

I. WHAT WAS AETHELBERT ALL ABOUT?

- a. To work the church into the society?
- b. To make it clear, as the missionaries were telling him, that it's ok to accept money to settle the feud?
- c. Because the Irish and (somewhat later) the English were writing Penitentials? Extracts from an Irish penitential of c. 800:

“Ch.5 *Of anger*. 2 Anyone who kills his son or daughter does penance twenty-one years. Anyone who kills his mother or father does penance fourteen years. Anyone who kills his brother or sister or the sister of his mother or father, or the brother of his father or mother, does penance ten years: and this rule is to be followed to seven degrees both of the mother's and father's kin — to the grandson and great-grandson and great-great-grandson, and the sons of the great-great-grandson, as far as the finger-nails.... Seven years of penance are assigned for all other homicides; excepting persons in orders, such as a bishop or a priest, for the power to fix penance rests with the king who is over the laity, and with the bishop, whether it be exile for life, or penance for life. If the offender can pay fines, his penance is less in proportion.”

This is, of course, a typical *wegeld* system converted into penances.

“Ch. 4 *Of envy*. 5.... There are four cases in which it is right to find fault with the evil that is in a man who will not accept cure by means of entreaty and kindness: either to prevent someone else from abetting him to this evil; or to correct the evil itself; or to confirm the good; or out of compassion for him who does the evil. But anyone who does not do it for one of these four reasons, is a fault-finder, and does penance four days, or recites the hundred and fifty psalms naked.”

- d. Because when people learn how to write, one of the first things that they do is write down their customary folk laws?
- e. Because he wanted to impress people with a written document called 'law'?
- f. An expression of value but not a solvent of controversies?
- g. The beginnings of breaking out law and turning it into a specialized activity in a way in which we can see it?

II. DOMESDAY BOOK

1. Why does the Anglo-Saxon chronicler regard what William did as shameful?
2. What's in it?
 - a. Boroughs
 - b. Tenants-in-chief
 - c. manors
 - d. *Clamores*
3. What was this book all about? (Outline of four theories.)
 - a. Maitland--no register of title, a geld book
 - b. Galbraith--a document of feudal tenures
 - c. Fleming--disputes settlement

d. Sally Harvey--a reassessment on the basis of ploughlands

For more theories and a nice summary, see
<http://www.domesdaybook.net/helpfiles/hs520.htm>

4. How was it compiled? The importance of the satellites. (For a photographic reproduction of the original, see <https://archive.org/stream/DomesdayBookHerefordshire#page/n0/mode/2up>)

(A) HEREFORDSHIRE

In the city of Hereford, in the time of King Edward [TRE],¹ there were 103 men dwelling together inside and outside the wall, and they had the customs hereunder noted.² If any one of them wished to leave the city, he could, with the consent of the reeve, sell his house to another man who was willing to perform the service owed from it, and the reeve got the third penny from this sale. But if any one, because of his poverty, could not perform the service, he gave up his house without payment to the reeve, who saw to it that the house did not remain vacant and that the king did not lose the service. Every entire messuage (*integra masura*) inside the wall rendered 7½d., and [also] 4d. for the hire of horses; and [the holder] reaped for three days at Marden³ and spent one day gathering hay wherever the sheriff wished. Whoever had a horse went thrice a year with the sheriff to the pleas and the hundred [court] at Wormelow.⁴ When the king engaged in a hunting expedition, one man customarily went from each house to serve as a beater (*ad stabilationem*) in the wood. Other men, who did not have entire messuages, found guards for the [royal] hall when the king was in the city. On the death of a burgess who served with a horse, the king had his horse and arms.⁵ From him who had no horse, when he died, the king had either 10s. or his land, together with the houses [on it]. If any one, overtaken by death, had not divided what he possessed, the king had all his chattels (*pecunia*). These customs were had alike by those living in the city and by those dwelling outside the wall, except that an entire messuage outside the wall rendered only 3½d. The other customs were common [to both groups].

