton are later found in the family's possession. (DB i., fo. 250V; *VCH* Derbys, i. 302 and n. 3).

[697] His son, William fitz Nigel de Gresley, appears to have taken the toponym early after having received his father's lands. I am therefore using it as the family's *caput* from which to measure the distance to other lands. The development of Gresley as a site dates to after 1086, and is now split into two settlements of Church and Castle Gresley, lying approximately a mile apart. Falconer Madan has suggested that its development was due to the depopulation of Drakelow following a problem with revenants and a subsequent plague, which Geoffrey of Burton relates in *St Modwenna* (Madan, *Gresleys,* p. 23; *Modwenna,* c. 47, ed. Bartlett, pp. 192-9). If this story has a factual base, and is some memory of a catastrophic event such as plague, this could perhaps explain why the site moved three miles to the east.

[698] The Tame flows northwards through Tamworth before reaching this confluence. Immediately on the other side of the Trent at Catton runs the Roman Rykneld Street, which follows the western bank of the Trent until northwards of Burton-upon-Trent, where the former continues on to Derby, and the latter turns to the east. This manor was, therefore, a very useful one for access to travelling links, and it may be this that accounts for its acquisition outside the immediate tenancy-in-chief bloc.

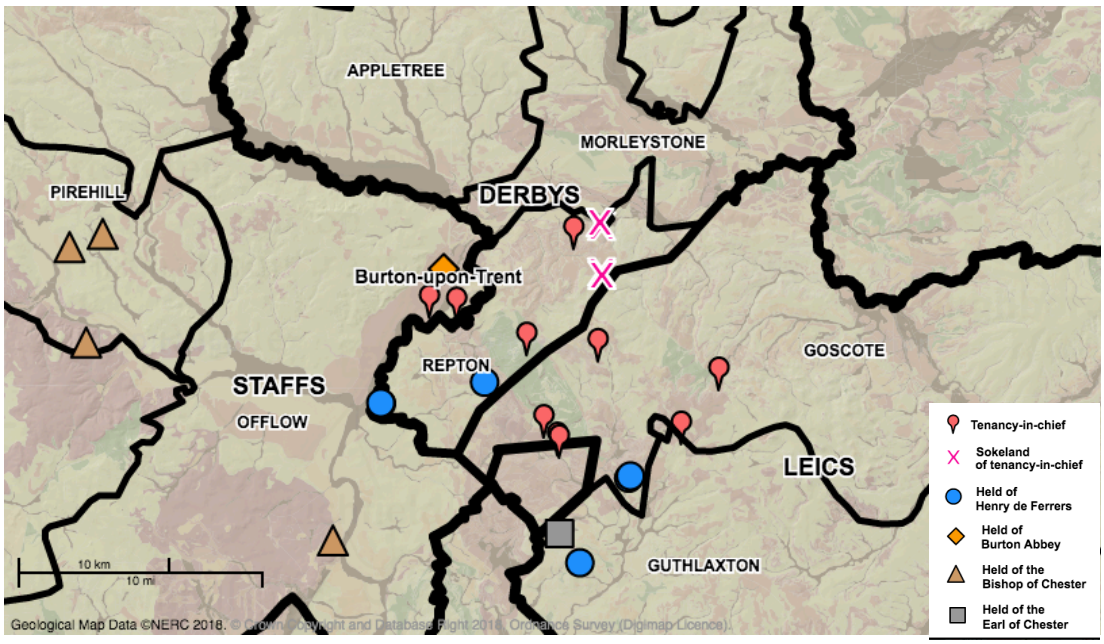


Fig. 12: Lands held by the Gresley family, c.1130

In addition to this cluster, Nigel also received one around 20 miles to the west of Gresley, lying in Staffordshire to the north of Cannock Chase, and a little over six miles to the east of Stafford. In Domesday Book he held in 5 places directly of the bishop,[699] and held Hixon of one Picot who himself held it from the bishop.[700] The reason for this acquisition is less clear, although it may have been to provide a small base near the town. William de Gresley, Nigel's son and heir (active c.1115x20-c.1150sx early 60s), clearly inherited these lands, and is recorded as still holding them in 1166[701] and 1184.[702] But there is little to connect the Gresleys otherwise to the bishops. The bishop of, by then, Coventry was present with William fitz Nigel as witness to the deathbed bequests of Ranulf II earl of Chester, but this may have been

[699] DB i. fo. 247. These were at Wolseley, Coley, Moreton, Drointon, and Tamhorn.
[700] *Ibid.* Hixon adjoined the manor of Drointon, and so we may have here another instance of subinfeudation as a means of building up coherent landed holdings.
[701] *RB* i. p. 336. The seat for the diocese was moved from Lichfield to Chester by Bishop Peter in 1075, but under Bishop Robert I de Limesy, it was moved to Coventry 1088x1100. (*EEA* 14, pp. xxx-xxxv).
[702] In 1184, William fitz Robert de Gresley, grandson of William fitz Nigel, accounted for thirty marks in Warwickshire and Leicestershire for having his father's lands in the fee of the earl of Chester and the bishop of Chester (P.R. 30 Hen. II, p. 49). Three years later, he still owed 8 shillings (P.R. 33 Hen II, p. 116). In the early thirteenth century, William de Gresley, eldest grandson of William fitz Nigel held Drakelow of King John by the service of a bow, quiver, and twelve arrows yearly (Madan, *Gresleys* pp. 33-4).

for the safeguarding of Ranulf's grants, rather than from any especial connection with William.[703] There are only two charters of the bishops which a William fitz Nigel attests, and one of these appears spurious. It records a supposed grant by Walter Durdent, bishop of Coventry to Ralph lord of Harborne, his steward, of several small parcels of land for 4 shillings annual render, for which a 'William fitz Nigel' was the chief witness.[704]

In Franklin's edition of this charter, he suggests a date of January 1152x5 if genuine, but suggests that it may instead have been a fabrication of the 1220s.[705] His suggestion that the witness list may be a conflation of two from genuine documents gives us little basis for showing that William fitz Nigel was ever much in attendance on the bishops; if completely fabricated, then we have even less.[706] The charter which appears to be genuine is a grant by the same Bishop Walter to Roger Durdent of land in Stivichall, dated 8 January 1152x7 December 1159.[707] The witness list is long: the archdeacons of three counties, six churchmen, and ten lay witnesses, the latter including representatives from local families of Wiborville, and Swinefen, and Handsacre, the latter of which held half a knight's fee from the bishops.[708] Compared with record for his activities elsewhere, William was clearly not in regular attendance on the bishops.

[703] Barraclough, no. 34.
[704] *EEA* 14, no. 63.
[705] *Ibid*., p. 60.
[706] There is one other possible connection: a William fitz Nigel occurs as a witness for the foundation of Buildwas Abbey by the Bishop 1140x7 (*ibid.,* no. 11). There is a possibility that this might be William de Gresley, due to the Coventry connection, and the presence of Robert de Stafford, who may have been William's cousin. It is however impossible to find any stronger evidence than this to link William fitz Nigel to the grant.
[707] *EEA* 14, no. 67.
[708] *RB* i. p. 263.

There is ample evidence, however, for his activities around his tenancy-in-chief. William's seigneurial activity is entirely with lords around this central base. He continued to hold the lands that his father had received from the Ferrers, whose *caput* of Tutbury stood eight miles to the north-west. To the north and south of the Gresley tenancy-in-chief by the early twelfth century lay the lands of the earl of Chester at Repton and Appleby Magna— although parts of the latter were also held by the Ferrers and Burton Abbey.[709] At Drakelow and Stapenhill, his lands bordered Burton Abbey, from whom he held a small tenancy. His relationship with these will be addressed in turn.

With the Ferrers *caput* lying so close, it is perhaps not surprising that William often appears in connection with these lords. In the *Cartae Baronum*, he had held 4 knight's fees of Robert de Ferrers of the old enfeoffment, and his son Robert had inherited these by 1166.[710] He witnessed a number of the earls' charters, always appearing in a prominent position, including the foundation of Merevale, and Robert II de Ferrers' grant of lands in Northamptonshire to Savigny Abbey, well outside the Gresley ambit, and so his presence is likely to have been seigneurially driven, rather than because he was local to the lands in question. Out of these five charters, two have places recorded. A grant of lands in Stebbing (Essex), dated 26 September 1139, is dated at 'Stutesberiam', possibly Stuchbury (Northants);[711] and that concerning Potterspury at 'Norham', (?Northampton), possibly suggesting that

[709] DB i. fos. 231V, 233V, 273; C. P. Lewis, 'The Formation of the Honor of Chester, 1066-1100', in *The Earldom of Chester and its Charters,* p. 43.
[710] *RB* i. p. 336. These lands probably comprised those which Nigel held of Henry de Ferrers in Domesday. Linton and 'Widersers', two of Nigel's holdings, was certainly still in the family's possession at the time of the Leicestershire Survey of c.1130. William fitz Nigel held one carucate in the former, and three in the latter (Slade, 'The Leicestershire Survey c. AD 1130', p. 19).
[711] BL Add. Cht. 65173; 'The Manuscripts of the Earl of Essex preserved at Cassiobury Park, Watford', *Historic Manuscripts Commission Reports on Manuscripts in Various Collections*, vii (1914), p. 310; M. Jones, 'The Charters of Robert II de Ferrers', *Nottingham Medieval Studies* xxiv (1980), no. 1.

William at least occasionally travelled with Robert II's retinue. William was also present for the agreement made between Robert I de Ferrers and Geoffrey abbot of Burton.[712]

For the Chester earls, the picture is a little different. We are hamstrung in this instance because of the lack of a *Carta* return from the earls, and so we have to rely on survival of grants of lands. Nigel de Stafford held lands of Henry de Ferrers in Twycross by 1086. In the early twelfth century he augmented this holding by acquiring neighbouring lands at Norton-juxta-Twycross from the earls of Chester.[713] Nigel granted the church here to the Abbey of St Albans, which was confirmed by Richard second earl of Chester sometime c.1107x15. Although a reasonably sized manor for the area, this tenancy from the Chester earls was a fairly minor one compared with the family's other local holdings. With such wide-ranging holdings, and the Welsh to subdue, the earls of Chester are likely to have been very different lords from the Ferrers; the former could not have been present in the area much, while the Ferrers' main focus seems to have been the north Midlands. So it is not surprising, then, to find few instances of William attending on the earls of Chester, and all of these related to land in the immediate area.

William is likely to be the William fitzNigel who appeared for (*ex parte*) Ranulf II earl of Chester in the peace agreement between the latter and the earl of Leicester.[714] The other witnesses for Ranulf are prominent men: Richard de Luvetot was from a prominent Derbyshire family, and was an important tenant of Tickhill honour which

[712] See above, pp. 181-2.
[713] DB i. fo. 231V. The holding was 6 carucates, with a priest, 1 villein, and 2 bordars, and was worth 6 shillings.
[714] BL, Cotton MS. Nero C. iii f. 178, printed Stenton, *First Century* pp. 250-253, 286-8. See above, pp. 142-5. Stenton pp. 253-4 n. 3 discusses some of the witnesses but excludes William. It is likely, however, that this was William de Gresley, and no other strong candidates emerge for this figure.

was possibly in the earl of Chester's hands at this time;[715] and Rannulf was a sheriff.[716] Ranulf's supporters were all, therefore, important men— chosen, we may suspect, as a show of his force and local power. It may also suggest that William fitz Nigel was supporting the earl during Stephen's reign— but if so, this is the only trace.

His only other probable appearances in a Chester charter come from a few charters issued by Ranulf II while he was dying in 1153. The *Gesta Stephani* claims that Ranulf was served poisoned wine by William Peverel, while the earl was a guest at the latter's house, in retaliation for the deal that the earl had recently made that would destroy Peverel's tenure.[717] This poison, the source says, killed three of the earl's men, but Ranulf himself recovered for a short while before finally dying at Gresley.

Seemingly prompted by his illness, Ranulf carried out the reasonably common practice of making grants of land to religious houses in order to make amends for damages that he had previously committed. William fitz Nigel appears as a witness to a grant made by Ranulf at Rochester to Burton Abbey, in recompense for damage that he had previously caused in seizing islands in the Trent belonging to the house.[718] William attests this along with members of Ranulf's more usual retinue, and the local clerics William of Radmore abbey, near Cannock, Albinus the abbot of Derby, and the prior of Calke, all of whom had been founded by, or in the case of

[715] *Ibid.,* pp. 253-4 n. 3.
[716] He had previously appeared as witness for Chester (*Ibid*., pp. 253-4 n. 3, pp. 104, 271-2).
[717] *Gesta Stephani*, ch. 119, ed. Potter, pp. 236-7. The *Gesta* does not however attribute the earl's death to the poison. *VCH* Derbys ii. 96 claims that he was poisoned as a result of his dispossession under the Treaty of Devizes, but, as this treaty was not implemented before Ranulf's death, this argument seems unlikely.
[718] Barraclough, no. 115.

Derby, endowed by the earls.[719] After this, Ranulf made a final move to Gresley. It is impossible to say whether Ranulf's stay at Gresley was an unusual occurrence forced by his illness, or whether this was a stop that he had made more frequently but which has left no record. From here he issued three further charters: two grants to St Werburgh's abbey for the damage which he had inflicted; and one hundred solidates of land in Staffordshire to restore Trentham Abbey.[720] William is recorded as witness for two of these.[721] After these, evidence for relations between the Gresleys and the earls of Chester falls silent again; but in 1184 William fitz Robert de Gresley, grandson of William fitz Nigel, paid thirty marks in Warwickshire and Leicestershire for having his father's land, that held of the fee of the earl of Chester and the bishop of Chester.[722]

William fitz Nigel also attested a large number of Burton Abbey's grants, appearing consistently through the abbacies of Geoffrey (1114-1150) and Robert I (1150-9).[723] He appears, moreover, more frequently here than in relation to any other lord. Many of the abbey's lands bordered those of William fitz Nigel, and in some cases they interspersed his tenancy; in any case, all of those charters that he witnessed lie within 5 miles of his *caput* at Gresley. His regular attendance at the court, therefore, may be a means of safeguarding the borders of his land by being present for the grants of his neighbours.[724] The proximity of the abbey's lands may also have encouraged him to

[719] Most notably Hugh *ostricarius* who attests 18 of the earls' charters. (*Ibid.,*, nos. 25, 27-8, 34, 46, 55, 66, 69, 71-2, 80, 82, 85, 90, 103-4, 111, 149. For Hugh, see also nos. 102, 150).
[720] *Ibid.*, nos. 34, 117, 118.
[721] *Ibid.*, nos. 34, 118.
[722] P.R. 30 Hen II p. 49.
[723] Abbot Robert was expelled in 1159, but returned in 1176. As William fitz Nigel's son Robert had inherited his lands by 1166, these charters must be from Robert's first stint in office (*The Heads of Religious Houses, England and Wales I: 940-1216*, ed. D. Knowles, C. N. L. Brooke, V. C. M. London, 2nd edn. (Cambridge, 2001), pp. 30-1.
[724] Glanvill, written 1187x9, assumes that in many cases twelve knights (*milites*) can be found for determining cases of tenure in the locality (e.g. *Glanvill*, II. 12, ed. Hall, pp. 31-2). This perhaps presupposes that such men took an active role in witnessing local charters, as may be the case here. The

expand in this direction: a grant by the abbey of lands at Darlaston seems to have been threatened by William's acquisitiveness. A *conventio* from the Burton cartulary between Geoffrey abbot of Burton (1114-50) and Orm of 'Derlaveston' grants the latter to hold the lands so that none can cause him to lose it, whether *pro Willelmo filio Nigelli*, or by anyone else.[725] This land was later granted to William's son Robert, although the nature of the Gresley's claim to this land— and its legitimacy— is nowhere made explicit.[726]

Other dimensions of the Gresleys fit with this pattern of a heavy focus on the small locality. William fitz Nigel took Gresley as a toponym, rather than Stafford as his father had, and all of William's sons, Robert, Engenulf, Nigel, Henry, William, and Ralph appear in documents with the toponym 'de Gresley'.[727] At the *caput* the family stamped their presence on the landscape. William fitz Nigel founded a small Augustinian priory dedicated to St. Mary and St. George on a ridge of high ground on the eastern part of Gresley, sometime during the reign of Henry I.[728] Since it was so small, no documents survive, and it is doubtful whether a cartulary was ever produced.[729] At the time of the Dissolution, however, it held lands in many of the core Gresley areas: Gresley, Linton, Swadlincote, Heathcote, Newton, Boothorpe, Seal, Donisthorpe, Oakthorpe, Chilcote, and Foremark, and the rectory of Lullington, at that time a value of £31 6s 0d per year.[730] It seems likely from this that the priory

Leges Henrici Primi also states that when planning to hold a court, the peers and neighbours (*pares et vicinos*) should be summoned to safeguard the judgements (*LHP* 33,1, ed. Downer, pp. 136-7).

[725] BL Loans 30, fo. 40.

[726] *Ibid*., fo. 41

[727] Madan, *Gresleys*, pp. 27-8.

[728] Madan, *Gresleys*, p. 172.

[729] A small amount of the fabric of the twelfth century construction survives in the foundations and base of the tower for the now parish church (N. Pevsner, G. K. Brandwood, and E. Williamson, *Derbyshire: The Buildings of England* 2nd edn., (London, 2016), pp. 272-3) The priory seems to have attracted the majority of the Gresley patronage: there is no evidence that they ever endowed the houses of any of their lords.

[730] *Ibid*.; Dugdale, *Monasticon*, VI. pt. I p. 550.

never attracted much patronage beyond the Gresley family and possibly its tenants. The foundation of a religious house was not uncommon, particularly for tenants-in-chief. The Gresleys also, however, seem to have built a castle at their *caput*. The name is preserved in the current name of Castle Gresley, and in a mound, still approximately 20 feet high, known locally as Castle Knob, that lies about a mile from the remains of Gresley Priory.[731] Unfortunately, there is no documentary record for this site, and the date of construction is unknown. Nevertheless, from the present remains it appears to have been a motte-and-bailey construction, which may suggest that it was built during Stephen's reign.

So for Nigel and his descendants we can see a family whose relationship with their lords was almost entirely driven by their focus on one locality. The tenancy-in-chief which they held was less valuable in 1086 than the lands which they held from other lords, but in all senses these lords and the lands held from them were supplementary to it. This pattern of trying to build up a consolidated block of lands was not uncommon. Mortimer pointed out the case of an English survivor, Oswald, who held lands of King William, Richard fitz Gilbert de Clare, and Chertsey Abbey in a concentrated block focused on Effingham in Surrey.[732] Other examples survive from the north midlands area.

The Ridware family

As with the Gresleys, the Ridware family built up a localised cluster of tenancies from different lords. They provide a particularly useful study of how multiple tenancy does not seem to have damaged how much trust a lord placed in his man.

[731] Pevsner, Hartwell, and Williamson, *Derbyshire*, pp. 272-3
[732] Mortimer, 'The beginnings of the Honour of Clare', pp. 125-7.

The Ridware family seems to have been of Saxon origin. They took their name from an area of c.8600 acres north of the Trent in Staffordshire, which is now three villages: Mavesyn Ridware, Hamstall Ridware, and Pipe Ridware.[733] The founder of the family seems to have been Azelin, who appears in Domesday Book holding 1 ½ hides in Mavesyn Ridware of Earl Roger de Montgomery,[734] whose family's holdings later passed to Robert de Stafford. Soon after 1086, William Rufus ordered Nicholas de Stafford to allow 'Atsor the Englishman (*Atsoro Englico*)' to hold the land of Edingale[735] by the same service as his father had done for it,[736] and similar writs were issued for the family by Kings Stephen and Henry II.[737] The family also held a virgate of land in Ridware under Lapley priory, which had been founded as an

[733] Wrottesley, 'Rydeware', p. 230. Shaw suggested that the area 'formed antiently one district' known as Ridware, from the British *Rhyd'our* or *-ware*, the latter being a Saxon suffix, the former meaning 'river-ford', and the latter 'people at the ford'. The area is low-lying, on the banks of the River Trent. (S. Shaw, *The History and Antiquities of Staffordshire* (2 vols., London, 1798-1801) i. 150).