Any man's wife who brewed inside or outside the city gave 10d. according to custom. There are six smiths in the city, each of whom gave 1d. for his forge. Each of them made 120 shoes (*ferra*) from the king's iron, and to each of them 3d. was customarily paid on that account, and these smiths were quit of all other custom. Seven moneyers were there; one of them was the bishop's moneyer. When the coinage was changed, each of them gave 18s. to obtain the dies, and from the day on which they returned each of them gave the king 20s. for one month.⁶ When the king came to the city, the moneyers made for him as many pennies as he wished—that is to say, of the king's silver. And these seven had their *sac* and *soc*. When any moneyer of the king died, the king had 20s. as relief.⁷ But if he died without having divided his cash (*censum*), the king had all of it. If the sheriff went into Wales with an army, these men [of Hereford] went with him. But if any one was summoned to go and did not do so, he paid 40s. fine to the king.

¹ [TRE is the Domesday abbreviation for "in the time of King Edward" (*tempore regis Edwardi*). CD]

² On the interpretation of the following entries, see especially Round, in *Victoria History of the County of Herefordshire*, I, 263 f.

³ A nearby royal manor.

⁴ This was south of Hereford, toward the wild region of Archenfield. On such a trip the sheriff needed an armed escort.

⁵ The heriot of the ordinary thegn in Canute, II, 71 (above, p. 24). Cf. the moneyers of Hereford, the Welshmen of Archenfield, and the thegns of Nottinghamshire in the following passages.

⁶ Presumably a pound a month, for relatively large sums were reported from mints elsewhere.

⁷ The Anglo-Saxon heriot. See n. 9 [above].

In this city Earl Harold⁸ had 27 burgesses enjoying the same customs as the other burgesses. From this city the reeve rendered £12 to King Edward and £6 to Earl Harold, and he had in his farm all the aforesaid customs.⁹ The king, however, had in his demesne three forfeitures: namely, breach of his peace, house-breaking, and assault by ambush. Whoever committed one of these [offenses] paid the king 100s. fine, whosoever man he was.¹⁰ Now the king has the city of Hereford in demesne,¹¹ and the English burgesses who dwell there have their previous customs. The French burgesses, however, are quit, through [payment of] 12d., of all forfeitures except the three aforesaid.¹² This city renders to the king £60 by tale in assayed money.¹³ Between the city and the eighteen manors that render their farms in Hereford £335 18s. are accounted for, besides the pleas of the hundred and county [courts].¹⁴

In Archenfield the king has three churches. The priests of these churches undertake the king's embassies into Wales, and each of them sings for the king two masses every week. When any one of them dies, the king customarily has 20s. from him. If any Welshman steals a man or a woman, a horse, an ox, or a cow, on being convicted, he first returns what is stolen and [then] pays 20s. as a fine. For theft of a sheep, however, or of a bundle of sheaves, he pays 2s. fine. If any one kills a man of the king or commits house-breaking, he pays the king 20s. compensation for the man and 100s. as a fine. If he kills any thegn's man, he gives 10s. to the lord of the slain man. But if a Welshman kills a Welshman, the relatives of the slain man come together and plunder the slayer and his kin and burn their houses until, toward noon on the third day, the body of the slain man is buried. Of this plunder the king has a third part, but they enjoy all the rest of it in peace. He, however, who burns a house in another fashion, on being accused of doing so, defends himself by [the oaths of] forty men. But if he cannot [clear himself], he has to pay 20s. fine to the king. If any one conceals a sester of honey out of a customary payment, and is convicted of it, he renders five sestera for one, should he hold enough land to warrant the payment. If the sheriff calls them to the shire court, six or seven of the better men among them go with him [as escort]. He who is summoned [to the court] and does not go gives the king 2s. or an ox; and whoever stays away from the hundred [court] pays the same amount. He who is commanded by the sheriff to go with him to Wales, and does not do so, pays a similar fine. But if the sheriff does not go, none of them go. When the army advances against the enemy, they customarily form an advance guard, and on

⁸ The Normans refused to recognize Harold's title to the throne.

⁹ The borough, including the revenues described above, was farmed by the portreeve for £18 a year, two-thirds to the king and one-third to the earl.

¹⁰ The list of crown pleas varied from region to region; cf. the customs of Worcestershire and Nottinghamshire below, and Canute, II, 12[: 'These are the rights which the king enjoys over all men in Wessex: namely, [compensations for] breach of his personal protection *mundbryce*, housebreaking (*hamsocn*), assault by ambush (*forsteal*), and neglect of army service (*fyrdwite*)'. See p. **Error! Bookmark not defined.**, n.**Error! Bookmark not defined.** above.]