[734] He also held of Montgomery 2 hides in Coton by Stafford, 1 hide in Colton, and the fourth part of a hide in Loxley (DB i. fo. 248). At least three of these seem to have been acquired by him after the Conquest: the *TRE* tenant for Colton and Coton was Almund, and at Loxley Edmund. The 5 *angli* who held at Maveysin Ridware may have included Azelin, but since their land was now combined under him, it is possible that this was a also a new grant post-Conquest. On Earl Roger see J. F. A. Mason, 'Roger de Montgomery and his sons (1067-1102), *TRHS* 5th ser., 13 (1963), pp. 1-28; *ODNB*, s.v. 'Roger de Montgomery, first earl of Shrewsbury'.

[735] 'Rydeware' fo. 36V. Edingale was part of the royal manor of Alrewas (Derbys.). The Pipe Roll of 2 Henry II states that William de Rideware paid a mark for the farm of his land, which Wrottesley thinks must have been for Edingale (Wrottesley, 'Rydeware', p. 236).

[736] Rydeware, fo. 36V; Wrottesley, 'Rydeware', p. 234. This seems to be the 2 carucates that had been held *TRE* by Algar, and was recorded as being held by 12 *villani TRW* (DB i .fo. 278V).

[737] Rydeware, fo. 30V.

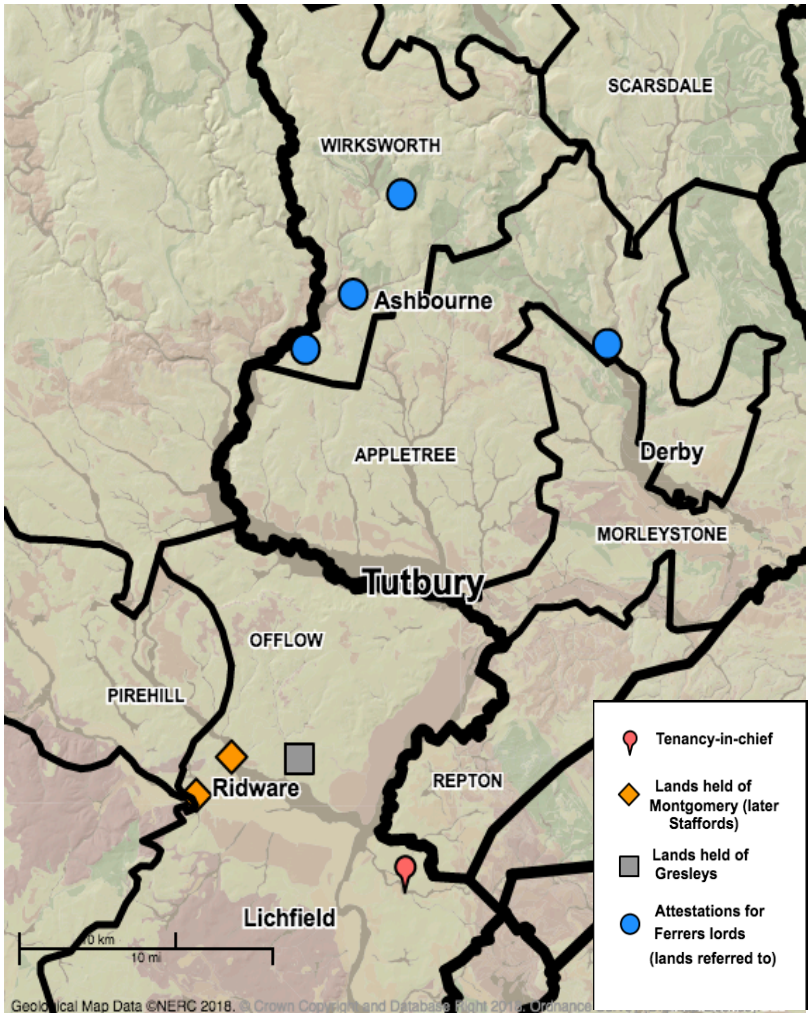


Fig. 13: Lands held by the Ridwares by c.1166

alien house of Rheims c.1063.[738] Within the first generation after the Conquest, therefore, they were multiple tenants, and very minor tenants-in-chief.[739] As above, they seemed to be concerned to build up a tenancy in a local area: those held of Montgomery and Lapley may have been contiguous, and Edingale is under 10 miles to the east. Later generations continued to build up the portfolio of lands and lords: William de Ridware did homage to William de Gresley and received from him Woodhouses, which was confirmed by William de Ferrers;[740] the same Ridware also

[738] Wrottesley, 'Rydeware', p. 231. See below, n. 778.

[739] Shaw gave a full account of the family in this period in his *History and Antiquities,* at i. p. 150-6, although Wrottesley noted that he was not always sufficiently critical with his sources (Wrottesley, 'Rydeware', p. 230). The Rydeware cartulary (Davis, no. 1316) is, along with the Kniveton Leiger (Davis, no. 1264; see above, pp. 190-2), one of very few secular cartularies that relate to this period and area. 66 folios long, it is datable on palaeographical grounds to the early fourteenth century. On folio 3, it has a passage in French stating that Thomas de Rydeware *fiz e heyr* of Walter de Rydeware in the reign of *le Roi Edward fiz le bon Rei Edward, le secunde* commissioned the work to record all the lands that he held in his hand in Ridware, Seal, and elsewhere. Wrottesley thought that the scribe was likely to have been a monk of nearby Merevale abbey, since its decoration is similar to that of a good monastic cartulary, but further research is needed on this point.

[740] Rydeware, fo. 26V. From the witnesses, it is probable that this took place 1162x6. William de Ferrers had taken over after the death of his father Robert II, which sets the earlier date; and Henry fitz Sewall's

received a confirmation by Robert de Stafford of a grant of land in Ridware which 'W.' de Tanet had given him with his daughter.[741]

Most interesting for our purposes here is William II de Ridware (c.1185-1216),[742] who was steward successively to William I and II de Ferrers. William de Ridware seems to have acted as administrator for the former's lands while he was away on Crusade;[743] and appeared as attorney for the latter in the Curia Regis 1198.[744] Due to this position, he appeared as witness for a considerable number of Ferrers charters,[745] and took advantage of this to build on the family's lands and influence. In c.1192, after Ralph de Seal had given up his manor at Seal through inability to perform the due service, William received it in his stead.[746] He was, however, a multiple tenant several times over. Clearly, despite his other allegiances, William II de Ridware was trusted enough to act as a chief administrator for the honour, even when his lord was abroad.[747]

appearance as the only Shirley witness suggests that this was before the exchange of inheritance with his brother in 1166, after which he appears less frequently as a witness, and never as a sole representative of the family.

[741] Rydeware, no. 73 also printed at R. W. Eyton, 'The Staffordshire Chartulary, Series I of Ancient Deeds', *SHC* II (1889), pp. 240-4; Shaw, i. pp. 155-6.

[742] Wrottesley, 'Rydeware', pp. 238-40.

[743] *Ibid*., p. 238

[744] *Ibid.*.

[745] E.g. Jeayes, nos. 51, 385; DRO 1233/M/T/62.

[746] Rydeware, no. 3. A dispute about the advowson of Seal church in 1226 sheds some light on the transfer of the manor. The abbot of Merevale brought a charter of Ralph of Seal where he granted the advowson of Seal church to the abbey. Walter de Ridware responded that Ralph had been in such poverty as to be unable to perform his due service, and had given back his fief in the Ferrers court (Wrottesley, 'Rydeware', pp. 238-9).

[747] We generally have much less information on the composition of the Ferrers household than those of their contemporaries such as the earls of Chester. Stewards, clerks and chaplains appear in the charters, and we have an interesting glimpse into the household in the early thirteenth century thanks to a plea by Robert son of Robert de Ferrers against Ranulf of Tattesworth. Robert claimed that Ranulf came into the Ferrers 'garden' (*venit in gardinum suum*), and attacked Roger, his man (*homo*). On investigation, however, it appeared to have been a quarrel between Osmund, Robert's gardener (*gardinarius*), and certain *garciones*. (Maitland, *Select Pleas of the Crown*, i. no. 64).

There does not seem to be a uniform pattern for the relationship between a lord and his honorial officials. In some cases, they appear to have been sole tenants of the lord in question, and this is perhaps what we might expect. Nevertheless, multiple tenancy could coexist with seigneurial service, as with the Ridwares. The hereditary stewards of the earls of Leicester, a line of Arnolds du Bois in the twelfth century, were multiple tenants.[748] As Stephen Baxter argued for late Anglo-Saxon commendation networks, a lord could benefit from having the allegiance of a well-connected man.[749] It could also coexist with close seigneurial relationship: the Harcourts, prominent tenants of the earls of Leicester, did extremely well from their patronage, and Crouch described them as 'thorough-going family barons'. Nevertheless, by 1135 Ivo de Harcourt held 7 knight's fees from the earl of Leicester's brother, the earl of Warwick, and 3 with William fitz Walkeline from Robert de Ferrers.[750]

The Bakepuiz family

Multiple tenancy could also be acquired through inheritance or marriage. In the latter case, the additional lands and lord may not have diverted a family's attention in the same way as the 'standard' grant. The Bakepuiz family held solely of the Ferrers lords before they acquired an additional lord through marriage. From their toponym, they seem to have come to England from Baquepuits (arr. and cant. Evreux), which they held of the Count of Evreux.[751] Since the latter received little land in England after the Conquest in Berkshire and Oxfordshire, Loyd suggested that 'it would be

[748] In addition to holding lands from the earl of Leicester, they also held a knight's fee from Robert Foliot by 1135. See also the example of Matthew I de Montmorency, vassal of Count Waleran of Meulan, who served King Louis VII as constable from 1138 (Crouch, *Beaumont Twins*, p. 64 and n. 24).
[749] Baxter, *Earls of Mercia*, p. 257: 'A man who was unswervingly loyal to the earl of Mercia but who had no influence in his local community was of limited value to the earl: altogether more valuable were men whose *primary* loyalty lay with the earl, but who also enjoyed connections with other lords and other networks of power.'
[750] *RB* i. p. 337.
[751] Loyd, *Origins of some Anglo-Norman families,* p. 10.

natural that a man from Bacquepuits seeking fortune overseas should attach himself to a neighbouring baron who had obtained such vast estates in England as had Henry de Ferrers.'[752] Golob suggested that they had had a previous connection to the Ferrers, and that the family had come to England a few years after the Conquest.[753] A charter of Abingdon abbey, however, shows that in 1067 Ralph Bakepuiz and Athelelm had granted the church of Kingston Bakepuiz to the house.[754] The deed appears to be genuine since there are later records from after Ralph's son Henry withdrew the revenue from the church, and was only restored under pain of interdict by Henry's heir, his son Robert.[755] They received two small tenancies from Henry de Ferrers: one in Berkshire, comprising land in Ashridge, Compton, and Kingston Bagpuize (now Oxon.), and one in Derbyshire, at Alkmonton, Hungry Bentley, and Barton Blount.[756] In the 1166 Ferrers *Carta*, Robert de Bakepuiz, nephew of the Domesday tenant Ralph, is listed as holding 3 knight's fees of the old enfeoffment.[757] At an early stage, Robert married a daughter of Grimbald,[758] and received from him land in Allexton for one knight's fee.[759] His descendants continued to hold this land: his daughter Aelez later held it as a fee from her uncle Robert Grimbald, who must have been Robert de Bakepuiz's brother-in-law.[760]

[752] *Ibid.*
[753] Golob, 'Ferrers', i. p. 86 and *ibid.,* n. 132, thought that the family had crossed the Channel some years after the Conquest, based on the first English Bakepuz, Ralph, not previously appearing in Normandy.
[754] Cotton Claudio, B IV, *Registro de Abbendon*.
[755] *Ibid*.
[756] Golob, 'Ferrers', i. p. 86; DB i fos. 60-60V, 274V.
[757] *RB* i. p. 337.
[758] Grimbald was the Domesday tenant of Countess Judith, and father to Robert Grimbald (DB i. fos. 228V, 236V). He acted as steward to Earl Simon I de Senlis in the 1120s, and supported Senlis' foundation of St Andrew's at Northampton. His son succeeded him as steward, and was the founder of an Augustinian house at Owston (Leics.) c.1161 (R. Dace, 'Lesser Barons and Greater Knights: The middling group within the English nobility, c. 1086- c.1265', *HSJ* 10 (2001), p. 72).
[759] Nichols, III. i, p. 5; Golob, 'Ferrers', p. 77. Receiving land on such a term suggests a relationship that required homage to be done by recipient to grantor, unlike the standard terms for dower, where this was not required until the third generation (*Glanvill,* VII. 3; IX. 2, ed. Hall p. 76; p. 106).
[760] Nichols, III. i p. 5, where Aelez granted this fee to her brother John de Bakepuz in the court of Robert Grimbald (*in curia sua […] His sunt testes […] tota curia Roberti Grimbald*) Nichols, characteristically, does not provide a reference for this original charter, but the formulae appear sound for the early or possibly mid-thirteenth century. A reference to *dominus in capite* and the appearance of John de Bakepuiz makes it unlikely to be earlier.

For the first two tenants, therefore, the Bakepuizs seem to have only had one lord, and Ralph's behaviour reflects this.[761] By the time of Robert II's general confirmation of 1150x59, Ralph de Bakepuiz had given tithes from his lands in Ashden (in Compton) and 'Urleston' to Tutbury Priory, in a grant which had probably taken place much earlier.[762] Robert I de Bakepuiz continued with the close association with the Ferrers, however. He witnessed Robert I de Ferrers' grant of Stebbing in Essex to Maurice fitz Geoffrey in September 1139, and three other Ferrers grants falling between 1139 and 1155 relating to lands in Derbyshire.[763] Golob considered the family to be honorial barons on the basis of these appearances.[764] We also see Robert de Bakepuiz explicitly acknowledging the Ferrers as lords in the provisions for inheritance made by him for his two sons, Robert and John. By this arrangement Robert II, the elder son, was to hold Kingston Bagpuize (Oxon.) and Alkmonton (Derbys.) of the Ferrers by one knight's fee; he was also to hold a second at Barton and Hungry Bentley, but these were to be held of him by his younger brother John.[765] In addition to these, John was to hold Ashridge and Compton (Berks.) as one fee directly of the Ferrers. This arrangement took place

[761] The grant to Abingdon abbey may have been prompted by the proximity and reputation of the house (see E. Cownie, *Religious Patronage in Anglo-Norman England, 1066-1135* (Woodbridge, 1998), pp. 44-5).

[762] Tutbury, no. 52. Cf. *ibid*., no. 126, a warranty by John de Bakepuiz in the reign of Henry III for his brother Peter who had been farming the demesne tithes of Ashden on behalf of the Priory. Golob anglicized these as Ashridge and Allexton, which both seem unlikely. Allexton in particular was only gained later by Ralph's nephew Robert on his marriage. 'Urleston' may be similar to Ashden in being a part of a larger manor not named elsewhere. The early date of this grant by Ralph is suggested by its appearance in the confirmation alongside grants by Saswalo, the Domesday tenant of the Ferrers who seems to have been dead by the early twelfth century at the latest; and Alfinus, Domesday tenant and ancestor of the Brailsford family.

[763] 'The Manuscripts of the Earl of Essex', *HMC Reports on MSS. In Various Collections*, vii, p. 310; Jones, 'Charters of Robert II de Ferrers', no. 1; Dugdale, *Monasticon*, V, p.482; *ibid.,* VI pt. I, pp. 97-8; BL Egerton MS. 3041, f.36V.

[764] Golob, 'Ferrers', i. p. 97.

[765] BM Add. Cht. 21172; BM Harl Cht. 45 F 23. Golob dated the first of these to 1159x61, narrowing the 1155x66 suggested by J. H. Round. The latter was dated by Jeayes to after 1166, but Golob notes that it has one witness who died before this year (J. H. Round, 'A Bachepuz Charter', *The Ancestor* xii pp. 152-5; Jeayes, no. 238; Golob, 'Ferrers', i. p. 147 n. 15).

before the earl's seneschall at Barton (Derbys.) hallmoot, and afterwards before '*dominus meus* Earl William de Ferrers'.[766]

Conclusion

The case studies above could be replicated many times in this area alone. Some variation is always to be expected, but a few clear trends can be summarised here. As shown above in Chapter 3, multiple lordship was more frequent than has previously been recognised. The honour is, therefore, a slightly different beast from what has been theorised previously. For the most part, it cannot have been a closed community: either directly or indirectly, tenants would come into contact with other lords in the area. Underlying this is the geography of the honour. Scatters of lands gave other opportunities to interact with other lords and their men on a neighbourhood basis, and a considerable number of tenants seem to have taken advantage of this to receive lands and fill in gaps in their own smaller honours. The forces of lordship and locality coexisted from the earliest days of the Norman settlement, and continued to do so. There was never a time when lords were as wholly in control as some such as Milsom have argued.[767]

Study of minor lords in their own right lends a different lens through which to study the honour in the twelfth century. It is also useful, however, for studying local society and how individual seigneurial bonds worked. We can see that minor lords with multiple lords of their own were attempting to build up their own local powerbases, in a way that cut across the existing seigneurial geography. We can see that individuals were taking advantage of the ability to take several lords as a means

[766] *Ibid.*, i. p. 151.
[767] See above, pp. 22-4, and below, pp. 263-5.

of expanding their lands. Moreover, relationships to several lords were managed, apparently successfully, and the tenancies held of them were passed on to successive generations. Those with multiple lords do not seem to have lost their moral credibility in the eyes of contemporaries: we can see that such minor lords were still given positions of great responsibility on the honour, and could be considered as one of the lord's inner circle, his honorial barons.

We can suggest, then, that there may have been significant advantages for both man and lord in multiple lordship. For men, the benefits are obvious. The possibility of receiving more lands, particularly those in close proximity to an existing tenancy; the acquisition of protection from powerful local lords, which may have been useful both against rival claimants and in exerting pressure on a man's other lords; and the additional local standing that both would aid. We are less able to see the benefits accrued from non-tenurial forms of patronage in this period, but we may expect that these were similarly boosted by connection to several lords.

Lords may have reaped some benefits too.[768] A man with a reasonably large portfolio of lands, particularly within a particular locality, and on good terms with several lords, could be a useful ally. This may have been particularly the case for lords with wide-spaced interests, such as the earls of Chester, who needed men whom they could use as needed, but who were not entirely dependent on the earls for their position. Well-placed men in administration, or ones who were particularly skilled in this field (as Gilbert and Stephen de Seagrave seem to have been) could also be an asset. We have no clear instances of this from the area under study, but an example

[768] Stephen Baxter has argued for a comparable pattern in late Anglo-Saxon England, where the commended men of the Leofwinsons in Worcestershire 'were well-connected individuals who held land from other lords' (Baxter, *Earls of Mercia*, pp. 248-257, quotation at p. 251).

from Canterbury gives an insight. In March 1111, Haimo *dapifer* of the king received a grant of land from Abbot Hugh of St Augustine's Canterbury. In return for this, the Register records that he swore:

> […] *quod ipse Haymo dapifer, si opus fuerit, ecclesie et michi vel successoribus meis de placitis in comitatu siue in curia regis contra aliquem baronem consulat, adiuuet et succurrat exceptis dominis suis quorum homo manibus suis fuerit.*
>
> (...that he Haimo *dapifer*, if needed, will give counsel, help and succour to the church and [the abbot] and [his] successors, for pleas in the county or in the king's court against any baron, except those lords whose man he will have become by [giving] his hands).[769]

The abbot has clearly acknowledged that Haimo could take on other lords, and that this would occasionally have the potential to limit his utility to the abbot. Nevertheless, the abbot has accepted Haimo as his man, and will benefit from his aid and service. In this instance, the charter specifies that Haimo has received the lands *absque viuagio* [i.e. *homagio*] *et fiancia*, that is, without having done fealty to the abbot and become his man.[770] This seems to be an exceptional case.[771] Nevertheless, it is clear that the abbot was willing to grant land even under these conditions, in order to receive the valuable support and advice of a well-connected, and we may assume, skilled man.

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[769] *The Register of St. Augustine's, Canterbury*, ed. G. J. Turner and H. E. Salter (2 vols., British Academy, London, 1924) ii. 462; D. J. Matthew, *The Norman Conquest* (London, 1966), p. 115; Harvey, 'The Knight and the Knight's Fee', p. 8.

[770] *Fiantia* is an unusual term, derived from Old French *fiance,* 'pledge'. *DMLBS* lists only the above charter as a source for the term.

[771] As noted above, the terminology is unusual, and does not seem to have been known elsewhere. I have seen nothing comparable to this charter from several thousand charters in the area under discussion. Although we cannot argue conclusively from silence, the silence is nevertheless suggestive, particularly when we consider that the parties to such an arrangement would have been keen to delineate the arrangement carefully. The particularly well-connected position of Haimo may have prompted the particular situation: St Augustine's seems to be buying his sworn support (see Baxter, *Earls of Mercia*, pp. 248-9 for an Anglo-Saxon secular parallel).

Focus on the minor lords, then, gives us a glimpse into a complex local world, with ambitious men and overlapping ties. The next chapter will address religious patronage as another route into understanding the influences of different lords on a minor lordly family, along with those of kin and locality.

Chapter 5: Multiple lordship and religious patronage

In 1090, Gilbert fitz Richard, lord of Clare (c.1066-c.1117), granted the collegiate church at Clare to the Abbey of Bec, and added sustenance from his own lands for the support of four monks there.[772] According to the Stoke by Clare cartulary, he was anxious that the newly-granted foundation should receive support from his own men: 'imploringly he ordered his barons to give to the church as much as they liked from their lands, churches or tithes without disinheriting their heirs.'[773] Clearly it was desirable for lords to have their foundations supported by their men. With the overlapping forces of lordship and multiple lordship, kinship, and locality, however, such a plea by a lord would not necessarily be followed.

Chapter 3 addressed the relationship between minor lords and their own lords directly, in order to explore— as far as we can see— how a man with multiple lords behaved towards each of them. This chapter seeks to address the same question from a different perspective: how the multiplicity of relationships for minor lords affected which religious houses they patronised. Since there does not generally seem to have been any rule about which houses could or could not be supported,[774] the record of a family's grants fossilises for us the influences on the group, and the decisions that they made in response to these.

[772] *Stoke-by-Clare Cartulary*, ed. C. Harper-Bill and R. Mortimer (3 vols., Suffolk Charters iv-vi, 1982-4), I. no. 137, pp. 112-121.The college had been founded by Earl Aelfric in the mid-eleventh century. Gilbert's son Richard moved the house in 1124 to Stoke by Clare (Suffolk), 2 miles from its original site (*ODNB*, 'Gilbert de Clare').

[773] Harper-Bill and Mortimer, *Stoke by Clare*, I. no. 137, at p. 116: *Deinde obsecrando precepit baronibus suis ut eidem ecclesie de terris suis ecclesiis vel decimis quantum vellent absque exhereditacione successorum suorum donarent*. This survives in the confirmation by Theobald archbishop of Canterbury of 1150x April 1161, but appears to be reciting the words of the original charter. Certainly, it would be very odd for a confirmation charter to invent a phrase such as this.

[774] Cownie, *Religious Patronage*, pp. 177-180.

This chapter, then, focuses on a number of case studies in order to unpick the reasons why grants were given to particular religious houses, and through this, to suggest what the key influences were on the behaviour of the minor lords. In doing so it seeks to show that even from the first century after the Conquest, subtenants had different, sometimes contradictory claims on their attention. The first is the impact of the family's lord or lords. These have often been taken as the primary motivating factor for minor lords in the twelfth century. While often undeniably strong, the degree of influence seems to have varied depending on how many lords an individual had. Importantly, seigneurial ties also coexisted with the ties of kinship and locality,[775] and these could coincide and mutually strengthen one another, or could pull the attention and patronage of a minor lord in different directions. Where we encounter instances of this— where, for instance, a man held of several lords— we often to see a tendency towards scatters of patronage that do not tally neatly with the grants of any one lord,[776] and a strong trend towards grants being made to houses in the immediate area of a man's interests. Occasionally, where one of these ties of lordship, kinship, or locality was particularly strong, it is possible to see it override other considerations, and appear to become the sole reason for choosing a particular house.

The chapter will be structured around these three aspects, through a series of case studies drawn from the three counties. First, it will address the impact on a lord's men of that lord's foundation of a religious house and patronage of other houses. From here, the focus will turn to the impact of an individual's kin and his locality on his actions. These could reinforce seigneurial ties, particularly for those men who

[775] As suggested below, pp. 249-50, locality does not necessarily seem to have been shaped by hundred and shire boundaries: men's blocks of lands could and did cross these.
[776] Cownie also noticed this phenomenon: *Patronage*, pp. 175-6.

only held of one lord. In other cases, the claims of kin and locality could cut across those of a lord.

Through this focus, this chapter provides another dimension to the case studies in Chapter 3, and continues the argument from there that the century and a half after the Conquest did not see a change from a world of 'strong' honours to one in decline from the later twelfth century. At no point does there appear to have been a period where the honour of a single lord provided the sole focus for the majority of minor lords. The current model, therefore, needs to be amended to take into account the more porous nature of lordship, and ideas about the balance of power in society readjusted to recognise that many minor lords enjoyed alternatives to association with a single lord.

Religious life in the north Midlands

In the area under study, there were very few surviving religious houses from the pre-Conquest period. Most prominent was the abbey of Burton-upon-Trent, which had been founded c.1005 by Wulfric Spot. Despite having lost many of the lands from the original foundation by 1086, it had gained others in the immediate area, and seems to have remained of some importance through the twelfth century.[777] Just before the Conquest, the cell which developed into Lapley Priory may have been founded in western Staffordshire— unusually for the time as a daughter-house to the

[777] See above, pp. 126-7. The house's main claim to fame was the cult of St Modwenna, whose influence only seems to have spread as far as the diocese of Coventry, although Abbot Geoffrey seems to have promoted it to Matilda/Eadgyth, Henry I's queen (*VCH* Staffs ix, p. 108; *Modwenna* c. 48, ed. Bartlett, pp. 202-5). Her alleged relics were kept at Andresey island in the Trent, but were transferred to the abbey in the early-to-mid eleventh century, where her cult survived until the Reformation (*VCH* Staffs ix*.,* pp. 108-110; Bartlett, *Modwenna*, pp. xxx-xxxvi). The surviving documentation for the abbey shows the house acting like a temporal lord: making grants and agreements, and receiving homages (BL Loans, 30, esp. fos. 17-19). There is very little evidence from the period to show the house as the recipient of grants of land. Although there is considerable interest in its behaviour as a seigneurial power, it has been omitted from the following discussion.

alien abbey of St Rémy at Rheims.[778] For much of the rest of the area, Scandinavian depredations had destroyed many houses, including the previously prominent foundations at Breedon-on-the-Hill (Leics)[779] and Repton (Derbys.)[780] and it is likely that particularly in Staffordshire and Derbyshire, there had been few houses in any case.[781] In the decades immediately after the Conquest, a few houses were founded by greater lords— that of Henry de Ferrers at Tutbury (Staffs.), Roger de Builli at Blyth (Notts.) in c.1088,[782] and Robert de Tosny at Belvoir in 1076.[783] These were all Benedictine, and the first two were made daughter-houses of abbeys near to where the founders originated in Normandy.[784] Gradually through the twelfth

[778] Burchard, son of Earl Aelfgar of Mercia, had accompanied Archbishop Ealdred of York on an embassy to Rome, but died on the way back to England. Before death, he requested to be buried at the abbey of St Remy in Rheims, promising a grant of lands in England. His father carried this out, and gave land in Lapley, Hamstall Ridware, Meaford, and Marston in Staffordshire, and Silvington in Shropshire (S1237; Dugdale, *Monasticon*, VI pt. II, p. 1042; C. G. O. Bridgeman, 'Staffordshire Pre-Conquest Charters', *SHC* (1916), pp. 126-129. Domesday Book records that the hide at Marston was held 1086 by two men of St Rémy, which may indicate that a cell of the abbey was in place by then. By the early 1180s at the latest, this had developed into a priory at Lapley (DB i fo. 222V; *VCH* Staffs., iv p. 146).

[779] The monastery of St Mary and St Hardulf was established as a cell of Medeshamstede in the seventh century. Although little of its history now survives, the quality of the sculpture suggests a prominent community. It was destroyed by raiding in the ninth century, but the church was revived as a cell of Nostell Priory (Yorks.) by Robert II de Ferrers during Henry I's reign (*VCH* Leics II p. 8; see also Postles, '*Defensores Astabimus*', pp. 104-5). F. M. Stenton, 'Medeshamstede and Its Colonies', *Historical Essays in Honour of James Tait* ed. J. G. Edwards, V. H. Galbraith, E. F. Jacob (Manchester, 1933), pp. 316-18**;** A. W. Clapham, 'The Carved Stones at Breedon-on-the-Hill', *Archaeologia*, lxxvii (1928), p. 219). A. Dornier, 'The Anglo-Saxon Monastery at Breedon-on-the-Hill, Leicestershire', *Mercian Studies* ed. *idem* (Leicester, 1977), pp. 155-68.

[780] Repton abbey was a well-known Mercian house, founded c.600. It seems to have been the mausoleum for some Mercian royal saints including St Wystan, for which the crypt survives. The rest of the monastery was destroyed in Danish raiding during the ninth century. Excavation of the current churchyard has found evidence that the raiding band set up camp there (M. Biddle and B. Kjølbye-Biddle, 'Repton and the Vikings', *Antiquity* 66 (1992), pp. 36-51; C. A. R Radford, 'Repton, the Church of St Wystan', *Archaeological* Journal 118 (1961), pp. 241-3**;** H. M. Taylor, *St Wystan's Church, Repton: A Guide and History,* (Repton, 1979)) As with Breedon, it was resurrected as a religious house in the twelfth century, when the parish church was granted to Calke Priory with the requirement that the canons should transfer their main focus to Repton, and make Calke (founded 1115x1120) a cell (*VCH* Derby II p.58; H. Colvin, 'Calke Priory', *DAJ* 102 (1982), pp. 102-5).

[781] The nunnery at Hanbury (Staffs.), which had been founded c.680 was destroyed in raiding 875. Stone priory, founded c.670 by Wulfhere, King of Mercia, was similarly destroyed in the ninth century. It was refounded as a daughter-house of the Augustinian priory at Kenilworth (Warks.) possibly 1138x42 (*VCH* Staffs iii. pp. 135-6, 240).

[782] This was founded c.1088 as a daughter-house of St Katherine's Abbey, Rouen. De Builli seems to have derived his name from Busli, near Rouen, and had previously granted the tithes from this vill to St Katherine's (*VCH* Notts ii. p. 83).

[783] *VCH* Lincs ii p. 124. On the phenomenon of founding monastic houses next to castles, see Cownie, *Patronage*, p. 172.

[784] Tutbury was made daughter-house to St-Pierre-sur-Dives (Calvados); Blyth to Holy Trinity in Rouen (*VCH* Notts ii p. 83). According to a tradition preserved at Belvoir, the latter house was originally to be

century, this trend spread downwards through society. More minor tenants-in-chief and several of the greater subtenants created their own houses, and from the mid-twelfth century it appears that the richer burgesses were beginning to do the same, leading to a rapid increase in the number of religious houses in the area. In this, the new founders were aided by the new orders that had begun to arrive in England, all of whom required much smaller outlays of land and resources, and were thus appealing to those with smaller landed endowments.[785]

By far the most common description of the grants is that the land in question was given 'in alms' (*in elemosinam*), although the definition of this term seems to have been broad. Hudson and Kaye have both concluded that the only unifying feature was that the lands were held in return for spiritual services, and not, for instance, that they were free of secular service.[786] Granting land in alms did not automatically absolve the grantor or the recipient from owing service, and this seems to have been dealt with in three different ways. Kaye has noted that this service could be passed onto the recipient of the lands, or remain a burden on the grantor, who had to discharge it from their remaining lands. A third option was that the lord might remit all the service due from the granted land, and thereby participate in the grant.[787] Benjamin Thompson argued that although the ideal was to create a grant free from service, this became increasingly difficult through the twelfth century. Holding of alms 'freely' should therefore be regarded instead as holding alms 'as freely as

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an independent abbey; but de Todeni found himself too busy to complete the foundation, and on Archbishop Lanfranc's suggestion the house was turned over to St Albans (*VCH* Lincs ii p. 124; S. Wood, *English Monasteries and their patrons in the thirteenth century* (London, 1955), pp. 5-6. On the practice generally see Knowles, *The Monastic Order,* pp. 135-6.

[785] J. Burton, *Monastic and Religious Orders in Britain, 1000-1300* (Cambridge, 1994), pp. 63-84.

[786] Hudson, *OHLE,* pp. 369-70, 668-9; J. M. Kaye, *Medieval English Conveyances* (Cambridge, 2009) pp. 164-72. In *Land, Law, and Lordship* Hudson also argued that alms connoted freedom from secular service (Hudson, *Land, Law, and Lordship,* p. 96), but the charter evidence of the north Midlands shows that this was not necessarily the case.

[787] Kaye, *Medieval English Conveyances*, pp. 167, 222-3; B. Thompson, 'Free alms tenure in the twelfth century', *ANS* XVI (1993), p. 230-1; Pollock and Maitland, *History of English Law* i. pp. 240-3.

possible'— that the only service required was a specified one, rather than a broader range of unspecified services.[788]

The question of why individuals devoted resources and energy to patronising religious houses has been amply addressed elsewhere, so I will give here only a brief overview of why it was significant to minor lords, and why the direction of patronage was chosen with care. The reason most commonly stated in the charters was *pro anima*: for specialist religious intercession for the sake of someone's soul.[789] The foundation charter for Tutbury in the late eleventh century has Henry de Ferrers granting it *pro anima W. regis et Matildis regine* and *pro salute anime* of his father, mother, wife Bertha, his sons Eugenulph, William, Robert, and his daughter, and all predecessors and successors.[790] Very many grants were made *pro anima* of the donor and his immediate family;[791] more rarely, lords or the king were mentioned as

[788] Thompson, 'Free alms', pp. 229-31, 242.

[789] A fuller explanation is provided by Orderic Vitalis, in telling how Odelerius of Orléans tried to persuade Roger earl of Shrewsbury to found a monastery on his lands in Shropshire: 'The monks, in filial piety, will pray for you after your death […] and I believe that their prayers, for whomsoever of the faithful they are offered, rise immediately to the throne of God, and that whatever they ask of the King of Hosts they surely receive.' (OV V. 14, ed. Chibnall, iii. pp. 144-5; see also Cownie, *Patronage* pp. 151-159). Particularly before the development of perpetual chantries in the early thirteenth century, only religious houses could provide the continuous intercession required to ensure the recipient's soul could escape Purgatory (N. Saul, *Lordship and Faith: the English Gentry and the Parish Church in the Middle Ages* (Oxford, 2017), pp. 40, 136-9, 161).

[790] Tutbury, no. 52; see also Darley, no. N7.

[791] E.g. in Darley no. K57, the grant is made by Fulcher son of Henry (de Shirley) and Matilda de Dun his wife for the benefit of the souls of their fathers, Henry son of Fulcher and Hugh de Dun, *et omnium parentium nostrorum*. *Antecessores* and *parentes* seem to be the most common words used. Ralph de Gresley's notification to the bishop of Lincoln of a grant he had made to Merevale Abbey of land in Seal is more expressive. The grant was made *ut Deus omnipotens nobis omnibus remittat peccata nostra et tribuat vitam eternam* (Gresley charters, no. 4). The charter for the foundation of Poulton abbey in 1153x8 expands considerably on the theme of giving worldly goods to accrue heavenly rewards, quoting directly from the New Testament in a relatively long excursus on the point. It is uncertain whether this point is the result of later massaging by a monastic scribe. Although flowery, the basic formulae are sound for 1153x8, and the witness list entirely plausible: a putative forger looking to lend his work legitimacy would hardly have chosen as unsavoury sounding a witness as William *spuens mendacium* (G. Wrottesley (ed.), "The Chartulary of Dieulacres Abbey", *SHC* IX (1906), no. 74; on this charter see Clanchy, *Memory to Written Record,* p. 133, who notes that the original charter 'is written on an irregularly shaped piece of parchment in a shaky hand that cannot keep the lines straight', and suggests that the scribe was the unfortunately-named William himself.)

beneficiaries of prayers.[792] Sometimes specific benefits were desired, as a stray reference in the thirteenth century chronicle written for Dale Abbey suggests. This chronicle was written by a canon of the house, Thomas de Muskham, who claimed to have his information from one of the co-founders, Matilda de Salicosa Mara.[793] According to her account, she and her husband Geoffrey became involved in the final refoundation of Dale Abbey since their seven year marriage had thus far been barren.[794] The ending of the chronicle is lost, so it is unclear whether their endeavours were rewarded.[795]

Alongside such hopes were more immediate temporal benefits that could help to support the extension of a family's influence in the local area. A religious house provided a means of stamping the founder's family on the landscape and would often

[792] Darley, no. K4, '*pro salute domini mei regis et mea et sponse mee Sibille et antecessorum meorum*'. It may be, too, that the idea of intercession taking place near to one's lands, family, and burial place was considered desirable. (Saul, *Lordship and Faith*, pp. 40, 64-65).

[793] 'The history of the foundation of Dale Abbey, or the so-called chronicle of Dale', ed. A. Saltman, *DAJ,* 87 (1967), pp. 21, 24-7.

[794] *Ibid.,* pp. 34-7. See below for further discussion of the house, pp. 240-1.

[795] Expiation of a specific sin may also have occasionally prompted a foundation. According to Dugdale, who was quoting the abbey chronicles at second hand through Henry archdeacon of Lincoln, Dieulacres Abbey was moved from its earlier site at Poulton, Cheshire, in 1214 for such a reason. Ranulph de Blundeville, earl of Chester, abandoned his wife Constance, Countess of Brittany, and married Clemence, daughter of Ralph de Feugères in 1199. While in bed with his new wife, he had a vision of his grandfather Ralph, who told him to go to 'Cholpesdale, in the territory of Leek, and in that place where there was formerly a chapel to the Blessed Virgin, you shall found an abbey of white monks.' The abbey's name supposedly came from Clemence's approving exclamation in French when told of this plan, although the exact meaning is unclear (Dugdale, *Monasticon,* V. pp. 626-8; *VCH* Staffs. iii, pp. 230-5, esp. pp. 230-1; Wrottesley, 'The Chartulary of Dieulacres Abbey', p. 293 and n. 3). This looks at first glance like a later story to romanticise the foundation, but Wrottesley pointed out that it may contain a grain of truth if the creation and endowment of a new religious house was a condition imposed by the pope to allow Ranulph to put his wife aside (*Ibid.,* p. 294) There is also a tradition from Stone priory from a rhyming chronicle that hung on the wall of the monks' refectory at the time of the Dissolution that the house was founded by one Enysan. According to this source, he had killed the nuns who had been there, and in expiation was advised by Geoffrey de Clinton to restore the house with canons. Although this may be a garbled retelling of the tradition of an earlier house at Stone (which had supposedly been founded by King Wulfer of Mercia in expiation of the murder of his sons after their conversion to Christianity), the dates of Enisan and de Clinton agree, and there is record on the Pipe Roll of 31 Henry I that Ernald son of Enisan owed 10 marks *ut habeat pacem de hominibus quos interfecit*. Allowing for some confusion of names, some threads of an early tradition may be preserved here (P.R. 31 Hen. I, p. 59; printed by G. Wrottesley, 'The Stone Chartulary', *SHC* VI pt. i (1885), p. 1).

become the family's mausoleum.[796] Donors may also have been allowed burial rights,[797] and could become a member of the house's fraternity.[798] In addition, religious houses had economic impact which could benefit founders and grantors. Particularly in areas with more marginal lands, small religious houses, both of Cistercian and other orders, may have helped the expansion of lands available for agriculture. In Leicestershire, the inroads made by the Cistercian abbey of Garendon and the Augustinian house at Ulverscroft into the ancient woodland of Charnwood forest led to the settlement of new vills such as Swithland ('land cleared by burning') by the early thirteenth century.[799] Ranton priory (Staffs.) seems to have been founded on recently-cleared land, and was known as 'St. Mary of the Assarts'.[800]

Foundation of a house in a particular area could aid a lord's political dominance there.[801] A strong case has been made for Robert de Beaumont, earl of Leicester (1120-68), exploiting the political advantages to monastic patronage. He and Ranulf earl of Chester were engaged in a territorial power struggle in the mid-twelfth century in northern Leicestershire, and in particular the Charnwood region was an

[796] B. Golding, 'Anglo-Norman knightly burials' in Harper-Bill and Harvey, *The Ideals and Practice of Medieval Knighthood*, ed. C. Harper-Bill, R. Harvey, S. D. Church (Woodbridge, 1986), pp. 35-48; Cownie, pp. 201-203. Nigel Saul's suggests that an obit list of burials of the founder's family would have been kept on the high altar (Saul, *Lordship and faith* p. 65 and n. 54).