¹¹ Earlier there had been three great border earls who enjoyed all regalian rights within their respective territories: Roger de Montgomery, earl of Shrewsbury; Hugh d'Avranches, earl of Chester; and William Fitz-Osbern, earl of Hereford. Before 1086, however, the third of these earldoms had been forfeited as the consequence of a rebellion.

¹² Cf. the entry for Rhuddlan, below.

¹³ [Payment by tale was made by counting out 240d. to the pound, as distinguished from payment by weight, when an actual pound of silver was demanded. If, furthermore, sample coins were melted down and an additional sum was thrown in as compensation for proved debasement, payment was said to be by blanch. For a description of this procedure and of the whole exchequer system, see R. L. Poole, *The Exchequer in the Twelfth Century*.]

¹⁴ These manors had earlier belonged to Earl William, and so had been brought into a financial organization centering in Hereford.

return [they form] the rear guard. These were the customs of the Welshmen in Archenfield during the time of King Edward.

Here are set down those holding lands in Herefordshire and in Archenfield and in Wales. ...¹⁵

The land of the king. ... The king holds Leominster.¹⁶ Queen Edith held it. ... In this manor ... there were 80 hides, and in demesne 30 ploughs.¹⁷ In it were 8 reeves, 8 ridingmen, 238 villeins, 75 bordars, and 82 serfs and bondwomen.¹⁸ These together had 230 ploughs. The villeins ploughed 140 acres of the lord's land and sowed it with their own seed grain, and by custom they paid £11. 52d. The ridingmen paid 14s. 4d. and 3 sesters of honey; and there were eight mills [with an income] of 73s. and 30 sticks of eels.¹⁹ The wood rendered 24s. besides pannage.²⁰ Now in this manor the king has in his demesne 60 hides and 29 ploughs; and 6 priests, 6 ridingmen, 7 reeves, 7 beadles, 224 villeins, 81 bordars and 25 serfs and bondwomen. Among them all they have 201 ploughs. They plough and sow with their own grain 125 acres, and by custom they pay £7. 14s. 8½d; also 17s. [worth] of fish, 8s. of salt, and 65s. of honey. In it are eight mills [with an income] of 108s. and 100 sticks of eels less 10. A wood 6 leagues²¹ long and 3 leagues wide renders 22s. Of these shillings 5 are paid for buying wood at Droitwich, and thence are obtained 30 mitts of salt.²² Each villein possessing ten pigs gives one pig for pannage. From woodland brought under cultivation come 17s. 4d. An eyrie of hawks is there. ... Altogether this revenue, except the eels, is computed at £23. 2s. This manor is at farm for £60 in addition to the maintenance of the nuns. The county²³ say that, if it were freed [of that obligation], this manor would be worth six score, that is to say, £120. ...

(Latin) *Domesday Book*, I, 179–183b.

(A1) [ADDITIONAL ENTIRES FOR HEREFORDSHIRE]²⁴

In "Cutestornes" Hundred.²⁵ In the jurisdiction of Ewyas Harold Castle, Earl William gave to Walter de Lacy 4 carucates of waste land.²⁶ Roger de Lacy his

¹⁵ According to the regular plan, the king heads the list of landholders and is followed by his barons, first the ecclesiastics and after them the laymen. The lands held by each person in the list are then described in turn, manor by manor.

¹⁶ On this "gigantic manor" see Maitland, *Domesday Book and Beyond*, p. 112.

¹⁷ By *caruca* is meant, not merely the plough proper, but also the team of eight oxen. The hide in Domesday is a unit of assessment for geld and other royal services. It was divided into 4 virgates or yardlands, 8 bovates, and 120 acres.

¹⁸ The beadle appears in Domesday as the subordinate of a manorial reeve. The *radcniht* or ridingman seems to have been much the same as a *geneat*, who appears in Ine 19, and who 'might enjoy relatively high or low status, but was always a man of honorable rank. As described in the later sources, his chief duty was that of riding on errands.' The *villani* of Domesday, being distinguished from *servi*, were legally free; for it was only later that serfdom and villeinage came to be arbitrarily identified. According to Domesday, the normal villein holding was thirty acres of arable. The bordar or cotter, on the other hand, held only a hut and a garden plot. See especially Maitland, *Domesday Book and Beyond*, pp. 26 f; Vinogradoff, *Villeinage in England*.

¹⁹ About two dozen eels were counted as a stick. Most of them, obviously, were taken from mill-ponds.