[797] At Burton Abbey, fee-farmers were also given burial rights, possibly in exchange for the house's right to take some of the tenant's chattels at death (BL Loans 30, fos. 17-19. On this practice see also Cownie, *Patronage*, pp. 163-4, 179-180). On his foundation of a priory at Binham (Norfolk), Peter de Valognes gave the new institution a grant of lands of two thirds of what his knights held of him in the country, for which he had their consent. In a second deed, he stated that if these knights were to die in England, they were to be received by the monks for burial at Binham. (Dugdale, *Monasticon,* III, p. 345, cited Saul, *Lordship and Faith*, p. 65) Saul argued from this and what little evidence we have for minor lordly burial in the twelfth century, that these 'are invariably to be found in honorial monasteries' near to those of their lords (*ibid*., p. 65). Since this kind of evidence is so rare, it is impossible thus far to say what impact multiple lordship had on the selection of a burial site.

[798] Cownie, *Patronage*, pp. 159-60, 179; *Textus Roffensis* lists a considerable number of these, (*Textus Roffensis*, ed. P.H. Sawyer, Early English Manuscripts in Facsimile, vii, ix (Copenhagen, 1957-62), fos. 183V-91.

[799] B. Cox, *A Dictionary of Leicestershire and Rutland Place-names* (English place-name society, Nottingham, 2005), s.v. 'Swithland' has it first attested in 1224.

[800] See below, pp. 242-7.

[801] See Crouch, 'Strategies of Lordship', pp. 8-9; J. le Patourel, *The Norman Empire* (Oxford, 1976), pp. 297-318.

informal frontier between the powerbases of the two men. In this area, Robert de Beaumont founded Garendon Abbey in 1133, and a hermitage at Ulverscroft in 1134.[802] A little further afield, Biddlesden Abbey (Bucks.) was founded by Arnold du Bois, steward of the Earl of Leicester, in 1147 on recently disseised lands of a problematic tenant, and was then presumably to block attempts to reclaim this.[803] As will be discussed below, a founder had long-term close connections with his religious houses. Even in those where rights of appointment were not kept (such as priories),[804] it is very likely that founders' families were able to lean heavily on the appointer to ensure that the correct candidate was chosen as head. Indirect control could thereby be held over the house and, more importantly, its lands. It may also have been possible to sway its court.[805] Conversely, religious houses could serve to foster connections between landholders who attended them and were made members of the fraternity. Particularly at the foundation of a new house by a tenant-in-chief it is not uncommon for prominent neighbours who rarely appear in connection with the founder to be listed as witnesses. Occasionally, religious houses may have acted as arbitrators for disputing local landholders.

[802] D. Postles, 'The Garendon Cartularies in BL, Lansdowne 415', *British Library Journal* (1996), pp. 161-2; *idem*, '*Defensores Astabimus*: Garendon Abbey and its Early Benefactors', in *Monasteries and Society in Early Medieval Britain*, ed. B. Thompson (Stamford, 1999), esp. pp. 100-104; E. King, 'Mountsorrel and its Region in King Stephen's Reign', *Huntington Library Quarterly* 44 (1980-1), pp. 1-10, esp. pp. 5-6.
[803] Postles, '*Defensores Astabimus*', p. 104.
[804] Wood, *English Monasteries*, pp. 5-6.
[805] Both Tutbury priory and Darley abbey clearly had sake and soke over at least some of their lands. In de Ferrers confirmations sake and soke, toll and team, and infangentheof, are mentioned as *consuetudines* of the lands. For Tutbury, Robert II's general confirmation of 1150-9 states that all the lands granted by the very many men listed in the charter, and '*omnia alia que avus meus et pater meus et omnes homines eorum sive ego vel homines mei huic ecclesie dedimus'* are to be held, by his grant, and confirmed by his authority with all customs which they or he *melius* had or has, '*nominatim ad tol od tem od sache od infranginthuf*' [*sic*] (Tutbury, no. 52). At Darley, Robert II's 'foundation' charter mentions that he granted the monastery '*omnes libertates quas habeo in predictis tenementis scilicet tol et tem et sacca et socca et infangelth''* (Darley, no. N2). In both of these cases, the clause concerning jurisdictional rights is placed immediately after the common *'in bosco et in plano* [etc.]' clause, suggesting that this may have been seen as part of a bundle of rights attached to land. See also K. L. Shirley, *The Secular Jurisdiction of Monasteries in Anglo-Norman and Angevin England* (Woodbridge, 2004), pp. 5-6.

Finally, religious houses may have provided an informal financial safety-net for founders and donors. William I de Ferrers seems to have borrowed money from the family foundation at Tutbury.[806] Lesser landholders may have received leases on favourable terms in return for grants.[807] More immediately, a consideration— that is, payment of a lump sum by the religious house— in exchange for grants seem to have been usual, and were sometimes quite large.[808] It is not uncommon for grants which appear to be in pure alms to be revealed in a later document as bringing in annual money for the donor; or for charters to be explicit that grants to churches were in return for a yearly render.[809] Such demands could be quitclaimed by later kin in exchange for further prayers.[810] Supposedly pious grants may in some cases have been a means of generating ready cash.

[806] Darley charter no. N8 records that William granted Aldwark and Sewelledale (Derbys.) to the canons, who in return quitclaimed 'Winleya' and the debt that he owed them. The charter takes a pious form, claiming the grant *in puram et perpetuam elemosinam...pro salute anime mee et Sibille comitisse sponse mee et heredum meorum et pro animabus patris et matris mee et antecessorum meorum*. Moreover, the lands in question had previously been granted to the canons by Hamund de Masci (Darley, no. N1). Saltman suggests that Tutbury no. 88 (c.1125) shows a similar use of the monastery by its founder. The priory granted to William Fitzherbert, a de Ferrers tenant, the vill of Norbury (Derbys.), with the stipulation that if the lord of Tutbury was captured and ransomed, married off his eldest daughter, or had to pay relief for his honour, for which the prior of Tutbury granted de Ferrers an aid, Fitzherbert was to make a contribution to the priory. The service therefore appears to have been passed from the priory- which is to say that the priory seems to have had this burden on Norbury originally. Saltman argued that the de Ferrers were thereby treating Tutbury priory as akin to a 'baron' of their fee. (Tutbury no. 88; ed. Saltman, p. 12).

[807] Barbara Harvey suggests that this was one reason for the favourable lease of Hendon by Gilbert Crispin to one Gunter and his heirs for £8 10s. It was later granted by Abbot Gervase de Blois to Gilbert and heirs for £20 farm (B. Harvey, 'Abbot Gervase de Blois and the Fee-Farms of Westminster Abbey', *Bulletin of the Institute of Historical Research* (1967) vol. XL no. 102 pp. 135-6).

[808] William de Harcourt granted Stanton-under-Bardon, his *patrimonium*, to the Cistercian abbey of Garendon in 1148/9. One third was in free alms, but the rest passed as an explicit sale in return for 21 marks and 4 horses. David Postles suggested that the family had run into difficulties in the Anarchy (BL Lansdowne MS 415 fos. 15V-16; Nichols, *Leicester*, III pt. ii, pp. 815, 823-4; Postles, '*Defensores Astabimus*', p. 107 and n. 41; see also the case of the descendants of Ingenulf, *ibid*., p. 109.

[809] Darley, no. B12, a grant by one Alexander Hauselin to the canons. He granted in alms to the canons eight acres of moor between Boulton and Osmaston (both Derbys.), for which the canons gave him six shillings, and quitclaimed him an annual rent of twelve pence which he owed.

[810] Early in the reign of Henry III, Robert de Toke, probably kin to the 'de Tolkas [Toukes]' who appear in the new enfeoffment of the de Ferrers (Humphrey de Touke held 1 ½ fees in 1166; William 1/4, *RB*, i. p. 339), confirmed the bovate in Hilton (Derbys.), which had been previously granted by a tenant of Robert's father, Jordan. Robert also quitclaimed to the canons the 12 pence render which was due to him from the bovate. (Darley, no. F96).

The final point to be made in this introductory section is on the nature of our sources. Ecclesiastical charters seem to have fared rather better than those of many secular lords. Land given to a monastery was thought of as given to God and the house's patron saint, the latter of whom was thought to intervene if their lands were in danger.[811] It was essential, therefore, for the inhabitants to guard the lands with full force. Since threats often came from a judicial angle, houses took care to arm themselves well by carefully preserving their charters. By the later medieval period, very many houses had written these up into cartularies; although these preserve a large corpus of charter material, they present their own particular difficulties as a source.

In copying charters into cartularies, some scribes regularly omitted certain sections, most notably the witness lists. For a scribe compiling a collection up to a hundred or more years after the actual grant, the inclusion of these names was no longer useful- they were too long dead to be of use as means of attesting grants, and were undoubtedly a waste of time and parchment to duplicate. Their omission is however a major hindrance to the study of networks around such houses, as it is not possible in very many cases to see who attended the giving of such gifts. Occasional independent survival of charters contained in the cartulary does little to fill this gap. These also, however, allow an opportunity to check scribal accuracy and adaptation. In addition to omission of witnesses, warranty from long-dead grantors does not

[811] This was often violent. Burton Abbey's *Miracles of St Modwenna* contains several grisly stories warning of the dangers of threatening the saint's possessions. As mentioned above in the Introduction, a forester of the Ferrers earls who persisted in seizing the abbey's pigs and taking them to Tutbury castle was brought to reconciliation with the abbot by a saintly threat. While making his way home from a thoroughly celebrated concord, he drunkenly seized the abbey's pigs once more, for which, the collection records, he lost his eyes. On another occasion, a royal official who had ordered judgment to be made against the saint's men, while boasting about this to his family while resting his chin on his hand, slipped and accidentally gouged out his own eye with his thumb. Clearly such visceral punishments needed to be advertised for those who might threaten the abbey's lands (*Modwenna*, cc. 47, 49-50, ed. Bartlett, pp. 190-9; 204-11).

seem to have been regarded as useful, and these clauses are commonly omitted with just a mention that warranty had been originally included. Sealing clauses seem to have been similarly treated.[812] Despite these limitations, however, the charters and cartularies give a clear image at least of the patronage that the houses received, and it is on this that the chapter will focus.

Founders and their men

The foundation of a religious house by a lord drew donations from his retinue. For many houses, our foundation charter includes a general confirmation by the founder of his men's initial donations. The reasons for this involvement on the part of a retinue is hardly surprising. Founders usually had a close and enduring relationship with their houses[813] that extended to their successors, both in protecting, endowing, and controlling it, and in using the house as a statement of their family's power and permanence in the landscape. In making a grant to such a place a man could show both his piety and his vassalic virtue, particularly if he stated that it was made in part for the soul of his lord and family. It would also allow the lord in question to retain some influence over the granted lands.

[812] For instance, Darley no. Aiii, a grant by Hubert fitz Ralph to Herbert Tokart of 2 bovates in Ambaston (Derbys.), c.1213, copied out by a fourteenth century scribe compresses these phrases to *'Ego uero et heredes mei warantizabimus etc. Et ut hec donacio etc.'.*

[813] Benedictine houses were generally closest to their founder and were more susceptible to his interference, although this could be complicated if the house in question were the daughter-house of an alien foundation (Burton, *Monastic and Religious Orders*, pp. 29-31; Knowles, *The Monastic Order,* p. 135). St-Pierre-sur-Dives seems to have retained the right to appoint or depose a prior up to c.1180. At this point, William I de Ferrers, grandson of the founder, sought more control over the right of presentation. Other rights of the mother-house, such as payment of the 'apport' and the requirement for the prior to appear at St-Pierre every three years, were however safeguarded. Saltman reproduces a Latin transcription in full, *Tutbury* p. 13. The charter does not appear in the Tutbury cartulary itself, and this is likely to have been part of the deliberate attempt by the fourteenth century compiler to downplay the mother-house's original rights (On this point, see below, n. 815). All orders however seem to have been subject to the influence and sometimes interference of their founding lord.

Those lords with sufficient resources and standing to endow a house would already have been at the overlap of several networks- as a member of a kin-group, as the centre and patron to a wider group, and as a locus of power in a locality. These networks would have been drawn in both at the initial foundation, and subsequently.[814] The extent to which a founder's retinue became involved, however, was dependent on the relationships between the lord in question and his men, and his men's other interests. One of the most striking instances of this can be seen on the honour of Tutbury. Henry de Ferrers, the Domesday tenant, founded the Benedictine Tutbury Priory here c.1088. As discussed above, the unusually compact block of lands held by the Ferrers— of which Tutbury was the *caput*— meant that the men of the Ferrers tended to form a reasonably coherent group around their lord in the twelfth century as participants in the honour and attendants on his person, and in several cases were beholden only to him for their lands.

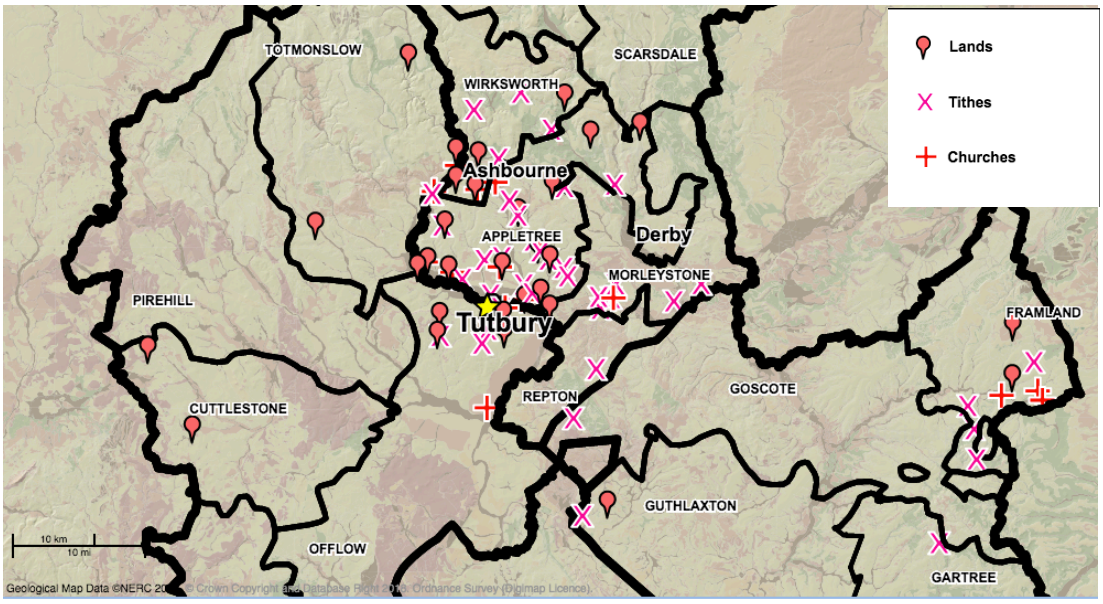


Fig. 14: Benefactions made to Tutbury Priory in the three counties by c.1215

As the key Ferrers house, Tutbury priory would be inclined to receive significant donations from Ferrers tenants. The connection between house and lord was striking:

[814] Cownie, *Patronage*, pp. 169, 172-6; Mortimer, 'Land and service', pp. 195-6.

the priory was founded a few feet from the main gate of the Ferrers *caput* at Tutbury Castle, and the two places occupied the same dominating hilltop. We are fortunate to have what appears to be a reasonably complete cartulary from the house, compiled in the mid-fifteenth century.[815] From this it is possible to draw up a list of all extant donors from the period 1066-1216. On the other axis for this case study, we have the Ferrers *Carta* return from Henry II's survey of knight's fees in 1166. The latter then gives us a list of Ferrers knightly tenants— who must have held some of the largest parcels of land and were of the greatest prominence in the honour— which we can compare against the list of donors to the key Ferrers foundation.[816]

[815] College of Arms MS. Arundel 59, from which Avrom Saltman produced an edited volume in 1962; Davis no. 981. The original cartulary contained 180 folios, of which 8 are now missing, and the charters recorded in it range from the late eleventh until the mid-fifteenth century. A note in the work states that it was compiled under Prior Thomas Gedney (1433-58), which fits with a date of January 1452 for the latest document included. Saltman interpreted the cartulary as 'a monument' to Gedney, under whom Tutbury gained independence from the mother house at St-Pierre-sur-Dives. As a result the compiler seems to have attempted to remove all traces of St-Pierre's influence by omitting documents that referred to the house, and by tampering with the text of Pope Alexander's privilege to make Tutbury appear to have been independent from this date. The impression given by the cartulary may be therefore more insular than was the case. A surviving original from the collection of Gresley charters published by Jeayes mentions the abbot of St-Pierre witnessing a notification by William de Ferrers, of a sale by Ralph de Seal to Ralph de Gresley of land and a mill in Seal. The business in the charter is far too minor and marginal to have brought the abbot specially: it is likely that he was visiting the priory and Ferrers court, and his stature meant he was added as a witness to strengthen the document (Gresley charters , no. 3).

[816] There are some methodological difficulties with the data. It is difficult to be certain about whether the appearance of a person with the same name can be taken as the same individual- as there are certainly instances of repetition of first names in subsequent generations. There is also the obvious problem of how to define a kin-group. In this, however, it is perhaps reasonable to allow the use of toponyms in the sources to shape this. Where these are not present, however, connections are also impossible to prove- hence the uncertainty of identification for the same William fitzHerbert in the *carta* as in the cartulary. It is also important to note the potential fluctuation of a kin-group's interaction with a house. Evidence from Darley suggests that family members could turn their focus to another house. Nevertheless, evidence seems to tend against this, suggesting that a family's previous involvement in a religious house encouraged future participation. There is also the issue of loss of evidence. The compilation of the cartulary several centuries after the production of the documents under scrutiny would allow for some losses, or selective record-keeping by the monks. The loss of witness lists, as discussed above, also leaves a considerable gap in the evidence.

	Tenants of the old enfeoffment (by 1135)	Tenants of the new enfeoffment (1135-66)
Number of individuals who appear in the *Carta* and as donors to Tutbury Priory	7	1
Number of kin groups who appear in the *Carta* and as donors to Tutbury Priory	10	2
Total of the above	**17**	**3**
Does not appear in the cartulary	20	14
Overall total	**37**	**17**

Table 1: Comparison of names/kin in the de Ferrers 1166 *Carta* and the Tutbury cartulary

The commonplace that a lord's retinue should support his patronage is thus borne out to some degree, and is hardly surprising. In the light of the peculiar consolidation of the de Ferrers honour, as argued for by Golob, it is perhaps to be expected that Tutbury Priory would show an especially focused centre for patronage. Instead, however, there appears to be a smaller group within the holders of knights' fees whose families patronised the priory. The number of those holding knights' fees but seemingly not patronising the priory is almost double the number who did. Moreover, those who appear as holding knights' fees after 1135 are much less likely to become involved as patrons of the priory- only three kin groups out of seventeen did.[817] In part, this may be from less impetus to do so, as by 1135 Tutbury priory

[817] The de Ferrers *carta* return is somewhat idiosyncratic. It has four points of reference- '*tempore Henrici Regis avi vestri*'; the knights enfeoffed by William I de Ferrers' grandfather, Robert I de Ferrers (1093x1100-1139); those enfeoffed by his father Robert II (1139-62); and 'now' (*modo*). For this table, the cut-off point has been made at 1139, so as to not exclude from the old enfeoffment those thirteen enfeoffed on Robert II's demesne- which the balance of probability suggests were made before 1135, rather than in the four years between then and Robert's death. Those enfeoffed by '*pater meus*' Robert II, and those holding *modo* have been counted as new enfeoffment (*RB* i, pp. 336-40).

would have been a long-established house with a substantial endowment, and the mid-twelfth century saw newer houses being founded locally.

Not all Ferrers knights were created equal, however. The number of fees owed ranges between nine and one-quarter, and this should be taken into account. In Table 2, the total knight service owed by each of the grantors to Tutbury is used to weight the figures according to the proportion of knight service held. Essentially, the table shows from how many knight's fees a donation was made to Tutbury Priory. These have been separated into those who personally granted, and those whose kin made grants. The few unclear individuals are omitted from the table.

Table 2: Comparison of the number of knight's fees in the Ferrers *Carta* with their holders' patronage of Tutbury Priory

	Number of knight's fees from which donation arose: old enfeoffment (by 1135)	**Number of knight's fees from which donation arose: new enfeoffment (by 1166)**
Number of individuals who appear in the *Carta* and as donors to Tutbury Priory	19 ½	1
Number of kin groups who appear in the *Carta* and as donors to Tutbury Priory	21 ½	2 1/4
Total of the above	**41**	**3 1/4**
Does not appear in the cartulary	25 ½	14 7/12
Overall total	**66 ½**	**17 5/6**

The figures in Table 2 show that, unsurprisingly, those who held heavier service (and presumably, more land) from the Ferrers were more likely to have been donors to the

priory. Still, however, there is a significant lack of involvement from many of the more prominent tenants on the honour. In over a third of the total knights' fees granted in the old enfeoffment, there is no record for the tenant acting as patron to his lord's foundation. 21 fees had been created in the new enfeoffment; out of these, donations were made from the holders of 3 1/4 knight's fees, leaving a significant number of fees where the holders did not become involved in the priory.

Moreover, within those patronising the priory, there was wide variation in involvement. Roger de Livet's grant of two parts of tithe of his demesne of Somerby and Dalby (Leics.) sometime before 1150x9 is the only record of the family's involvement with the priory,[818] although Robert de Livet, his kinsman, held two knights' fees of the Ferrers of the old enfeoffment and was steward to the Ferrers between 1139 and 1158.[819] This behaviour seems to have been due to the Livets' relationship with other lords. Roger de Livet appears in thirteen of the charters of Chester collected by Geoffrey Barraclough. Several of these were relatively local, with de Livet appearing as a witness in charters of Earl Hugh de Kevelioc (1153-81) relating to the Augustinian cell at Calke (Derbys.) which Richard d'Avranches had founded 1115x20,[820] Coventry, Barrow-upon-Soar (Leics.) and lands in Leek (Staffs.), which could be attributed to having landed interests nearby.[821] The earls of Chester had significant holdings in these areas. De Livet also appears as a witness to the earl's grants in the Wirral area and Chester itself, and, most significantly as a witness in Hugh's confirmation of the grants of his predecessors to St Stephen's,

[818] Tutbury no. 52, a general confirmation by Robert de Ferrers II (1150x9). The original charter for this has not survived in the cartulary and is not known elsewhere.
[819] *RB*, i. p. 337.
[820] Colvin argued for this dating on the basis of a writ by Henry I to Ranulf I earl of Chester, that the latter should respect the grants by his predecessor Richard to Calke (Colvin, 'Calke Priory', pp. 102-3; see also G. Barraclough, 'Chester Charters' in *A Medieval Miscellany for D. M. Stenton*, p. 32 n.1.
[821] Barraclough, nos. 121, 147-8, 176-7, 193.

Caen, given at Chevilly in mid-1171.[822] Taken as a whole, this suggests strongly that Roger de Livet was regularly in attendance on Earl Hugh— making the lack of participation in the de Ferrers honor unsurprising. He may also have held serial allegiances to the de Ferrers and earls of Chester.

By contrast, those families who were more generous towards the priory tended to be those without substantial interests elsewhere. The de Touke group gained knights' fees from the de Ferrers during the time of Robert I and II de Ferrers. Humphrey de Touke acquired half a knight's fee which had been held by Ralph fitz William during Henry I's reign, and was further enfeoffed with one by Robert II. William de Touke was also enfeoffed by the latter, with a quarter of a knight's fee. These men do not appear to have had any other lords. Hawise de Touke, their kinswoman granted the priory two burgages in Tutbury, which was granted in alms c.1185 by Henry de Touke, their kinsman, and augmented with a messuage with curtilage in Anslow (Staffs.).[823] In the general confirmation by Robert de Ferrers II, dated 1150x9, a considerable number of grants were recorded, of which a majority were demesne tithes rather than lands. Larger grants such as that by the Toukes appear as a particularly generous effort, therefore, against the general trend for those of the new enfeoffment to not become involved with Tutbury.

The Shirley family were the most prominent Ferrers tenants, and as discussed in Chapter 3, appear to have held solely of them. Henry son of the Domesday tenant Saswalo had held five knight's fees in 1135, and his brother Fulcher four. By 1166, Sewall, the heir of both,[824] held all nine— by far the largest holding of any de Ferrers

[822] *Ibid.,* nos. 162, 131-2, 174, 184-6.
[823] Tutbury, no. 130.
[824] See above p. 185 for discussion of the Shirley exchange of inheritance.

tenant. Their donations to the priory remain consistently generous through the twelfth century. At or soon after the foundation, Saswalo gave two parts of his demesne at Hoon (Derbys.).[825] Henry son of Saswalo granted the vill of Newton (Derbys.) with appurtenances; and his heir Jordan added several acres to this.[826] Matilda Ridel, mother of Sewall son of Fulcher, left an annual rent of seven shillings in her will (*sub testamento dimisit*)[827]; Sewall himself granted a copse and land between the castle and mill of Tutbury;[828] and 'Sewal of Shirley' granted more land at Hoon in the late twelfth century.[829] The scale of these grants is entirely different from those of other tenants, and may reflect the greater wealth at the family's disposal. It may also reflect a closer relationship than average between the family and the de Ferrers.

Even within these instances where the primary motivator for the choice of Tutbury seems to have been seigneurial, kin and locality are likely to have also played a role. Sometimes, where a man's kin and the scatter of his lands fell within a particular locality, the interests of his family and locality could reinforce the seigneurial bond, and direct all of an individual's patronage and attention in the same direction. As will be discussed below, however, it was not uncommon for these ties of lordship, kinship, and locality to pull in different directions, and to thereby disperse a man's attention and patronage. Both of these models can be seen in the above examples.

Grants to religious houses tended to draw in other family members and successive generations in order to confirm an initial grant. As Barbara Rosenwein argued in her

[825] Tutbury, no. 52.
[826] This was confirmed by Robert I de Ferrers 1135-9 (*ibid.,* no. 62); by Robert II de Ferrers 1150-9 (*ibid.,* no. 52); and by Pope Alexander III in his general confirmation to the priory of 1162-3 (*ibid.,* no. 1).
[827] *Ibid.,* no. 142 (1161x82).
[828] *Ibid.,* no. 67 (1161x82).
[829] *Ibid.,* no. 113.

work on Cluny, religious houses could find themselves deprived of a donation by a donor's descendants who could seek to challenge the validity of the house's tenancy, or in some cases simply annex the land back.[830] Although a few instances of this survive from the area, more often it appears that a donor's heirs would confirm the grant, for which a reward is sometimes recorded, and in some cases would augment the original gift, either by adding more lands or by remitting services due from it. Where the religious house in question was under the protection of the lord from whom a family held lands, and from whom heirs wished to hold in the future, the kinship element became ever more tightly bound. But there is also a geographical dimension to this: one of the main factors in choosing which religious house to support seems to have been its proximity to a minor lord's own lands. This factor may have been in play with two of the instances above. The Shirleys and Toukes held land within sight of the castle and priory of Tutbury, and in both cases, the grants which they made to the priory fell within the same area, rather than being drawn from more profitable estates further away. The Livets had granted, however, tithes on their land at (Old) Dalby and Somerby, both lying some forty miles to the east of Tutbury. This may reflect the distribution of their lands, and suggest another reason why their grants to Tutbury were so few: the pull of lordship was strong enough to exact one donation from them to their lord's main foundation, but their attention was later diverted both by their other lords, and their distance from the house.

The interaction of geography and lordship on driving religious donations can be seen more clearly in those instances where a lord's family founded several religious

[830] B. Rosenwein, *To be the Neighbor of St Peter: The Social Meaning of Cluny's Property* (Cornell, 1989), pp. 4, 48, 52-74.

houses at various points in their honours. As well as Tutbury, the Ferrers also founded Merevale abbey near Atherstone in 1148, a few miles over the county border in Warwickshire;[831] and had some hand in the foundation of Darley abbey on the outskirts of Derby in the mid-twelfth century.[832] For reasons of space, the discussion here will focus solely on Darley as the better-documented house.

The initial Ferrers endowment of Darley was considerably smaller than their donations to Tutbury, even taking into account the smaller resources needed for an Augustinian house. The early confirmation by Robert II de Ferrers is couched in terms that suggest he himself was the founder.[833] Although he granted some property

[831] *VCH* Warks, II. pp. 75-6. No cartulary from the house is extant, but it is clear that the distribution of lands was much wider than for other Ferrers houses. Robert II de Ferrers, its founder, gave to it land in Arden Forest in Warwickshire, with lands in Whittington, Weston, and Orton-on-the-Hill (Leics.), and Hardwick, Hartington, and Pilsbury (Derbys.) (*Ibid*., p. 75). It also built up a more local landed base, however, and seems to have received a considerable number of grants around (Nether and Over)Seal (Leics.) (Gresley charters, nos. 1, 4-7, 11, 12, 14-24, 26, 27, 29, 32, 41, 43, 44, 49, 50, 52, 55, 57-65).

[832] Darley abbey was founded during the Anarchy, although the precise date is not known. In its initial incarnation, Darley was based at an oratory of St Helen on the outskirts of Derby (Davis nos. 299-301). In a thirteenth century note on the last folio of the Cotton manuscript of the Darley cartulary (BL Cotton MS. Titus C IX fos. 39-166 at fo. 166) it is stated that this was founded by various burgesses on the patrimony of the burgess *Towyus* in 1137. Later, the canons moved to a site on the Derwent, two miles to the north of Derby. The cartulary contains a note from a canon in 1288, which states that 1146 was the *fundacio domus*, which Darlington has suggested was the movement of the house to Darley. He notes that although this is more generally taken to be c.1160, the note may be a preservation of a more accurate early tradition about the foundation (Darlington, *Darley*, i. pp. ii-iv). A short period after this, the house appears to have been taken under the protection and advocacy of Robert II de Ferrers, earl of Derby, according to a charter of 1154x9, listed as N3 in the house's cartulary (*Ibid*., p. iv). The charter takes the form of a notification by Robert II to Walter bishop of Coventry, and the barons and men of his honour. It implies foundation solely by Robert II, but Darlington has argued that it would also work as the house being taken under his protection and confirmed. With the scribal note mentioned above, the balance seems to be that it was burgess foundation. It seems unlikely that it was a co-foundation since no credit is given in Robert's charter to the burgesses, as was usual in co-foundation (see Wood, *English Monasteries*, pp. 11-12). Darley no. N3, a notification by Robert II to his barons, men, 'and in particular the burgesses of Derby' (*et nominatim burgensibus de Derb'*), confirms the gifts which the canons have received from the burgesses of Derby, and adds the tithe of his rents in Derby and the third of the meadow on Markeaton brook. These are also mentioned in no. N2, with some additions, and perhaps implies that no. N3 is the earlier document. In either case, the references to the burgesses in N3 are significant for them having particular interest in the house. (On the position of a founder see J. Burton, *The Monastic Order in Yorkshire, 1069-1215* (Cambridge, 1999) p. 183) Darlington argued that the town of Derby was granted by Stephen to Robert II de Ferrers, based on Robert's grant of a tithe of the revenue of Derby to the canons (Darley, no. N3; see also O5).

[833] This is not entirely out of line with the style of some confirmation charters more generally which imply that grants given by subordinates were the gifts of the lord himself. This may alternatively be a reflection of some complexity in the original foundation, if the earl's input was a large one- such as arranging licensing from Stephen and Henry II. Darley, no. N2 mentions that he founded the house on

to the abbey, it is on a much smaller scale than the founding endowment of the earlier Ferrers house at Tutbury.[834] The continuing involvement of Robert II's descendants in the abbey is similarly much smaller than for Tutbury,[835] sometimes only amounting to handfuls of acres[836]— although they are nevertheless recognised with their own section in the cartulary.[837]

Similarly, fewer of the Ferrers tenants seem to have made grants to Darley. The ever-attentive Shirleys made no grants from the main line, although a member of a minor

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the Crown's demesne (on which point see *Darley* i. p. iii), with the licence of both of these kings, and 'presented' the abbot to both of them (*abbatem uero presentaui utrique regum*). In addition, the clause *et posui in eam canonicos et abbatem* suggests that Robert may have had a role in arranging canons to populate the monastery.

[834] They received from him the church of Uttoxeter, Crich with appurtenances, the tithe of his rents in Derby, a third of the meadow by Markeaton Brook, land worth six shillings at Osmaston , an oratory with cemetery at the grange (*hordwic*) of Aldwark, and a cartload of wood from Duffield or Chaddesden. Darley, no. N2 gives the fullest description; no. N3, a notification to his barons and men, 'and in particular to the burgesses of Derby', only mentions the tithe of the rents and the meadow. All of the places mentioned are in Derbyshire. Tutbury would have required a greater initial endowment, as a Benedictine house, but this alone cannot explain the difference in scale.

[835] Although the Ferrers did not grant large amounts of land, a considerable number of confirmations survive. Darley, no. N4: confirmation by William I de Ferrers of his father, Robert II's donations; no. N12: confirmation by William II of the grants of his father and grandfather; no. N20, William II's confirmation of Robert II's grant that the canons could take wood from Duffield (as given in no. N2); no. N26: Hugh de Ferrers' (son of William II) confirmation of the gift of his ancestors of Aldwark and Sewelledale. No. N13 should also perhaps be placed in this category. This was a confirmation by William II of the church of Bolsover, and the land between 'Hambec' and 'Godrichesgruf' which William Peverel had given. William II de Ferrers was the son of Peverel's daughter, Margaret; but the de Ferrers did not receive land from the Peverel honour after it was taken into Crown hands. Bolsover castle and the honor of Nottingham were some of the possessions granted by Richard I to his brother John count of Mortain. After the latter became King John, William II received Bolsover with its manor and soke by 1219 (*VCH* Derbys. iii. pp. 60-1; Darlington, *Darley*, ii. p. 580 n. 1) The confirmation, therefore, seems odd, as William II does not appear to have had rights over the church of Bolsover at this stage. It may be in the nature of blocking any familial claim on his part against the canons; or it may have been in his capacity as a powerful man in the locality that the confirmation was issued.

[836] Darley no. N6 records the grant of William I de Ferrers of 8 acres in Sewelledale, and 2 acres for a sheepfold. No. N17 records the grant of a single acre in Riber; and no. N21 5 acres in Wigwell (all Derbys.).

[837] Darley, nos. N7-8, N14-15, N18. The Darley cartulary, BL Cotton MS. Titus C. ix, dates from late Henry III or early Edward I. Darlington suggests a date of c.1275, with some additions by a different scribe into the early fourteenth century. Scribe A, who wrote most of the complete original divided the material into fourteen sections, labelled A-P (omitting J). These sections were mostly organised by geography, with some exceptions- for instance, N is devoted to charters of the de Ferrers earls. Darlington works mostly from this, supplementing material from Bodleian Gough MS. Derby I, which was produced in the later fourteenth century. Many of the documents in this latter manuscript are repeats from BL Cotton MS. Titus. The circumstances of the production of these registers is unclear, as are the identity of the scribes— so any deliberate manipulation of the charters, as in Tutbury, is more difficult to detect (Darlington, *Darley,* i. pp. lxxv-i).

line did so in the late twelfth century. It is significant that this individual appears to have had lands nearer to this house than to Tutbury, which seems to have drawn his attention towards Darley.[838] In all, seven families who held knights' fees of the de Ferrers appear as donors to the canons. All of these are known to have had lands in the vicinity of Darley. Of these, five had also made at least one grant to Tutbury priory in addition. Alfinus de Brailsford appears in the general confirmation of Robert II de Ferrers of 1150x9, as having given Tutbury priory the church of Osmaston (Derbys.) with the consent of Robert I in a grant that probably took place long before the 1150s; and 'Elfinus', probably the same man, gave two parts of the tithe of his demesne of Thurvaston (Derbys.) and Osmaston, and four bovates in Hollington (Derbys.).[839] His son Nicholas and grandson Henry granted to the canons the service from their meadow between Derby and Markeaton, 1138x48, which may be before Robert de Ferrers took the house under his protection;[840] but Henry's brother, Robert,[841] appears to have given a not inconsiderable amount of land to Tutbury at a similar time.[842]

Darley was a different kind of foundation from Tutbury, however. As discussed above, the original foundation was probably made by a group of burgesses, before it was taken under Ferrers protection. As earls of Derby, they were prominent both in the town and the Tutbury honour, and so it is hardly surprising that it attracted most of the religious donations made from Derby and its immediate environs.[843] Much of

[838] Darley, nos. N9-11. Henry fitz Fulcher gave half a mark of silver which William I de Ferrers had previously granted him, and two mills— 'Fulcher's mill' on the Derwent, and that at Alport.
[839] Tutbury, no. 52.
[840] Darlington, *Darley*, i. p. xii.
[841] The 'Dolfinus' referred to as *avus meus* in this charter appears to be a variant of Alfinus (Darlington, *Darley*, ii. p. 489 and n.).
[842] 60 acres, 35 *wainabiles* (land suitable for cultivation), and 5 acres of meadow. Tutbury, no. 118 (c.1150).
[843] Darley's position as an Augustinian house may also have encouraged this. Unlike Benedictines, Augustinian canons provided pastoral care and some houses acted as hospitals (Burton, *Monastic and Religious Orders*, pp. 48-50).

the patronage of the house, then, seems to have come through an overlap of seigneurial and local ties, particularly from the town itself. Its donors are also much more likely to have a non-rural job than even the Tutbury grantors with bynames relating to urban trade (dyer, weaver, tailor, moneyer, vs. *venator*). Some probable burgesses can be identified. In a charter of 1161x82, Goda and her husband Walkelin, probably the town's moneyer,[844] notified Henry II and Bishop Richard Peche of Chester of ten separate gifts that they had made to the canons. The donors gave, in total, one bovate and seven and a half acres, one market stall, two messuages, including their residence,[845] and unspecified mills and lands within and without Derby. This couple appears to have been of some standing in Derby. In addition to being able to grant the pieces of land to Darley as above, Goda is described in A30 as having held at least forty-seven acres 'in the fields of Derby', which were later granted to Darley, and it is highly unlikely that this represented her entire portion as a widow. Their connection with Darley seems to have been exclusive- there is no record of their granting to any other houses. Although the house attracted a few of the more prominent Ferrers tenants, the seigneurial impact was largely tempered by locality, and it was this that seems to have been one of the primary factors influencing grants there.

[844] A Walkelin *monetarius* appears in the cartulary, and seems to be the same man. There is also an irregular coin issue struck in this name at Derby during the reign of Stephen, which has on its reverse 'W[alch]ELINVS DERBI (Darlington, *Darley*, i, pp. xlii-iii. *Catalogue of English Coins in the British Museum, Norman Kings*, ed. G. C. Brooke (2 vols., London, 1916), i p. xcv; ii p. 383).

[845] This grant is particularly interesting, giving 'the messuage where the donors live […] 'on this condition, that the hall shall be be converted into a school for clerks and the chambers serve as a hostel for the master and clerks, nothing being received by the abbot, the master, or anyone else for the leasing of the said house, and the profit from the oven shall be assigned to the canons' hospice for the maintenance of the poor'. Darlington has suggested that this project never came to fruition; Darley no. A28, a charter issued by Master Robert the son of Goda, mentions a rent of 2 shillings of a house which was Walkelin's, with an oven, which may be the house previously mentioned. Darley no. A xviii mentions that Master Robert's niece, Petronilla, held this (Darlington, *Darley*, i, p. xliii).

Men and their lords' patronage

In addition to their own houses, greater lords generally seem to have donated to a range of religious houses. The factors that determined grants for such individuals is outside the scope of the present study. Instead, the focus here is on the impact that a lord's grants outside his own honour had on his men. Where we see lords making such grants, it is not uncommon to find some of their tenants imitating their patronage, and granting land to the same house. By unpicking where this did— and did not— take place, it is possible to draw out some suggestions about the weight of seigneurial ties versus those of kinship and locality.