²⁰ Swine were commonly allowed to run wild in woodland. Rent paid for the privilege was called pannage; see immediately below.

²¹ The Domesday league is a mile and half, but these measurements are only rough approximations.

²² Salt-wiches are a prominent feature of this region; see Tait, *The Domesday Survey of Cheshire*, pp. 39 f. The wood bought at Droitwich was for the furnaces used in connection with salt-pans. The mitt included two ambers of four bushels each.

²³ I.e., the jury that spoke for it.

²⁴ [Added and translated by CD. These are part of the holdings of Roger de Lacy who is tenth on the list of Domesday barons in Herefordshire.]

²⁵ [The hundred names in quotation marks do not correspond to the later hundred names, though they clearly refer to hundred names that existed at the time. CD]

²⁶ [Earl William is William fitz Osborn, who held the entire county virtually independently right after the Conquest. He rebelled, and King William took the lordship into his own hands. CD]

son holds them, and William and Osbern [hold] of him. In demesne they have 2 ploughs; and 4 Welshmen rendering 2 sesters of honey, and they have 1 plough. There they have 3 slaves and 2 bordars. This land is worth 20s.²⁷

In "Tornelaus" Hundred. The same Roger holds Ocle Pychard. 6 free men held it as 6 manors [?TRE] and could go where they would. There are 7 hides paying geld. In demesne are 2 ploughs; and 7 villains and 10 bordars and a reeve and a smith with 9 ploughs among them all. There are 12 slaves. Of this land Walter de Lacy gave to St Peter of Hereford²⁸ 2 carucates of land with the consent of King William, and 1 villain and 1 bordar with their lands. There are in demesne 2 ploughs; and 1 villain and 1 bordar with 1 plough, and there is 1 slave. It is worth 25s. What Roger holds [is worth] 75s. The whole TRE was worth 71[pounds] 15s.²⁹

Huntingdonshire

See the original on the screen.

In the borough of Huntingdon there are 4 quarters.

In 2 quarters there were T.R.E., and are now, 116 burgesses rendering all customs and the king's geld, and under them there are 100 bordars who help them to pay the geld. Of these burgesses St Benedict of Ramsey had 10 with sake and soke and every custom except that they paid geld T.R.E. Eustace took them away wrongfully from the abbey and they are, with the others, in the king's hand. Ulf Fenisc had 18 burgesses, now Gilbert of Ghent has them with sake and soke except far the king's geld.

The *clamores* section.

Dicunt homines qui iurauerunt in Huntedune quod ecclesia S. Marie de burgo et terra qua ad eam pertinet fuit ecclesie de Torny sed abbas inuadiauit eam burgensibus. Rex Edwardus autem dedit eam Vitali et Bernardo presbiteris suis [somewhat uncertain reading] et ipsi uendiderunt hugoni camerario regis Edwardi. Hugo uero uendidit eam ii presbiteris de huntedune et habuerunt inde sigillum regis E. Eustachius modo habet eam sine liberatore et sine breui et sine saisitore.

The jurors of Huntingdon say that the church of St Mary of the borough and the land which is annexed to it belonged to the church of Thorney, but the abbot gave it in pledge to the burgesses. Moreover, King Edward gave it to Vitalis and Bernard, his priests, and they sold it to Hugh, chamberlain to King Edward. Moreover, Hugh sold it to two priests of Huntingdon, and in respect of this they have the seal of King Edward. Eustace has it now without livery, without writ, and without seisin.

5. What does it tell us about the changes the Conqueror made? The bottom line here probably should be (particularly if we buy the Sawyer article in *Reassessment*) that the notion of tenure-in-chief may be new and not much else.

III. THE CORONATION CHARTER OF HENRY I

Everybody reads the Pipe Roll of Henry I, the Dialogue of the Exchequer, and Milsom for next time.

²⁷ [Notice that William subinfeudated to Walter; Walter died and his son Roger inherited, Roger has two subtenants on the land. They, in turn, hold part of the land directly ("in demesne" as the phrase goes) and four Welshmen hold the other part of them. The land was waste at the time of the Conquest. It's now worth 20s annually. Things here are looking a bit up. CD]

²⁸ [That's a big parish church in the city of Hereford. CD]

²⁹ [We've got a loss here. What Roger holds and what the parish holds adds up to £5. TRE it was almost £8.]