The first and most striking pattern is that minor lords who held land of one lord only were much more likely to imitate their lord's grants, even in areas that were far outside where they themselves held land. To return to the Shirley family, for whom good records survive, it appears that they followed their lord's grants closely across several counties. When Robert de Ferrers granted land to Kenilworth Priory (Warks), it appears that the Shirleys copied him, in the latter case granting lands from the sole Shirley manor in Warwickshire, at Ettington which lay 16 miles to the south of the house.[846] The original record for either of these grants has not survived, but the two appear consecutively in a general confirmation by Henry II. This records that the Shirley grant was made with the *concensus* [*sic*] of Robert de Ferrers, which strongly suggests his presence at the time of the donation to the house.[847] I have been unable to find any evidence of direct relations between the family of Geoffrey de Clinton, the founder of Kenilworth, and that of the Shirleys, or any lands previously held by

[846] Dugdale, *Monasticon*, VI. pp. 219-224, esp. num. VII; E. Carey-Hill, 'The Abbey of St. Mary, Kenilworth' (Coventry, 1937), p. 1.
[847] Hugh de Ferrers' grant of Broch is followed in the charter by Henry fitz Sewall's grant of Ettington. This probably took place before the early 1160s, as Henry exchanged his inheritance with his brother Sewall at this date.

the house in the Ettington area. The suggestion seems to be, therefore, that this was a grant prompted solely by seigneurial imitation. This suggestion is stronger when we consider the Shirley grant to Buildwas Abbey in Shropshire. Robert II de Ferrers had been present as a witness to its foundation by Roger, bishop of Chester in 1133.[848] The Ferrers interest may have in part been that this was a relatively new type of house, being one of the first of the Savigniac Order in England. Although the Shirley interest in the house is more difficult to trace than for Kenilworth, it is clear that at some time before the 1160s, Henry fitz Fulcher de Shirley had granted to it land in Ivonbrook (Derbys.) that lay around 60 miles to the north-east of the foundation.[849] Imitation of the Ferrers patronage seems to have been the sole motivation for choosing this house.

Even multiple tenants, however, could be drawn into imitating their lord's patronage. Roger de Buron was in 1166 a small tenant in chief, with four men holding a total of six knights' fees from him. He himself did service of a quarter of a knight from his demesne.[850] De Buron made several grants to Darley Abbey during Henry II's reign.[851] Of his men, two of them, William de Heriz and Patrick de Rosel, held two and one knights' fees respectively, whose kin appear in connection with Darley. Margaret, Patrick's daughter, granted to Darley the suit of her men in Kilburn to the mill there, and quitclaimed the twelve pence which they were bound to pay her annually, late in Henry II's reign. William and Robert de Heriz, in conjunction with the probable burgesses Walkelin and Goda of Derby, gave land in Thurlescroft to the canons, for which the original charter does not seem to survive in the cartulary.

[848] W. Dugdale, *The Antiquities of Warwickshire*, (London, 1730) p. 619.
[849] Shirley, *Stemmata Shirleiana,* appendix p. 13, no. XXIV.
[850] *RB,* i. p. 342.
[851] Darley, no. K4. His grants to Darley included Horsley mill, with appurtenances, multure, and suit, the messuage of Lady Aalina his sister in Havercroft, the furlong by the canons' fishpond, and a confirmation of their mills and fishpond to them, Darley no. K5.

Robert de Heriz and his son Ivo continued this connection with Darley, and the latter's wife seems to have been buried there.[852] As with other instances above, most of these grants were of lands in close proximity to the religious house in question: in this case, within six miles. Again, lordship and locality are clear influences.

Nor was this pattern for multiple tenants restricted solely to those holding by knight service. Darley cartulary refers to another tenant of de Buron's, Philip of Kilburn, who was a benefactor. He does not appear in any document as holding by knight service, and appears to have held by rent and service— that is, in socage. Late in Henry II's reign, with the consent of his lord (*assensu Rogeri de Birun domini mei*), he granted the multure of his land and men at Kilburn to be rendered at the mill there which Roger de Burun had given them previously.[853] Ralf, son of Beatrice of Kilburn, similarly granted lands and mill-soke.[854] Darlington gave this a possible date of early in Henry III's reign, on the grounds of its inclusion in Henry III's charter of confirmation of 1236,[855] and the appearance of a Ralf of Kilburn in 1234.[856] This is certainly possible; but the augmentation of de Buron's grant suggests that it occurred at a similar time to the latter event.

[852] Cole nos. 4-6, Darlington, *Darley,* ii. pp. 349-50. Robert de Heriz also quitclaimed to the canons all his rights in Oakerthorpe (Derbys.) for half a mark of silver annually from the canons 1179x98; he later quitclaimed this half mark for the four bovates which he claimed against them there, again 1179x98; and granted them advowson of the church of neighbouring South Wingfield (Derbys.) 1179x82. His son Ivo confirmed this latter grant, and later added two other grants, of a bovate there, and land at *Blakemoncros*, with the body of his wife Hawise Briweir (all 1198x1225).
[853] Darley, no. K9.
[854] Ralf granted a furlong, and suit (*sectam*) from all his lands and men to the mills which Roger de Burun had given to the canons. He also granted all easements of Kilbourne mill, the fishpond to be constructed there, and quitclaimed all his rights to the mill. Darley, no. K7.
[855] *Calendar of Charter Rolls preserved in the Public Record Office* (6 vols., H.M.S.O., 1903-1927), i. p. 222.
[856] Darlington, *Darley*, ii. pp. 483-4 n. 1.

Kinship and patronage

Founding a religious house was not, however, the sole preserve of great lords and tenants-in-chief. Starting in the first decades of the twelfth century, minor lords— both those with small tenancies-in-chief, and those at the subtenant level— began to found their own houses. These tended to divert most of the family's patronage in this direction, to the exclusion of foundations of their own lords. The Gresley family, mentioned above in Chapter 3, do not appear anywhere as donors to a Ferrers foundation until a small grant by Margaret, widow of Nicholas de Gresley in the early thirteenth century.[857] William fitzNigel had founded Gresley Priory during the reign of Henry I, and this seems to have been the main focus for the family's endowments. Little information, and no cartulary survives for this house, but it seems to have remained small.[858] If we address the *Valor Ecclesiasticus*, admittedly a much later source, we can see that the house held land around the long-standing Gresley lands of Seal and Gresley itself, which would suggest endowment by family and the local Gresley tenants.

Kin involvement could also be carried over in marriage.[859] The Grendon family were clear multiple tenants by the end of Henry I's reign.[860] This seems to have been

[857] This was of two of her villeins. She bound her son William to maintain (*manutenebit*) it. (Tutbury, no. 250 (early thirteenth century)). She received a mark of silver from the prior in return. Margaret's own ancestry has proven untraceable. This grant outside the normal family range of patronage may be a reflection of her maiden kin's preferences.

[858] Dugdale, *Monasticon,* VI. pt. I, p. 550. Nicholas de Gresley and his wife Margery also founded a small priory for four canons at Calwich in Dovedale, sometime after c.1125. This branch of the family had its focus at Longford (Derbys.), and does not much appear in documents in connection with the fitzNigel branch, but some connection was likely to have been maintained. It was originally a cell of Kenilworth, which is probably to be attributed to Nicholas' wife Margery having been a ward of Geoffrey de Clinton, the founder of Kenilworth Priory (*VCH* Staffs. iii p. 237) One Robert de Gresley also founded Swineshead abbey (Lincs.) c.1148 (*VCH* Lincs. ii p. 145).

[859] Saul, *Lordship and Faith*, p. 66.

[860] Roger de Grendon appears in 1166 as having held one knight's fee apiece from William de Ferrers and Robert Marmion of the old enfeoffment, and one and a half carucates from Geoffrey Ridel. His son Serlo de Grendon appears in connection with the Shirleys and Ferrers (*RB*, i. pp. 327, 330, 339; *VCH* Derbys, ii. pp. 69-71; ROLLR DE2638/2/1 (late C12th); Golob, 'Ferrers', ii. Appendix, no. 34; Shirley, *Stemmata Shirleiana*, appendix p. 9, no. XV).

reflected in the range of religious houses to which they made donations in the twelfth century.[861] From the later twelfth century, however, most of their patronage was directed towards Dale Abbey, following the marriage of Margaret, daughter of Ralph son of Geremund, to Serlo de Grendon.[862] As part of her dower lands was a moiety of Ockbrook (Derbys.), where a baker-turned-hermit had established himself during the reign of King Stephen, and where with the support of Margaret's father Ralph he had built a chapel. This patronage was carried over into the new marriage and expanded. The Dale abbey Chronicle records that Serlo's godmother ('the Gomme of the Dale') wanted to keep religious life in Depedale, and her and Serlo's influence brought in an initial foundation of canons from the nearby Augustinian cell of Calke (Derbys.).[863] Margaret's dowry, and, we may expect, a tradition of her kin's involvement was transferred successfully to the de Grendon family, and proved notably resilient through an extraordinary run of bad luck which necessitated three attempts by the Grendons to found the house proper.[864]

Locality and patronage

In general it is more difficult to trace the tenants of the more minor lords: generally few, if any charters survive that seem to have been issued by them, and often these seem to have been carried out in the court of another lord, meaning that it is unclear whether witnesses were present for them or had been present in the lord's court on other business. We are not, therefore, able to say with confidence the effect that these foundations had on the relatively lowly men who generally constituted the retinue of

[861] Robert de Grendon appears as a witness to grants by William Salvagius of lands in 'Freseley' and 'Dodenhole' to Polesworth monastery, and of Eustace de Moreton concerning lands in Southwell (Notts.). Serlo and William de Grendon appear as witnesses to a grant by Richard de Luvetot to Garendon Abbey (Nichols, *Leicester,* III ii. 809).
[862] Saltman, *Dale Abbey*, p. 2. Houses could also be founded as a means of cementing marriage alliances (Burton, *Monastic Order in Yorkshire*, pp. 86, 192).
[863] Saltman, *Dale Abbey*, pp. 1-2.
[864] *Ibid*., pp. 1-5. See also Crouch, *William Marshal*, pp. 65-6.

such individuals. There is also a problem in that the surviving records for smaller houses seem to have been less likely to survive. Where cartularies are extant, however, locality seems to outweigh seigneurial connection as the commonest link between the house and its donors.[865]

Ranton priory in Staffordshire, also known as St Mary *des Essarz*, is one such instance. It was founded on a site approximately seven miles to the west of Stafford, and from the name appears to have been on newly-assarted land. It was a daughter-house to Haughmond abbey in Shropshire until 1247.[866] The house's cartulary is a little sparse for the period under consideration here.[867] Nevertheless, it preserves enough to give a sense of the early grants. It was founded by Robert fitz Noel[868] sometime before 1166, almost on his doorstep— under two miles south of what

[865] Cownie, *Patronage*, p. 180. See also Postles, '*Defensores Astabimus*', pp. 114-5.
[866] *VCH* Staffs iii. pp. 252-3. Prior to this there seems to have been ongoing dispute between daughter and mother through the last years of the twelfth century and the first decades of the thirteenth.
[867] BL, Cotton MS. Vespasian C. XV; Davis, no. 823. The cartulary comprises 61 folios. Up to fo. 53 it is in a fourteenth-century hand; fos. 54-61 are a mixture of hands to the early sixteenth century. Initial letters and headings are rubricated, as are references to members of the founder's family. Davis dated the cartulary to the first half of the fourteenth century, with some additions to 1531. Wrottesley produced a calendar for the 1883 *Collections for a History of Staffordshire*, but it has since received little attention (G. Wrottesley, 'The Ronton Chartulary', *Collections for a History of Staffordshire* 4 (1883), 264-95. The village is now known as Ranton). It has not been possible to find originals of any of the early charters. The majority of the charters omit or considerably abridge the witness lists, which largely restricts the possibility of verifying the documents by cross-reference with contemporaries. Nevertheless, what we do have of the meat of the charters appears plausible for the dates. Beyond this it is not possible to give a greater level of certainty, only to note that in the places where individuals who appear in the cartulary occur elsewhere, the dates correspond well enough to be able to suggest that, even if individual charter were tweaked here and there by a zealous fourteenth century scribe, the people occurring in the cartulary are likely to be accurate as donors. It is impossible to know, however, what proportion of the grants made were preserved in the cartulary, and we may wonder whether those particularly connected with the founder's family were prioritised for copying.
[868] The Ranton cartulary preserves a fourteenth century tradition that both Noel and his wife Celestria came *in exercitu Willielmi Bastard in Anglia*, for which they were rewarded with a grant of Ellenhall. As Wrottesley pointed out, however, this is recorded as being in the possession of the bishops of Chester after the Conquest (DB i. fo. 247— although his statement that it was a possession of the see before 1066 seems unwarranted). Since no tenant is recorded *TRE* or *TRW* it is possible that Noel held as an unnamed subtenant, but if so it is likely that he had received the land from the bishops, not King William. As Wrottesley summarised it, this account 'was not written in fact before the fourteenth century, and must be looked upon as one of those pious fabrications based on oral tradition which the inmates of religious houses usually composed in honour of their founders.' (Wrottesley, 'Ronton' pp. 264-5, quotation at p. 265).

appears to have been his *caput* at Ellastone— and endowed with land at Ranton only.[869] In fitz Noel's foundation charter, most of the witnesses are certainly family: Thomas, fitz Noel's son, and Richard and John his brothers. The only other three recorded witnesses, Hubert de Handsacre and his sons Robert and William, may also be related to the fitz Noels, if Wrottesley was correct in thinking that fitz Noel was brother or son of the Robert who held Handsacre of the Bishop of Chester in Domesday.[870] Robert fitz Noel held lands from several lords: several manors in Staffordshire of the bishop of Coventry,[871] Ranton itself from Robert de Stafford, and possibly Grandborough to the south of Rugby in Warwickshire from the Prior of Coventry.[872] Probably soon after the original foundation, Robert of Stafford confirmed the grant for his *miles* Robert.[873] This appears to have been the only involvement by the Staffords, and no member of the family thereafter appears in the cartulary.

In the following generations, a considerable proportion of the house's grants came from the fitz Noel family. Thomas fitz Robert (d.1206), who seems to have adopted Noel as an avonym, confirmed his father's grants c.1184x97,[874] and later added to

[869] BL Cotton MS. Vespasian C. XV fo. 1; Wrottesley, 'Ronton', p. 265. Wrottesley noted that some of the witnesses to the grant appear to have been deceased by 1166, which allows this as the latest possible date. A date in the early 1160s seems plausible, when all of the men in question were in their majority and holding their fees. Fitz Noel later seems to have added to his foundation grant with the churches of Sethford, and later all churches from his demesne lands (Ranton, fo. 2). Both of these were witnessed by the prior of Stone Priory, and the first of these names him as Roger, who appeared in 1162, and between 1174x6 (*VCH* Staffs, iii p. 246). Eyton thought that Robert fitz Noel died in 1171 (R. W. Eyton, 'Staffordshire Chartulary', p. 256). These secondary grants probably also took place in the 1160s, therefore.

[870] Wrottesley, 'Ronton', p. 265.

[871] Wrottesley's statement on the source for these episcopal grants seems plausible. Noel's wife, Celestria, is recorded in a document appended to Hearne's 'History of Glastonbury' to have been daughter of Robert de Limesi, bishop of Chester c.1088-1177 (Wrottesley, 'Ronton', p. 265).

[872] This latter grant seems odd, being as it is approximately 70 miles south-east of the cluster of fitz Noel lands in Staffordshire. Nevertheless, Wrottesley thought it was this manor, and it has not been possible to find a plausible place-name closer to Ranton itself (Wrottesley, 'Ronton', p. 264).

[873] *RB,* i. p. 268 recorded that a Robert son of 'Noeel' held a fee of Robert of Stafford's demesne. The latter's confirmation on Ranton, fo. 1 calls fitz Noel *miles meus*.

[874] Ranton, fo. 2. The witnesses to this grant were three Walters: the abbots of Waltham and Lilleshall, and the prior of St Thomas', almost certainly the Augustinian house near Stafford. These appear,

them nearby lands in Bridgeford, Coton Clanford (Staffs) and further south at Grandborough (Warks).[875] A few donors apparently from outside the family begin to appear in this generation, but they are limited in number and geographical range. Since it has not been possible to trace any of the retinue of the Noel family, no discussion of the role of lordship in drawing in donors can be made. Nevertheless, even if some of the men discussed below were Noel men, it is not possible to disentangle this entirely from the ties of locality. Walter Coyne, his son John, and Alan, either Walter's son or grandson, gave land in Weston, which lay around 11 miles away, to the east of Stafford in Pirehill hundred.[876] Coyne had also given land by the River Blithe, to the north of Ranton, and the house's interest in this area may have prompted a subsequent grant by Robert fitz Elias and his wife Philomena.[877]

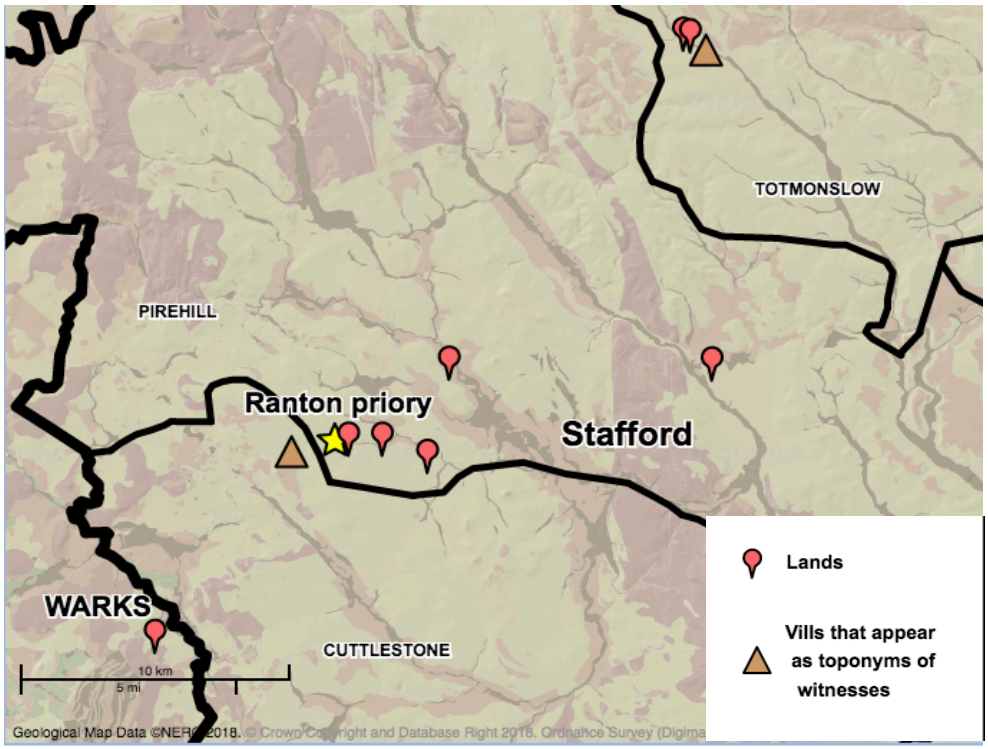


Fig. 15: Benefactions and witnesses to Ranton Priory

respectively, 1184-1201, c.1177-1203, and 1181-97 (*VCH* Essex ii. 171; Shrops ii. 79; Staffs iii. 266), which allows an approximate date range.

[875] Ranton, fos. 2, 5, 55.

[876] *Ibid.*, fos. 28, 34.

[877] *Ibid.*, fo. 28.

Richard de Stockton's grant of a virgate in Stockton (Warks.), which lies 8 miles to the south-west of Ranton, is recorded in the cartulary both as the initial grant, and is embedded in a later *inspeximus* of John de Chetwynde.[878] The latter of these preserves the witness list, a feature generally omitted or abridged from most charters in the cartulary, and this provides a useful snapshot of the individuals connected to the priory in the 1180s and 90s. The founder's family was prominent, with Thomas Noel, Philip Noel, and his brother Adam witnessing the grant. Adam de Chetwynd, whose toponym links him to the vill 10 miles to the west, is the first generation of his family to appear in connection with the priory, but his descendants were to make grants to the house.[879] Thomas de Cresswell and Jordan Knightley appear as witness to de Stockton's grant, and to several of those of Thomas Noel.[880] The names of both of these witnesses suggest that they were based within a small radius of Ranton's lands. The hamlet of Knightley is barely two miles from the house; Cresswell lies a little further afield, 15 miles to the north-east and in Totmonslow hundred, but near the Coyne donations at Weston, and possibly that of Robert fitz Elias.[881]

[878] *Ibid.*, fo. 26.
[879] *Ibid.*
[880] *Ibid.*, fos. 2, 3, 5. A handful of individuals— William de Dustone, William de Extall and Thomas Halughton— only appear once in the charters (*ibid*., fos. 5, 26), but given the widespread omission of witness lists, it is not possible to determine the extent of their involvement.
[881] The location of fitz Elias' grant is a little unclear. It is of meadow lying above the River Blithe, by the meadow that the canons held of Walter Coyne. The only record we have of grants by the latter are at Weston (fo. 28). The present Blithe runs, however, for 18 miles from the east of Stoke-on-Trent to Blythe Bridge, and continues east to its confluence with the Trent at King's Bromley, and does not pass near Weston. It may be that this tenure of Walter Coyne is a lease which does not appear in the cartulary; certainly some hierarchy of tenure, rather than donation in alms, seems to have been implied. The appearance of Thomas de Cresswell may suggest that Ranton had a secondary cluster of interests around this area on the River Blithe. The fact that he appears in the cartulary several times, and for areas where he is not known to have held lands, suggests that he had more of a connection to the priory than merely witnessing a transaction of lands that adjoined his own, as was a common practice in the twelfth century.

As with Dale abbey, the founder's connection to the house was transmitted through the female line on marriage. Alice, the daughter and co-heiress of Thomas Noel,[882] married William de Harcourt c.1200. He confirmed the grants of his predecessors in a charter witnessed by his father-in-law Thomas Noel, and Jordan Knightly and Thomas de Cresswell.[883] William does not seem to have lived long after his marriage, and we see no more of him in the cartulary. His widow Alice, however, made a number of donations before her death in c.1221, which seem to have followed the locations of previous grants by the family.[884] Alice's son Richard de Harcourt took on the interest in the house, and it is during this fourth generation of the founder's family that the house began to acquire more significant grants across a wider area.

Ranton priory, then, presents us with another instance of a small foundation by a subtenant family with multiple lords. Unlike Dale abbey, it seems to have been more fortunate in its early years: it was necessary, after all, to establish it only once. Nevertheless, in the period under discussion it was small, and remained small. The primary interest was from the kin, and this was transmitted through one of the co-heiresses. Locality seems to have played an important role in drawing in donors and regular witnesses from among those of a similarly minor subtenant level. The majority of those who appear in both categories have toponyms that mark them out as being local to Ranton or some of its lands. As discussed above, a religious house offered tangible benefits to its donors, particularly when it was close to their lands. A wish to tap into these benefits must lie behind such a strikingly localised pattern of

[882] Joan, her sister and co-heiress, has two charters recorded in the cartulary, but does not appear to have made any grants to the priory (Ranton, fo. 55).
[883] *Ibid.*, fo. 3.
[884] *Ibid.*, fos. 3, 55.

men of the priory, and their choice to donate lands to this small house rather than one further afield.

Similarly, a small foundation in the county town of Stafford seems to have attracted mainly local donations. c.1174, a Premonstratensian priory dedicated to St Thomas of Canterbury was founded two miles east of the town.[885] For this house, however, both the range of the records and their transmission cause problems. The only surviving record is that of notes taken by Walter Chetwynd, a Derbyshire antiquarian and lawyer from the seventeenth century. Many of these are in the form of calendared descriptions of the charters. These were augmented and published by Rev. F. Parker in 1887. Of the 363 charters contained in it, only 9 are of the right period to be relevant to this discussion and relate to land in Stafford, although the few confirmation charters help fill out this considerably.[886]

The founder, Gerard fitz Brian, was almost certainly a burgess of the town. In his original gift he gave nearly 70 acres in Sheepwash meadow, on the banks of the River Sow, and the river alongside this patch, along with 8s. worth of property in Stafford itself. For this foundation, he received canons from Darley Abbey, but, however, laid down that the house should not be subject to any other. As with Darley itself, the initial foundation seems to have been quickly taken on by a greater lord- in this case, the bishop of Coventry, Richard Peche (1161-82).[887] Gerard seems to have had some property, but only of local importance.[888] In a charter of 1180xOctober

[885] The appearance of Ralph, archdeacon of Stafford, means that the charter must have been produced before 1175 when he ceased to hold this office. St Thomas' canonisation only took place in 1173 (*VCH* Staffs iii, p. 260).
[886] F. Parker, ''Chartulary' of the priory of St. Thomas near Stafford', *SHC* viii (1887), pp. 125-201.
[887] The bishop seems, however, to have been involved in the initial foundation, since this was made on his lands that Gerard held of him. Although the *inspeximus* of Pope Celestine (*ibid.,* pp. 135-6) treats the two as co-founders, the bishop's role seems to have overshadowed that of Gerard (*ibid.,* pp. 132-4).
[888] *VCH* Staffs iii, p. 260; Parker, 'St Thomas', pp. 131-2.

1182, Peche confirmed the site and the grants which had been given to the house by that date.[889] In 1182, he resigned his see and took the habit at the house and was eventually buried there, but the patronage of the house remained to his episcopal successors.[890]

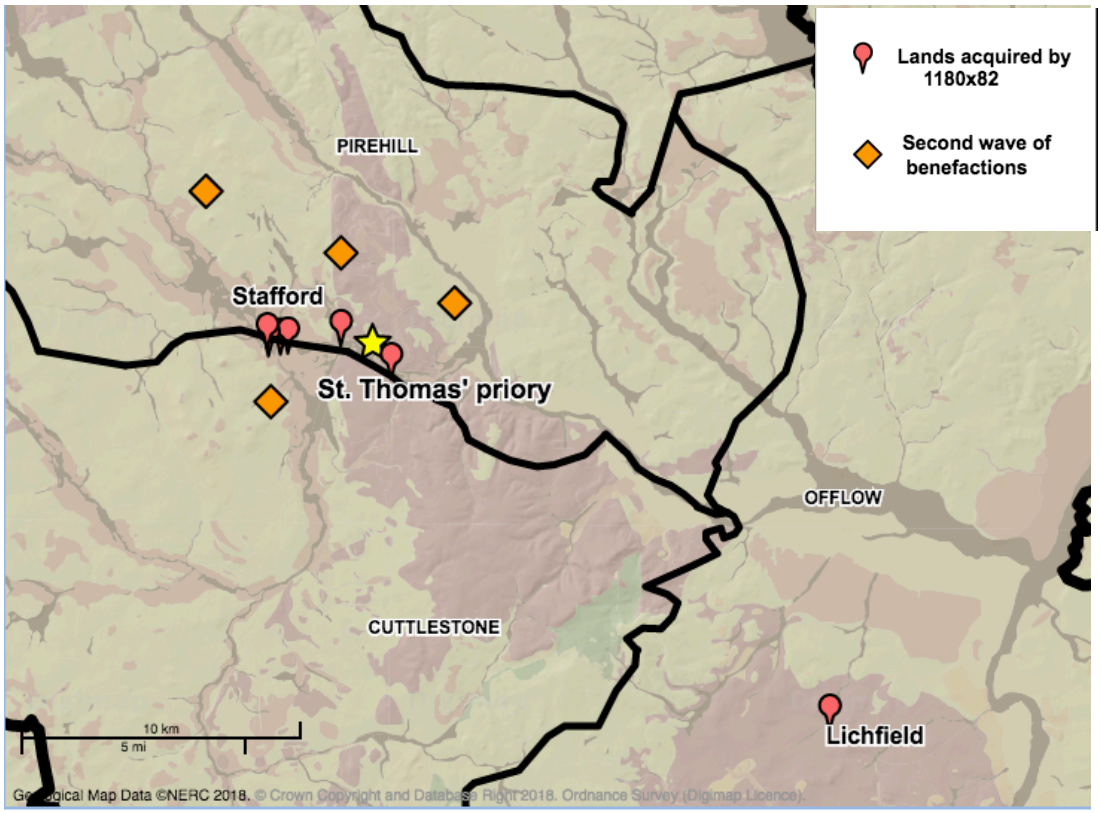


Fig. 16: Benefactions to St. Thomas' Priory, Stafford

The early 1180s confirmation by Bishop Peche covers some modest grants by what appear to be inhabitants or people living near to the town. These included some houses in Stafford, from Ralph the archdeacon and Christiana de Wolverhampton, plus land adjoining houses from Henry son of Archdeacon Helias. There were some other small grants of fields, blocks of acres, and the farm of one mill on Kingston

[889] His own grants included a burgage at Lichfield; *housbote, haybote*, and *firebote* from his wood in nearby Cannock Chase; common of pasture in nearby Baswich; and a part of the River Sow near Stafford, with fishing rights. By the time of his confirmation of the 1180s, however, he had added a mill by *Mulnedigh*, *Estmora*, on the opposite site of the River Sow; meadow pertaining to the manor of Eccleshall, with permission to assart; land at Orberton (unidentified, but almost certainly in an area now covered by the town) held of the bishop by one Mabel; and 2 burgages in Lincoln (Parker, 'St. Thomas', pp. 133-4; *EEA* 16, no. 94).

[890] *VCH* Staffs. iii p. 261. His brother is mentioned as a monk of Coventry, St Thomas, Parker, 'St Thomas', pp. 131-2.

Brook. Aside from the bishop's grant of two burgages in Lichfield, these were all very local grants, focused on Stafford and the land around the River Sow (which forms the hundred boundary to the east of Stafford). By the time of Pope Celestine's confirmation, the circle of grants seems to have been gradually increasing.[891] Small amounts of land was granted at Ingestre, seven miles to the east, Hopton, Haughton, and elsewhere within a ten mile radius. One grant by Ivo de Mutton was with his body for burial. Some of these, such as Robert de Bec, were minor lords with reasonable holdings. William Bagot, who was of similar local prominence, gave a burgage in Stafford to the house, in a charter which Parker records as c.1100, but is probably closer to 1200.[892] Other individual grants were similarly close, such as that of Ernald de Orberton of land in Whitgreave, three miles distant.[893] The overall impression from the house of St Thomas, then, is of a house with a gradually increasing reach, but one that was operating primarily on a small, local scale, and receiving patronage mostly from those in its immediate region.

Both Ranton and St. Thomas' priories lay within Pirehill hundred, but even their early benefactions seem to have been shaped by proximity rather than hundred bounds. This is a pattern common to all houses studied here. Darley abbey in Morleystone wapentake (Derbys.) received ample grants from within the same hundred, but also up to Scarsdale[894] and Wirksworth wapentakes (Derbys.),[895] and some in Nottinghamshire.[896] In a few cases, the house attracted grants from the opposite side of a hundred boundary: from Breadsall, which lay in Appletree wapentake, on the opposite side of the River Derwent from Darley and a scant 2

[891] Parker, 'St. Thomas', p. 135.
[892] *Ibid.,* p. 187.
[893] *Ibid.,* p. 199.
[894] Darley nos. H19, H20.
[895] *Ibid.*, nos. I1-2.
[896] *Ibid.,* nos. K1-2.

miles away from the house;[897] and Duffield, three miles to the north of the house, also lying in Appletree. Similarly, Tutbury priory on the northern border with Offlow hundred (Staffs.), was endowed with lands in Totmonslow hundred (Staffs.),[898] Appletree wapentake,[899] Framland wapentake (Leics.),[900] and from the Ferrers lands in Berkshire.[901] A charter of Hugh of Okeover, dated c.1210, concerns lands in Mayfield, Okeover (Totmonslow, Staffs.), and Snelston (Appletree, Derbys.). Nor does there seem to have been a split between lesser houses drawing from the hundred, and greater houses having a wider focus. Dale abbey, which as we have seen was at times too poor to survive, lay on the boundary of Appletree and Morleystone wapentakes in Derbyshire. As well as drawing some local grants from both of these wapentakes, it also received grants in Wirksworth wapentake (Derbys.),[902] and substantial ones in Nottinghamshire[903] and Staffordshire.[904] In general, then, the influence of locality seems to have been based on proximity rather than being strictly focused around hundreds or shires. As with seigneurial landed holdings, crossing these boundaries does not seem to have been avoided.

The interweaving of ties

With these instances above, many of the likely influences can be teased out. Nevertheless, in a local society which saw intermarriage, piecemeal holdings, and multiple lordship, the forces of lordship, kinship, and locality can be impossible to unpick, so tightly wound have they become. One charter printed by Jeayes illustrates

[897] *Ibid.,* no. K17.
[898] Tutbury, nos. 13 (1188x94), 179 (c.1220), 319 (c.1210).
[899] *Ibid*., nos. 10 (c.1145), 31 (1198x1208), 53 (c.1165), 110 (late twelfth century).
[900] *Ibid.,* no. 68 (1158x9).
[901] *Ibid*., nos. 23 (24 June 1199), 28 (1174x84), 54 (1161x82), 55 (1161x82), 63 (1160x90).
[902] Dale, nos. 545, 545a.
[903] *Ibid.,* nos. 397-99, 402, 407, 409, 442.
[904] *Ibid*., no. 501.

this neatly.[905] During the reign of Henry II, Roger de Buron quitclaimed to Henry son of Fulcher de Shirley and his heirs five shillings rent in Weston,[906] so that Henry might pay the same to the canons of Darley.

The witness list is suggestive of something of the network around de Buron and Darley abbey. These include Ralph de Breadsall, Peter de Sandiacre, Patrick Rosel, Albert de Orsele (?Overseal, Leics), David de Stanton, William son of Colling, and Walchel' (?Walkelin) *monetarius*. Since witness lists for charters in the Darley cartulary are so few, it is not possible to say with any degree of certainty which of these had been regularly present for the abbey or were for de Buron. Nevertheless, it seems reasonable to suggest that Patrick Rosel was present in his lord's retinue, since there is no of record his direct involvement in the abbey. Albert de Orsele, if he is the same Albert named without a byname in de Buron's *carta* may also be present in this capacity. Walkelin *monetarius*, however, may be the husband of Goda, with whom he made extensive grants to Darley abbey.[907] The couple were clearly of standing within the town, so may have been witnesses either as prominent neighbours, long-standing patrons, or both. Peter de Sandiacre may be the son of the Peter of the same who granted the canons land, and later became a canon of the house. Richard, son of

[905] Jeayes, 2545. The charter is undated, but the grantor and witness list point to a date in Henry II's reign.

[906] Jeayes says, without explanation, that this is Weston Underwood, in Northamptonshire, eighty miles to the south. Given the local nature of the witnesses, it seems much more likely that this is Weston-on-Trent, ten miles south of Darley Abbey (Jeayes, *ibid.*)

[907] Darley no. A27 mentions a long list of tenements and mills which they had purchased and later granted to the canons. These were mainly piecemeal acres and messuages- but the couple also granted the messuage in which they lived, on condition that it be used as a school for clerks, and hostel for the abbey (*et mesuagium ubi manemus...secundum hanc dispositionem scilicet quod aula sit in scolam clericorum et thalami sint in hospitium magistri et clericorum in perpetuum.* On this, see *VCH* Derbys ii., pp. 213-5). Interestingly, Goda seems to have purchased certain of the pieces separately from Walkelin (*quam Goda emi*), at a date when he was still alive. Walkelin the moneyer also appears in Pipe Rolls early in Henry II's reign. In 1159 he paid £50 of a sum of £100 owed to the king, finally clearing it in 1160 (Darlington, *Darley*, i. p. xlii).

the earlier Peter, also granted the canons a small piece of land.[908] Peter de Sandiacre had also, however, direct links to Walkelin and Goda, granting a piece of land known as 'cap acre' to the latter during Henry II's reign.[909] Ralph de Breadsall is more problematic, but the canons had received grants previously in the vill of Breadsall (Derbys.). The vill stood no more than two miles from the abbey itself, so there may be some lands here for which he was a neighbour.

Conclusion

These factors of lordship, kinship, and proximity, therefore, seem to have been the main factors influencing minor lords' decisions about which religious house received patronage. Importantly, they could and did overlap. Where they did so, adherence could be striking. The Shirleys' close involvement with the priory may then be derived from the coalescing of the three aspects- lordship, locality, and kin. They were the tenants of the de Ferrers, of whom the family owned almost all of their holdings. They were within the de Ferrers Appletree block, where the de Ferrers power was at its most concentrated. Thirdly, as much of their kin as can be traced for the twelfth century were similarly involved in serving and holding of the de Ferrers family. Two members are mentioned as serving as chaplains to the earls, and there may have been more. In addition, the on-going grants were substantial. A grant of the Domesday tenant, Saswalo, is recorded in a later comital confirmation. The usual confirmations which tended to keep descendants in connection with the house were substantially added to throughout the twelfth century. This situation, even on de Ferrers lands, was fairly unusual as the de Livet family and others suggest.

[908] That of Peter de Sandiacre I was in the New Land of Derby; that of Richard, 2 acres in 'Crowedoles'. Darlington dates this grant to Henry III's reign, which may suggest that Richard was grandson of Peter I, son of Peter II (Darley, no. A5).
[909] *Ibid.*, no. A2.

Nevertheless, in a local society where families were intermarrying, holding and granting lands of the same lords and to one another, and with interlocking pieces of land, these ties could easily coalesce. These networks visible around monasteries give us useful insight into the factors that helped to shape the behaviour of the minor lords. Although lordship was important, it was a very varied force depending on the nature of the relationship with lord or lords, and could be cut across by kinship or proximity. Most often, it appears that locality, as it were, cast the deciding vote about which house should be patronised. It may be too difficult to try and speak of identity from grants to monasteries, at least with the surviving evidence. Nevertheless, there are hints. The 'Gomme of the Dale' is identified by Thomas de Muskham as the 'godmother' of Dale Abbey, from her close adherence to it. Similarly, through patronage of a lord's foundation, it might have been possible to thereby demonstrate allegiance and support to one's lord; or adherence to a town through patronage of an urban foundation. From this, another tentative step brings us to the suggestion that it is here, in these neighbourhoods of ten miles or so, that we should seek the roots of the local society that we can see among the later medieval gentry. These were at this point nebulous: it would take the reassertion of the 'royal' courts of the shire and hundred in the later twelfth century to begin to structure these around the county divisions. The final chapter will discuss in more detail the importance of locality, and the impact on legal and tenurial custom that the patterns described above created.

Conclusion

This thesis has focused on the origins, form, and practice of multiple allegiance in a region of twelfth-century England. Its aim has been to show that the practice was common in this area and by implication elsewhere in the kingdom. Recognition of the frequency of multiple allegiance brings with it a number of implications for how we should approach twelfth-century society. Some have been addressed in this thesis; some have fallen outside the scope for this research, but would reward further investigation.

Multiple allegiance was not a practice unique to twelfth-century England, but fits into a wider western European context. In Chapter 1, it was argued that allegiance to more than one lord had been a long-standing practice in French areas, and even if we assume that only the commended lord could command his man's allegiance, evidence for multiple lordship of various kinds can be found in late Saxon England. The previous existence of these practices combined with the circumstances of the Conquest to stimulate the early appearance of multiple lordship in post-Conquest England. In particular, the Norman settlement was frequently overlaid— or was claimed in Domesday Book and elsewhere to have been overlaid— on the scatters of estates held by a previous Saxon landholder. For a majority of new lords, therefore, their lands in England were scattered and intermixed with those of other lords. Their own men received from them lands in a similar pattern. We can see by 1086 that some minor lords had begun to round out their tenures by receiving neighbouring lands from different lords. Evidence for multiplied allegiance increases into and through the twelfth century.

Insofar as we can see evidence for how contemporaries thought about multiple allegiance, the practice appears to have been largely accepted and dealt with in a pragmatic way. There are a number of references to multiple lordship in legal texts and charters, and in each case the idea of prioritising one lord over the others, liege lordship, is mentioned as a means of preemptively untangling potential clashes of service. Since these references are scattered and occasionally inconsistent, it is difficult to say whether liege lordship was being followed in practice. Nevertheless, their very inconsistency may indicate that the ideas of liege lordship at the subtenant level had not developed into a coherent system. This, in turn, may indicate that the potential clashes caused by multiple lordship had not caused sufficient problems to create a response in customary practice. Although it has been regarded as a disruptive force in much of the historiography, it should instead perhaps be regarded as a force like the bonds of kinship: something that had some potential to cause problems, but was generally peaceable.

As discussed in Chapters 3 and 4, the way in which honorial studies have previously been conducted has tended to sideline those men of more than one lord. Statistical study, however, shows that this group deserves much greater focus. In the region under study, the evidence suggests that at least a quarter of families held of more than one lord by 1216, and of these a third can be shown to have done so by 1135, 63% by 1166. At least another 19% of minor lords appear likely to have held of multiple lords by 1216, but our evidence is not sufficient to show this definitively. A further 28% of families are likely to have been the men of only one lord. These statistics are a potentially important finding. It suggests that one of the key assumptions underlying the established historiography— that holding of a single lord was the norm— is mistaken. Even where historians have noted the existence of

multiple allegiance, they have regarded it as being a force contrary to the honour. Instead, however, it appears that it was a reasonably normal part of honorial society. It does not seem, for instance, to have adversely affected which of a lord's men were regarded as his 'inner circle', his *barones*, or which men seem to have been called on as supporters in prominent disputes.[910]

The coexistence of instances of multiple allegiance alongside the honour across its whole life-span suggests that we need to rethink the model for how the honour worked in its heyday, and the reasons for its decline. The assertion by David Carpenter that multiple lordship is a sign of lords 'breaking out of the honorial strait-jacket' to seek service elsewhere is typical of a general historiographical attitude, in that it pits multiple allegiance and the honour as opposing forces.[911] As with studies of earlier French society, instances of multiple allegiance have been taken as a sign of the breakdown of a social system based on personal bonds. The long lifespan of multiple allegiance, however, suggests a more stable model. Instead of causing some irreversible decline, multiple allegiance was absorbed as part of society, both in earlier French regions, and in post-Conquest England. It gave those of the minor landed class greater opportunities of acquiring lands and patronage, and in turn could allow lords to make formal and reciprocal relationships with well-connected men. This was not a sign of a society in decline. Instead, it shows the flexibility of the personal bond, the pragmatism of these societies, and their ability to adapt to the demands of ambitious 'gentry'. This is not to deny that the honour's power to exert influence over minor lords declined into the thirteenth century: this seems indisputable on the evidence. What seems unlikely, however, is that multiple

[910] See pp. 172-3 above.
[911] Carpenter, 'Bastard feudalism revised', pp. 185-6.

lordship, in and of itself, was either a major cause or a symptom of this. Much more research is needed, however, on the minor lords of the thirteenth century, before detailed discussion of this is possible.

But these findings on multiple lordship can be taken further than honorial-centred studies. Instead, focus on the practice offers a lens through which we can contextualise the honour alongside the other forces shaping twelfth-century society. Regarding honours as porous bodies draws attention onto the importance of locality and proximity in the operation of lordship, dominance over land, and land management. This point was addressed to some degree in Chapter 4, but Chapter 5 aimed to step outside the honour and give more insight into the influences acting on minor lords. In order to examine motive forces on the minor lords, we have to find a way into seeing their decision-making processes, and the grants made by minor lords to religious houses provide this.

Lords who had founded houses often seem to have encouraged their men to patronise them with their own grants, but this by no means seems to have been compulsory. There is plenty of evidence for men supporting their lords' foundations, and the more prominent men of an honour seem to have followed their lords' bequests to the religious houses of other lords. Generally, however, the lords' patronage seems to have been imitated where locality and kinship were reinforcing the tie to the lord: for instance, proximity of the new house to the family's lands. Where men were further removed from the recipients of the lord's religious patronage, where they had particularly strong kin ties to a house, or where they had multiple lords, their religious patronage seems to have been pulled in different directions.

In particular, these donations show the importance of locality, and this is a pattern that can be extended further. Additional lords seem to have been acquired in many places due to proximity: the man could thereby acquire lands that bordered those that he already held. The deeper reasons for this must lie in the importance of face-to-face contact, the desire to avoid petty boundary disputes, and the pragmatics of land management that made contiguous expansion more desirable.

In talking of locality, however, I am not seeking to make a case for local 'communities' in this period. We can occasionally see groups of families that frequently witness one another's land transactions and that are endogamous— such as the Ferrers honour, or where pockets of good charter survival allow us to see names recurring together around a certain vill. Pragmatically, geographically proximate families of a comparable level of wealth and influence must have commonly formed loose, shifting groups through attendance of local seigneurial courts, and those of the hundred and shire. Intermarriage must have occurred, along with subinfeudation of lands. Generally for the twelfth century, however, our records are too patchy to draw such conclusions. An implication of the received historiography of honours seems to be that as the honour faded, a sense of locality developed and took over. The research above, however, undermines this chronology: locality was a constant, and families in the twelfth century often seem to have acted in a way that drew in, or took account of the lords, institutions, and families in their immediate area.

The findings in this research suggest two further amendments needed for the historiographical model of twelfth century society. First, that more care is needed in recognising and questioning the historiographical baggage that the term 'honour'

brings. As discussed in the Introduction, it risks blurring together the problematic assumptions of 'feudalism' with the historical fact of the honour, and risks allowing the former to obscure the latter. Second, it highlights that power and authority in the society was more diverse than the baronial/royal dichotomy. Influence in a locality was drawn from those lower in society than the tenants-in-chief, and was subject to strong influence from geography. Both of these suggest potential directions for further development towards a more diverse understanding of twelfth century England, and away from the constrictive model of 'feudalism'.

In sum, local society in the twelfth century, and the relationships between men and lords, were shifting and complex. We should not be too quick to assume that a man's relationship with his lord was his overriding imperative, just as we should not assume that all of lord's men would follow him slavishly. Each existed in a web of overlapping obligations and negotiations.

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The findings in this thesis raise wider questions about twelfth-century society. This final section will briefly address four possible directions for future research.

The first is a broader study of multiple lordship. There is some discussion of the practice on the Continent, but there is enormous scope for further work to be done to understand the impact of different political and local conditions on its frequency and its treatment. Further work in twelfth-century England on the same lines would also allow the conclusions discussed above to be carried further. A broader temporal study that takes into account the thirteenth-century developments in land law would

illuminate more clearly the coexistence of multiple lordship and the honour through the period.

Second, a wider study of multiple lordship and a recognition of its frequency poses a structural question: how should we conceptualise allegiance in this period? A few suggestions have arisen from the research above. Maitland's statement about the 'religious whisper' used in *Glanvill* and Bracton still sums up the historiographical attitude, and there is good reason to think that the interpretation has merit for the period under study here.[912] The little evidence we have for potential clashes of lordship show that at least in theory, men were trying to preserve their homage bonds to an extent that is sometimes hard to envisage. But in doing so, loopholes are found and exploited.[913] Allegiance could clearly be flexible enough, moreover, to permit it to be owed in the same way to several lords simultaneously. Clearly the sacral nature of the oath stood— but complexity allowed pragmatism into the equation.

Few have been as condemnatory as Bloch and his successors, but there is often a sense in historiography that multiple lordship was in some way distasteful, or a betrayal of a lord.[914] This attitude, however, should be set alongside the evidence that shows it as a common practice. Alongside a wider study of multiple lordship, there is scope for a more in-depth study of how homage and allegiance were being treated in

[912] Pollock and Maitland, *History of English Law*, i. 297.
[913] The *conuentio* between the earls of Leicester and Chester discussed in Chapter 2, above, gives a convoluted model for dealing with the problem of being ordered to attack someone to whom *fides* or homage is owed, by someone who can claim prerogative homage. Even in this case, the bond to each is in theory to be preserved: the man who is ordered to attack must do so, or would breach the primary allegiance that he owed, but he must do so carefully so as not to damage the person or possessions of the man to whom he owes secondary allegiance. (See above, pp. 142-5; BL Cotton MS. Nero C. iii, f. 178, ed. Stenton, *First Century,* pp. 250-3, Appendix pp. 286-8. See also the arrangements worked out to prevent breach of dual homage to the king of France and England when the former was attacking the latter in Normandy. As discussed above, p. 145, Robert count of Flanders found himself in a similar position to the earls: if King Philip of France were to attack Henry in Normandy, he was only to bring 10 knights with him (Rymer, *Foedera*, 1816, I i 7, cited Stenton *First Century*, p. 251 n. 4).
[914] See above, pp. 71-2.

the period, particularly from the point of view of the charter evidence. We can see, for instance, examples in twelfth-century charters where homage appears to be treated as a form of property that could be transferred to others, and we should wonder what happened to the homage of subtenants who had to accept a new lord above them.[915] An in-depth study of the pragmatic dimension of allegiance could throw valuable light on the ideas and structures of the twelfth century.

The third strand to be drawn out here is the use of private charters as a source. From the twelfth century onwards, these represent a huge corpus of material. Although some have been published or referenced in various collections, and there are some excellent editions of cartularies, studies of these records are diffuse.[916] There is no central collection or database of the material in cartulary sources, and private and public archives. The creation of such a collection would be an enormous undertaking, but could revolutionise the study of private charters in a similar way to the Sawyer collection of Anglo-Saxon material, or the *Regesta* for royal charters. It would provide a way to track socio-legal changes over the twelfth century, and a means of comparing regional and local differences. It would allow a much greater understanding of structures of lordship, and how they varied between areas and landscapes. The politics of the locality could be more easily studied: some work has been done on the reactions of various regions to political stress and rebellion, but much remains to be explored. A wide-scale study of paleographical practice and innovation in private charters would also be possible, and may help to illuminate wider questions on the development of paleographical forms. This is only a small suggestion for what could be drawn out of this material. The scope for further study

[915] Holt, 'Feudal Society and the Family I', pp. 176-7.
[916] See above, p. 19 for discussion of some of these.

in this material, and in furthering our understanding of the ranks below the higher nobility, is enormous. Once these records are made more usable, further fruitful discussion will become possible. Until then, local societies will continue to be studied in isolation, or the legal and social structures in abstraction, and dialogue between these two strands is difficult.

The final strand arising from this thesis is much larger: what impact the more locally powerful and well-connected multiple minor lord, and his complex, overlapping landed interests, should have on our understanding of the development of tenurial law and custom in the twelfth century. One of the most fundamental current discussions for the twelfth century focuses on the relative position of man and lord, in the relationship of each with the grant of land that passes from lord to man. Men held lands from their lords in return for service: this much is clear. Less certain however is the amount of control that man and lord had in relative terms over this land. Was it given entirely at the lord's command, or were there other forces regulating its transfer? If so, what were these? And when did heirs begin to inherit lands automatically, without the lord's intervention?

This topic, more than many for the twelfth century, has a complex historiography which needs to be acknowledged. This final section will therefore first address some of its key strands, before making suggestions for an alternative model, and areas where more research would help to fill present gaps in knowledge.

F. W. Maitland thought that the Norman Conquest brought a system of tenure entirely dependent on the king. He contended however that William I's followers

held their *feoda* hereditarily, and thought that they had received hereditary estates.[917] This was the predominant historiographical view for the first half of the twentieth century, but has been increasingly questioned under the influence of the work of S. E. Thorne and S. F. C. Milsom. Thorne argued that rather than the tenant holding land by direct or near-direct inheritance from the point of the Conquest, lands were held of the tenant by the lord based on a relationship created by the homage bond, and reverted back to him on the tenant's death.[918] Nevertheless, customary practices of inheritance developed through the twelfth century, and can be seen by c.1200.[919] Milsom subsequently developed this line of argument. As discussed above in the general Introduction, Milsom regarded the lord's court as sovereign for the period between the Conquest and when the impact of Henry II's legal reforms began to be felt. Before the latter process, the lord had complete discretion over who should succeed to those lands held of him.[920] The heir of a dead tenant could only be made possessor by the lord's recognition: because the lord's right over his land was so strong, an heir could have no 'right', only an expectation.[921] Henry II's reforms, Milsom thought, destroyed the absolute control of a lord over his lands: no longer was his the last word on tenure.[922] If a tenant was dissatisfied with a lord's decision,

[917] Maitland, *DBB*, pp. 151-2; Pollock and Maitland, *History of English Law*, i. pp. 314-5.
[918] Thorne, 'English Feudalism', pp. 196-7.
[919] The case of many tenants succeeding to the lands of their fathers was, Thorne argued, of a similar nature to him employing his gardener's son after the death of the original gardener— it has the appearance of inheritance, but is a succession strictly within his control, with the supplicant having only a claim to be accepted (*ibid.,* p. 196). He sees the strictness of this as breaking down through the twelfth century, however, as the succession of sons to their fathers' lands hardened into law. By the mid-twelfth century, he claims, homage had placed the land in question between the possession of the lord and tenant, but it was still the lord's 'as of right'. By three-quartiaers of the way through the twelfth century, he argued that the existence of an heir of the correct age and ready to perform service to the lord was generally let in immediately, without the necessity of a gift from his lord. The recognition of this under the Assize of Northampton in 1176 allowed in the idea of an heir inheriting directly from the ancestor (*ibid.,* pp. 197-202). By the thirteenth century, the lord's interest in the land had become 'incorporeal', shrinking rights over the service while 'what the tenant holds is no longer his lord's fee but his own'. (*ibid*., pp. 208-9, quotation at p. 209; for a useful critique of Thorne's chronology see Hudson, *Land, Law, and Lordship*, pp. 72-7).
[920] Milsom, *Legal Framework*, pp. 154-186, esp. pp. 183-6.
[921] *Ibid.,* esp. pp. 11-22, 37-64, 110-112, 183-6.
[922] *Ibid.,* pp. 183-5.

he could now get a writ and have the case transferred to a royal court.[923] Through this an abstract, universally applied framework grew, and it is this that became the first consistent system of inheritance.[924]

Milsom's ideas have been immensely influential. His perception of seisin and right over property as originating in 'vertical' relationships between man and lord, rather than being horizontal rights that were good against the world, is a very important framework to think with, whether or not all of his conclusions are ultimately accepted.[925] Nevertheless, his framework is open to criticism from the angle of the charter sources, with which parts of his model sits oddly. Charters, he thought, did not reflect the important conceptual change taking place in property— and by extension, lordship— in the twelfth century, and he favoured the royal court rolls as being more illuminating.[926] The views of two historians who have worked extensively with charter evidence are useful for pointing the way towards an amended framework for twelfth century property. John Hudson's modifications to Milsom's framework are particularly useful here, as his primary focus has been on tracing societal structures through the charter sources. Throughout his doctoral thesis, later written up into *Land, Law, and Lordship* he discusses the potential for royal intervention in a lord's decisions within his own court.[927] He argued that written evidence from charters was able to interfere with the lord's decision, and helped to maintain customary succession, if not inheritance, as early as Henry I's

[923] *Ibid.,* p. 178; Milsom, *Historical Foundations*, pp. 120-2.
[924] *Ibid.,* p. 122; Milsom, *Legal Framework,* pp. 164 and 171; *idem*, *A Natural History of the Common Law,* pp. 61-3.
[925] J. Baker, 'Stroud Francis Charles Milsom', *Biographical Memoirs of Fellows of the British Academy*, XVI (2017), pp. 333-60 at p. 360.
[926] *Ibid.,* p. 348.
[927] J. Hudson, 'Legal Aspects of Seignorial Control of Land in the Century after the Norman Conquest' (D.Phil. thesis, Oxford, 1988), pp. 10-11, 149-160; *idem*, *Land, Law, and Lordship*, pp. 5-6, 37-44, 46-8.

reign.[928] Hudson's implication is that there is a strong custom and expectation for receipt of a predecessor's lands, and that a lord would struggle to go against this.[929] Henry II's reforms therefore should be seen, he argues, as a solidification and standardisation of custom, rather than as a reform or revolution, in particular because the instances of royal intervention had been a force shaping tenure within the honor for much longer than Milsom and Thorne allow.[930]

This seems to build on the earlier framework of J. C. Holt. Like Maitland, Holt initially thought that inheritance was in place from the Conquest,[931] but in later works came to incorporate a nod to Milsom with the need for a lord's approval in regulating the descent of lands.[932] Most importantly, he drew a distinction between the customs of landholding for the greater lords, and the subtenants— the latter of which comprised the honorial baronage, and more minor tenants on the lord's fee.[933] He argued that the rebellions of the great lords who held in both England and Normandy caused their lands to be held in a much less stable way than those of their tenants. Their tenants, he thought, had however had their lands taken under royal protection at the time of the Salisbury Oath in 1086.[934] When the lands of these great lords were confiscated by the king, their subtenants were often therefore undisturbed.[935] Inheritance only came in slowly for the great lords, although the standard words denoting inheritance were commonly being used in royal charters to them by the second half of the twelfth century.[936]

[928] *Ibid.,* pp. 148-50; *idem*, 'Legal Aspects', pp. 28-9.
[929] Hudson, *Land, Law, and Lordship*, pp. 71-85, 101-6.
[930] *Ibid.*, p. 153; see also pp. 143-8.
[931] Holt, 'Politics and Property', pp. 117-8.
[932] Holt, 'Feudal Society and the Family I', pp. 166-7, 175-8; *idem,* 'Feudal Society and the Family II: Notions of Patrimony', in *Colonial England*, pp. 197-222, esp. 197, 218-20.
[933] *Idem, Northerners*, pp. 59-60.
[934] Holt, '1086', pp. 45-53.
[935] Holt, 'Politics and Property', p. 137.
[936] *Ibid.*, pp. 144-5. See also Hudson, 'Legal Aspects', pp. 54-61.

Building on the work of these two historians, it seems likely that the differences in the security of tenures held in chief and as subtenancies were present long before the Angevin reforms. Increasingly in the post-Conquest century, the tenures of subtenants seem to have been more stable than those of tenants-in-chief.[937] The latter were subject throughout the period to a ruler's whims over the distribution and descent of lands. Henry I promised in his coronation edict that he would only exact a fair relief from the heirs of tenants-in-chief;[938] this seems to have been a major issue under William Rufus, who set them as he liked,[939] and probably under William I.[940] Henry seems to have promptly broken this promise, and his successors followed suit: 115 years later it appears as a grievance in Magna Carta.[941] Confiscations, disinheritance, and disruption were all threats to a tenant-in-chief's tenure, and this was only exacerbated during those periods of royal political instability. If carried out by a king, those disinherited or out of favour had no other means of redress than hoping to catch the king's ear.

By contrast with tenancies-in-chief, it appears that the tenures of subtenants were much more stable, and that means of shaping and regulating custom could come from a variety of sources: although the king could have some influence, his was by no means the only power that could shape the descent of lands. Milsom appears to be working under the assumption that there is a clear divide between customs that are

[937] Holt, 'Feudal Society and the Family I', pp. 175-8.
[938] Holt, 'Politics and Property', pp. 118. George Garnett has argued that Henry I's coronation edict is the first royal document to assume that a tenant could have an heir, with the exception of William's writ to the Londoners, and three references in Domesday Book (Garnett, *Conquered England*, p. 108 and n. 435). Uses of hereditary language in royal charters of this date were indeed rare, but Hudson has pointed out the relatively frequent references in private lay charters c.1100-1120, and suggests that such language was used prior to this in oral grants (Hudson, *Land, Law, and Lordship*, p. 80).
[939] Harvey, *Book of Judgement*, pp. 119-120, 208-9.
[940] *ASC* E s.a. 1085 (1086); Holt, *Magna Carta,* pp. 59-60; Garnett, *Conquered England*, pp. 105-114.
[941] Holt, *Magna Carta*, pp. 254-257, 259-261.

internally regulated only, and rules which external enforcement causes to grow and solidify. In this he is being perhaps too modern in his thinking. External enforcement for a lord's court could come in a number of forms, and each of these would reward further study from the perspective of the private charter source-base, building in particular on the work of John Hudson. These external influences included the growth of a coherent customary practice of tenure, as expressed through dispute resolutions; the use of charters to outline and reinforce custom;[942] the impact of ecclesiastical ideas of landholding;[943] the relationship between a lord and his own men, particularly in the context of the seigneurial court; and the impact of a tenant's own tenants, could help to illustrate how and when customs surrounding landholding were developing. Each one of these would benefit from wide-ranging studies that worked from the perspective of the charters. The scope for expanding our understanding of the twelfth century is enormous, if further systematic research can be done on the rich evidence of private charters.

[942] On this point see Hudson, 'Legal Aspects', p. 53.
[943] Holt, 'Notions of Patrimony', p. 207.